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Time Posted: \_\_\_\_\_  
Posted By: Evelyn Baker  
Witnessed By: \_\_\_\_\_

**MINUTES OF THE REGULAR MEETING  
OF THE JACKSON COUNTY  
BOARD OF COMMISSIONERS  
HELD ON  
FEBRUARY 22, 2007**

The Jackson County Board of Commissioners met in Regular Session on February 22, 2007, at 6:00 p.m., 401 Grindstaff Cove Road, Room A201, Sylva, North Carolina.

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

Chairman McMahan called the meeting to order.

**AGENDA:** Chairman McMahan amended the Agenda by deleting, at the request of Lt. Shannon Queen, the Governor's Highway Safety Program Grant Resolution and Commissioner Massie added Procedure for Public Hearing on February 27<sup>th</sup>. Commissioner Massie moved to approve the amended Agenda. Commissioner Jones seconded the Motion. Motion carried.

**MINUTES:** Commissioner Jones moved to approve the Minutes of the Budget Work Session of January 29, 2007, Minutes of the two Public Hearings of February 5, 2007, and Minutes of the Regular Meeting of February 5, 2007. Commissioner Shelton seconded the Motion. Motion carried.

**INFORMAL COMMENTS BY THE PUBLIC:** None.

**(1) FINANCE & TAX COLLECTOR REPORTS FOR JANUARY 2007 and BUDGET AMENDMENTS:** Commissioner Shelton moved to approve the Finance and Tax Collector's reports for January 2007 and Budget Amendments. Commissioner Jones seconded the Motion. Motion carried by unanimous vote.

**(2) CHAIRMAN'S REPORT:** Chairman McMahan reminded the Board of the following:

- (a) February 26<sup>th</sup>, 7:00 pm – Emergency Volunteers Appreciation Dinner at WCU.
- (b) February 27<sup>th</sup>, 6:00 pm – Proposed Subdivision Mortorium Public Hearing at SCC.
- (c) February 28<sup>th</sup>, 8:30 am - Special Orientation Meeting at Health Dept.
- (d) March 8<sup>th</sup>, 6:00 pm – first Regular Meeting in March.

**(3) COMMISSIONERS REPORT:**

(a) Commissioner Massie recommended that Jackson County adopt a Resolution/Proclamation honoring Cetera DeGraffenreid as the only female basketball player in North Carolina to be officially declared an All-American by the Women's Basketball Coaches Association.

(b) Commissioner Jones reported that on February 12<sup>th</sup> he attended the Board of Health meeting. One of the new areas for inspections is spas and health club facilities. He also attended the Juvenile Crime Prevention Council and Council on Aging meetings on February 15<sup>th</sup>.

**(4) COUNTY MANAGER'S REPORT:** Mr. Westmoreland reported that on February 20<sup>th</sup>, Chairman McMahan, Commissioner Shelton and he, along with Commissioners from other western counties, met with Congressman Heath Shuler at Swain County High School and presented him with major issues important to the western counties, including the continuation of payment in lieu of taxes program, grant programs, as well as other critical needs affecting the counties. Advertisement for salvage and removal bids of the Qualla School will be published next week.

**(5) MARIE LEATHERWOOD:** Ms. Leatherwood presented the Board with a packet of information concerning the Economic Development Commission (EDC) and Jackson Development Corp. (JDC). She stated the EDC continues to be in violation of statutory laws and public trust and has never reported to the Local Government Commission (LGC). The LGC is charged with the oversight protection of public tax monies. She stated that the EDC funneled tax money to the JDC. The JDC, as a private corporation, apparently has no accountability to anyone even though it used public monies to invest in highly speculative real estate ventures in the approximate amount of \$2 million and the officers of JDC are also members of the EDC which appears to be a conflict of interest. She stated that a mortgage on the Tuckaseige Mills Building is again in default and has been informed foreclosure proceedings are scheduled to commence in May 2007. The public records reflect that the JDC owes approximately \$20,000 in overdue property taxes. She stated tax money should not be in the hands of unsupervised volunteers and recommended that the EDC turn over its records and monetary assets to the county. She stated that she been informed that only the N. C. Attorney General has the authority to investigate the affairs of the JDC. She stated the only way the county can gain full control over the property, purchased with public money, would be for the JDC to convey it to the county.

**(6) SMOKY MOUNTAIN CENTER LOCAL BUSINESS PLANNING REPORT:** Shelly Lackey, SMC Community Relations Coordinator, reported that in 2002 SMC developed a Local Business Plan to meet the mandates of mental health reform. SMC has divested itself of public mental health services and now manages all state funds for mental health developmental disabilities and substance abuse services. These services are now provided through a provider network. Over the next month or so public forums will be scheduled with consumers, family members, providers in the community, agencies and organizations to develop the next 3-year Local Business Plan. A draft of the plan will be presented to the county for review, comments and final approval.

**(7) PUBLIC HEARING PROCEDURE FOR FEBRUARY 27, 2007:** By consensus, it was agreed that Consultant Michael Egan and Linda Cable, Planning Coordinator, will address the public and give complete and accurate information concerning the impact of the proposed moratorium. Further, speakers must sign up, provide complete mailing address and occupation; each will be allowed three minutes to speak and time cannot be yielded. No outbursts before, during or after presentations will be tolerated. The Sheriff's Office and N.C. Highway Patrol will provide security and traffic control.

**(8) CEMETERY BOARD APPOINTMENTS:** Commissioner Jones recommended Jane Nardy. Commissioner Cowan recommended Dale Coward to serve the unexpired term of Reg Moody, Jr. William "Bill" Crawford, James Monteith, as a representative of the Genealogy Society, and Robert Blanton as a representative of the Historical Society, have agreed to continue to serve if reappointed.

Commissioner Jones moved to appoint Jane Nardy, and re-appoint William "Bill" Crawford, James Monteith, Robert Blanton to 4-year terms and Dale Coward to fill the unexpired term of Reg Moody, Jr. on the Jackson County Cemetery Board. Commissioner Cowan seconded the Motion. Motion carried by unanimous vote.

**(9) AIRPORT AUTHORITY APPOINTMENT:** Commissioner Shelton moved to appoint John Glenn to the Airport Authority for a 6-year term. Commissioner Jones seconded the Motion. Motion carried by unanimous vote.

**(10) NURSING & ADULT CARE HOME COMMUNITY ADVISORY COMMITTEE APPOINTMENT:** Sarajane Melton, Regional Ombudsman, Southwestern Commission, recommended by letter that Jane Perry be appointed to fill the unexpired term of Helen Bryson. Commissioner Massie moved to appoint Jane Perry to the Nursing & Adult Care Home Community Advisory Board. Commissioner Cowan seconded the Motion. Motion carried by unanimous vote.

Commissioner Shelton moved that the Board go into Closed Session pursuant to G. S. 143-318.11(a)(5) Real Property and G. S. 143-318.11(a)(3) Legal. Commissioner Jones seconded the Motion. Motion carried.

Chairman McMahan called the Open Session back to order and reported no action or votes were taken in Closed Session.

There being no further business, Commissioner Shelton moved that the meeting be adjourned. Commissioner Jones seconded the Motion. Motion carried and the meeting adjourned at 6:45 p.m.

Attested By:

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Evelyn B. Baker, Clerk

Approved:

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Brian Thomas McMahan, Chairman

