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Time Posted: _____
Posted By: Evelyn Baker
Witnessed By: _____

**MINUTES OF A REGULAR MEETING
OF THE JACKSON COUNTY
BOARD OF COMMISSIONERS
HELD ON
OCTOBER 5, 2009**

The Jackson County Board of Commissioners met in a Regular Meeting on October 5, 2009 at 6:30 p.m., Albert Carlton Community Library, Cashiers, North Carolina.

Present: Brian T. McMahan, Chairman	Ken Westmoreland, County Manager
Tom Massie, Vice Chair	Evelyn B. Baker, Clerk to Board
Joe Cowan, Commissioner	W. Paul Holt, Jr., County Attorney
Mark Jones, Commissioner	
William Shelton, Commissioner	

Chairman McMahan called the meeting to order.

AGENDA: Chairman McMahan added Appalachian Highway System Funding Resolution. Commissioner Massie moved to approve the amended Agenda. Commissioner Shelton seconded the Motion. Motion carried.

MINUTES: Commissioner Massie moved to approve the Minutes of the Public Hearing and Regular Meeting of September 1, 2009. Commissioner Jones seconded the Motion. Motion carried.

INFORMAL COMMENTS BY THE PUBLIC:

- (a) Carl Iobst of Cullowhee stated that some of the pay raises for county employees are surprising and not in line with the Mercer study.
- (b) Darla McBurney, Chair of Cashiers Historical Society, stated the society supports the proposed amendments to the Cashiers Area Commercial Land Dev. Ordinance which are worthwhile and should be adopted.
- (c) Ann Austin, Chair of Cashiers Village Council, stated the council has reviewed and supports the proposed ordinance amendments.
- (d) Brenda Stewart of Cashiers presented budget information for the Cashiers Rescue/EMS for the next fiscal year.
- (e) Ed Henson, Chair of Cashiers Planning Council, stated the ordinance has had a positive affect on the Cashiers community and the council recommends adoption of the amendments.
- (f) Jim McCarthy of Dillsboro and President of JAG, stated that the Buck Knob Island property owners live there by choice.
- (g) Susan Leveille of Webster stated the Transportation Task Force was only asked to regard projected traffic deficiencies and congestion in drafting a Comprehensive Transportation Plan. Many of the projects in the CTP for road improvements are in the best interests of the county including a round-a-bout in Cashiers at the main intersection; however, one project deserves further investigation - DOT's addition of a Sylva by-pass. The magnitude of the by-pass requires further study because it has not been through the vetting process that includes economic development, community improvement, environmental stewardship or ridge top preservation. A new by-pass will alter the landscape and dynamics of the county forever. The by-pass should be removed from the CTP before it is approved. There are other options rather than a by-pass.

(1) CHAIRMAN'S REPORT: Chairman McMahan reported he attended the Region A Planning Commission meeting last week. He requested board members to consider scheduling a board retreat between November 1 and Christmas and the annual Employees Awards Luncheon which will be held at the new Dept. on Aging Building.

(2) COMMISSIONERS REPORTS: Commissioner Shelton reported that he met with FDA officials in Raleigh last week concerning new food safety legislation being considered. He encouraged everyone to keep abreast of the proposed legislation which could have a huge impact on small farms.

(3) COUNTY MANAGER'S REPORT: Mr. Westmoreland reported

- (a) The American Recycling account is now current.
- (b) Effective October 1, the new state law requires that all plastic bottles must be recycled.
- (c) The firm auditing business personal property tax discovered an additional \$52 million in taxable property.
- (d) The second phase of the Judaculla Rock is complete. Phase III is an engineering design to relocate stormwater and building features necessary for public viewing.
- (e) RFQ for custodial service was advertised and included a mandatory walk through last week. Bids will be available for consideration at the next board meeting.
- (f) The Sylva Christmas Parade is scheduled on December 5 at 3:30 p.m.
- (g) The first WRGC radio program addressing county issues is scheduled on October 7.
- (h) The extension of Frank Allen Road to Hwy. 64 should be complete by the end of the year.

(4) CASHIERS RECREATION CENTER: Jeff Carpenter, Recreation & Parks Director, presented drawings of the proposed recreation center. The sitework should be completed by the end of the year. He outlined some of the details for the Vietnam Memorial Wall event scheduled in Dillsboro on October 15-19.

(5) FINANCE & TAX COLLECTOR'S REPORTS FOR AUGUST 2009:

Darlene Fox, Finance Director, presented financial reports for the month of August and three budget amendments.

***Motion:** Commissioner Shelton moved to approve the Finance & Tax Collector's Reports for August 2009 and budget amendments. Commissioner Cowan seconded the Motion. Motion carried by unanimous vote.*

(6) BUCK KNOB ISLAND: Mr. Westmoreland stated the State Fire Marshal's office was requested to review the fire protection situation at Buck Knob Island as well as two additional islands on Lake Glenville. The State Fire Marshal submitted a proposal outlining two possible scenarios in which they would recognize fire protection and allow island homeowners to receive the same fire rating as given to the homeowners in the fire district. A more detailed report will be made at the next regular meeting.

(7) RAY NATIONS LEASE – GREEN ENERGY PARK: Mr. Nations requested a one-year lease for greenhouse bays at the Green Energy Park at a rental of \$250.00/month.

***Motion:** Commissioner Shelton moved to approve the lease. Commissioner Jones seconded the Motion. Motion carried by unanimous vote.*

(8) JOHN BURTNER LEASE – GREEN ENERGY PARK: Mr. Burtner requested a one-year lease for blacksmith studio space at the Green Energy Park at a rental of \$200.00/month.

Motion: *Commissioner Jones moved to approve the lease. Commissioner Cowan seconded the Motion. Motion carried by unanimous vote.*

(9) CANADA VOLUNTEER FIRE DEPT. The fire department requested the donation of the old generator that was replaced at the Justice Center.

Motion: *Commissioner Cowan moved to declare the generator surplus and transferred to the Canada VFD. Commissioner Jones seconded the Motion. Motion carried by unanimous vote.*

(10) CULLOWHEE GREENWAY - LOWERY: The Wilson Lowery heirs have offered to sell 1.44 acres based on the current tax value (\$39,571.70). The appropriation would be from the CPR fund. The property owners were not receptive to just conveying a conservation easement.

Motion: *Commissioner Jones moved to authorize the purchase. Commissioner Cowan seconded the Motion. Motion carried by unanimous vote.*

(11) CULLOWHEE GREENWAY - CABE: The Cabe property consists of 14.27 acres and has been identified in the Greenways Master Plan. The property is also suitable for constructing a resting/picnic area. The property owners were not receptive to conveying a conservation easement and prefer a fee simple sale and had the property appraised. The property is essentially landlocked.

Motion: *Commissioner Massie moved to table the issue pending a second appraisal. Chairman McMahan seconded the Motion. Motion carried by unanimous vote.*

(12) CASHIERS WATER DISTRIBUTION SYSTEM: CTI Engineers, Inc. submitted a contract to provide engineering services related to preparing an engineering report and testing the county's two existing wells to assess their suitability to supply a future water distribution system to service the Cashiers Village area as well as an elevated storage facility for fire service. The total cost-plus fee will not exceed \$73,000 without the prior authorization of the county.

Motion: *Chairman McMahan moved to approve the engineering contract with the fee to be appropriated from the contingency fund. Commissioner Jones seconded the Motion. Motion carried by unanimous vote.*

(13) CASHIERS VILLAGE COUNCIL: Jim Sibly, Executive Director, stated the council is a volunteer organization which has as its objective to bring various organizations together to plan for the future of Cashiers. The priority initiatives are pathways, streetscape beautification, traffic relief, work force housing, vernacular design advocacy, and water/sewer coordination.

(14) HEALTH DEPT. – LPN POSITION: The Health Dept. requested the county to create and fill a licensed practical nurse position. Grant funding for the position has been received and will continue to be funded by the state.

Motion: *Commissioner Jones moved to authorize the position. Commissioner Shelton seconded the Motion. Motion carried by unanimous vote.*

(15) SMOKEY MOUNTAIN ELEMENTARY SCHOOL: The school’s septic system had another breakdown recently and is having to “pump and haul” at a cost of \$500 per week. The initial engineering design reflects that the entire school system can connect to the new Whittier Wastewater System as soon as it comes on line. A final engineering design must be developed before the project can be put out for bids.

Motion: *Commissioner Shelton moved to authorize a final engineering design and solicit bids for the project. Commissioner Jones seconded the Motion. Motion carried by unanimous vote.*

(16) CASHIERS AREA COMMERCIAL LAND DEVELOPMENT ORDINANCE AMENDMENTS (O03-04): A public hearing was held on August 17, 2009. The following changes/clarifications were recommended:

- (a) Page 2, states “Village Commercial District”. Pages 26-27 state “Cashiers Village Center District. The designation should be consistent.
- (b) A special provision should be added addressing farmers markets and only fresh local produce and local crafts are permitted so that it does not become a flea market.

Motion: *Commissioner Massie moved to adopt the amendments with the caveat that page two be changed to read “Village Center District” and the Cashiers Planning Council and county Planning Board submit special provision language addressing farmers markets by the end of the year. Commissioner Jones seconded the Motion. Motion carried by unanimous vote.*

(17) GOVERNOR’S CRIME COMMISSION RESOLUTION (R09-30): The resolution requests federal funding in the amount of \$10,000 which does not require a local match.

Motion: *Commissioner Cowan moved to adopt the resolution. Commissioner Jones seconded the Motion. Motion carried by unanimous vote.*

(18) FRANK ALLEN ROAD RESOLUTION (R09-31): The resolution requests that NCDOT make immediate safety improvements to Frank Allen Road to prevent flooding.

Motion: *Commissioner Cowan moved to adopt the resolution. Commissioner Jones seconded the Motion. Motion carried by unanimous vote.*

(19) APPALACHIAN DEVELOPMENT HIGHWAY RESOLUTION (R09-32): The resolution requests the General Assembly to exclude the Appalachian Development Highway System funding from the NCDOT equity formula in order to complete the remaining corridors to benefit the people of Southern Appalachia and Southwestern North Carolina.

Motion: *Chairman McMahan moved to adopt the resolution. Commissioner Massie seconded the Motion. Motion carried by unanimous vote.*

(20) REGION A AREA AGENCY ON AGING ADVISORY COUNCIL:

Motion: *Commissioner Shelton moved to appoint Walter Anderson to a 3-year term as an alternate on the Region A Area Agency on Aging Advisory Council. Chairman McMahan seconded the Motion. Motion carried by unanimous vote.*

(21) BOARD OF ADJUSTMENT APPOINTMENTS: Carry over.

(22) WATER RESOURCES BOARD APPOINTMENTS: Carry over.

CLOSED SESSION:

Chairman McMahan stated there was a need for a closed session pursuant to G. S. 143-318.11(a)(3) Legal, (Duke Energy case), G. S. 143-318.11(a) Real Property, and G. S. 143-318.11(a)(4) Business Expansion.

Motion: *Commissioner Cowan moved that the Board go into closed session. Commissioner Shelton seconded the Motion. Motion carried.*

Chairman McMahan called the regular meeting back to order and stated no action was taken in closed session except approval of minutes.

There being no further business, Commissioner Shelton moved to adjourn the meeting. Commissioner Cowan seconded the Motion. Motion carried and the meeting adjourned at 9:45 p.m.

Attest:

Approved:

Evelyn B. Baker, Clerk to Board

Brian Thomas McMahan, Chairman