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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  
DECEMBER 7, 2009**

The Jackson County Board of Commissioners met in a Regular Meeting on December 7, 2009 at 6:30 p.m., 401 Grindstaff Cove Road, Room A201, Sylva, North Carolina.

Present: Brian T. McMahan, Chairman  
Tom Massie, Vice Chair  
Mark Jones, Commissioner  
William Shelton, Commissioner  
Joe Cowan, Commissioner

Ken Westmoreland, County Manager  
Evelyn B. Baker, Clerk to Board  
W. Paul Holt, Jr., County Attorney

Chairman McMahan called the meeting to order.

**AGENDA:** Commissioner Massie moved to approve the Agenda. Commissioner Shelton seconded the Motion. Motion carried.

**MINUTES:** Commissioner Jones moved to approve the Minutes of the Regular Meeting of November 16, 2009. Commissioner Cowan seconded the Motion. Motion carried.

**INFORMAL COMMENTS BY THE PUBLIC:**

- (a) Marie Leatherwood of Sylva stated EDC audits do not address statutory violations for prior years nor does there appear to be records of EDC/JDC expenditures in the amount of \$1.5 million.
- (b) Bruce Buchanan of Sylva stated he has a complaint against the Commissioners and the County Manager because a county employee remains employed who has been indicted by a Grand Jury for several crimes. It appears the county is negligent in confronting the issue.
- (c) Jim Sibley of Cashiers, Executive Director of the Cashiers Village Council, requested that the new road connecting Hwy. 64 and Frank Allen Rd. should include a pathway to be constructed in conjunction with the new road.
- (d) Christa McTall of Dillsboro stated citizens riding transit buses are informed that multiple shopping bags must be placed in a laundry bag and held on their laps. This is very difficult for the elderly.

**(1) CHAIRMAN'S REPORT:** Chairman McMahan reported he attended a NCACC Intergovernmental Steering Committee recently. The committee researches and investigates different issues affecting local governments. Issues raised at the recent meeting include transportation, economic development and annexation.

He recommended that a board retreat be scheduled in January. Due to the Martin Luther King, Jr. Holiday, the second regular meeting in January was rescheduled to Tuesday, January 19, 2010.

(2) **COMMISSIONERS REPORTS:** Commissioner Massie reported that he attended the groundbreaking ceremony for the new TWSA Water Treatment Plant on November 30. TWSA's annual meeting is scheduled on December 8.

(3) **COUNTY MANAGER REPORT:** Mr. Westmoreland reported that the airport runway lights are not functioning, thus prohibiting late evening and night use of the airport. The Whittier Wastewater Treatment Plant is on line and engineering is proceeding for connecting the Smokey Mountain Elementary School. The project should be put out for bid within the next few weeks. The draw down tests for the two Cashiers wells was conducted last week and a report will be available shortly.

(4) **AUDIT REPORT for FISCAL YEAR ENDING 6/30/09:** Carry over.

(5) **EDC AUDIT REPORTS:** Commissioner Massie stated there has been great difficulty in piecing together financial information for the years when the county had nothing to do with EDC finances. Carry over.

(6) **SCATTERED SITE HOUSING PROGRAM GRANT PROJECT ORDINANCE:** Joan Stillwell, Community Development Director, presented twelve 2009 \$400,000 Grant (09-C-1996) documents for approval: Funding Approval, Performance Based Implementation Schedule, Grant Agreement, Recipient's Plan to Further Fair Housing, Equal Employment and Procurement Plan, Local Economic Benefit for Low and Very Low Income, Optional Coverage Relocation Plan Resolution, Residential Antidisplacement & Relocation Assistance Plan, Citizen Participation Plan, Code of Conduct/Hatch Act Policy, Compliance Officer/Grievance Procedure, and Grant Project Ordinance.

**Motion:** *Commissioner Cowan moved to approve the twelve documents.*

*Commissioner Jones seconded the motion. Motion carried by unanimous vote.*

(7) **EARLY COLLEGE FACILITY:** Mr. Westmoreland submitted an Architect Agreement for a fixed fee of \$52,700 from Ritter Architecture, P.A. for the Early College Facility to be constructed on the campus of SCC. Funds for the fee are included in the current budget. The fee includes architectural services, structural engineering, mechanical/plumbing/electric engineering, civil engineering, and geotechnical engineering.

**Motion:** *Commissioner Jones moved that the Agreement be approved.*

*Commissioner Cowan seconded the Motion. Motion carried by unanimous vote.*

(8) **MUNICIPAL GRANTS:**

**Motion:** *Commissioner Massie moved to award \$9,000 to the Town of Sylva for directional signage, \$3,000 to the Town of Dillsboro for the Monteith Farmstead Restoration Project, Appalachian Women's Museum and \$8,000 to the Town of Dillsboro for facilities at Monteith Park. Commissioner Shelton seconded the Motion. Motion carried by unanimous vote.*

**(9) SHERIFF'S OFFICE – RECORDS RETENTION & DISPOSITION SCHEDULE and AMENDMENT:** The N. C. Department of Cultural Resources sets the records retention and disposition schedule and any amendments pursuant to Chapter 121 and 132 of the General Statutes of North Carolina.

***Motion:*** Commissioner Shelton moved to approve the Sheriff's Office Records Retention & Disposition Schedule dated November 10, 2008 and Amendment dated September 28, 2009. Commissioner Jones seconded the Motion. Motion carried by unanimous vote.

**(10) GREENWAY ACQUISITION PARAMETERS:** Carry over.

**(11) CEMETERY BOARD:** Carry over.

**(12) CASHIERS PLANNING COUNCIL:**

***Motion:*** Commissioner Jones moved to appoint Joe Stroup to a 3-year term as a member of the Cashiers Planning Council. Commissioner Shelton seconded the Motion. Motion carried by unanimous vote.

**(13) BOARD OF ADJUSTMENT APPOINTMENTS:** Carry over.

**(14) WATER RESOURCES BOARD APPOINTMENTS:**

***Motion:*** Commissioner Massie moved to appoint Charles Stephens and Jean Ellen Forrister to the Water Resources Board. Commissioner Jones seconded the Motion. Motion carried by unanimous vote.

**(15) AIRPORT AUTHORITY:** Carry over.

**(16) HISTORIC PRESERVATION COMMISSION:** Carry over.

**(17) TUCKASEEGEE WATER & SEWER AUTHORITY:**

***Motion:*** Chairman McMahan moved to reappoint Randall Turpin to a 3-year term on the TSWA Board of Directors. Commissioner Massie seconded the Motion. Motion carried by unanimous vote.

**CLOSED SESSION:**

Chairman McMahan stated there was a need for a closed session pursuant to 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 Jones seconded the Motion. Motion carried and the meeting adjourned at 7:50 p.m.

Attest:

Approved:

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Evelyn B. Baker, Clerk to Board

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Brian Thomas McMahan, Chairman