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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
JULY 2, 2007**

The Jackson County Board of Commissioners met in Regular Session on July 2, 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 adding Jackson Dev. Corp. and Commissioner Massie added Kudzu Players Lease. Commissioner Massie moved to approve the amended Agenda. Commissioner Shelton seconded the Motion. Motion carried.

MINUTES: Commissioner Shelton moved to approve the Minutes of the Regular Meeting of June 18, 2007, Minutes of the Budget Work Session of June 21, 2007, Minutes of the Reconvened Regular Meeting of June 25, 2007 and Minutes of the Work Session of June 25, 2007. Commissioner Massie seconded the Motion. Motion carried.

INFORMAL COMMENTS BY THE PUBLIC: None.

(1) CHAIRMAN'S REPORT: Chairman McMahan reminded the Board of the following meetings:

- (a) Work Session on July 9, 6:00 p.m.
- (b) Special Meeting on July 12, 11:30 a.m. (development tour to Mtn View Ventures in Cashiers)
- (c) Tentative Work Session on July 12, 6:00 p.m.
- (d) The second regular monthly meeting date is changed to July 23, 7:00 p.m.

(2) COMMISSIONERS REPORT: Commissioner Shelton stated that his previous comment about a petition containing 3,000 signatures opposing the library site at Jackson Plaza was in error. The petition opposed a joint library with SCC. He attended a workshop concerning land use growth issues earlier today.

(3) FINANCE & TAX COLLECTOR REPORTS FOR JUNE 2007: Carry over.

(4) BUDGET AMENDMENTS: Carry over.

(5) TWSA - EASEMENT AT RECREATION CENTER: Mr. Westmoreland presented a survey and stated that TWSA has requested a sewer line easement over a portion of the parking lot at the Recreation Park in Cullowhee. The sewer line is for service to a development on Parker Farm Road. A metes and bounds description will be furnished to the county attorney. Commissioner Massie moved to approve the easement. Commissioner Shelton seconded the Motion. Motion carried by unanimous vote.

(6) MOUNTAIN VIEW VENTURES DEVELOPMENT AGREEMENT: Mountain View Ventures, Inc. has requested that the county enter into a Development Agreement. A Special Meeting was scheduled for the Board to visit Mountain View Ventures' Cedar Hill Subdivision on July 12 at 11:30 a.m. A Public Hearing is scheduled on July 19, 2007 at 6:00 p.m.

(7) R.O.A.P. PROGRAM APPLICATION: A public hearing was held on July 2, 2007 at 5:30 p.m. and no objections were made. The total allocation for Jackson County in FY07-08 will be \$140,330.00. RGP fares collected during the year cover the required match. In order to file a timely application, Chairman McMahan suspended the rules and Commissioner Massie moved to approve the program application. Commissioner Jones seconded the Motion. Motion carried by unanimous vote.

(8) TRANSPORTATION TASK FORCE: Elisabeth Riddic, NCDOT Transportation Engineer, stated that the task force has not met in some months and requested that the county's appointments be reduced because of the difficulty in arranging meetings and having a quorum. She stated that transportation planning is the process by which NCDOT, local officials, and local planning organizations collaborate to develop a comprehensive transportation plan (CTP) for a specified planning area. There are several benefits to having a CTP which include: (a) common long range vision for multi-modal facilities between NCDOT, MPOs, RPOs, and local governments; (b) better project information for programming and project development; (c) better integration of transportation planning with land use planning; (d) reduced project costs associated with right of way and construction activities; (e) minimizes impacts to property and community appearance with future road improvements; and, (f) stronger ties to local priorities. She stated the date for Hwy. 107 project-planning phase is 2013. Dan Thomas, NCDOT Technical Services Unit, stated that rights-of-way are programmed in the TIP program; however, environmental and impact studies must be done. Studies also include what development will occur with transportation improvements and some of the things the county will be asked to do is implement some mitigation before the project is permitted for construction. NCDOT will work with the county and land use planners to help identify problems before they occur.

Commissioner Massie moved to reduce the county's appointments from 12 to 7 and reappoint Dean Coward, William Shelton, Donald Selzer, Jay Spiro, Chuck Norris,

Mark Hooper and Todd Dillard to the Transportation Task Force. Chairman McMahan seconded the Motion. Motion carried by unanimous vote.

Ms. Reddic stated a task force meeting is scheduled on August 1.

(9) NCACC ANNUAL CONFERENCE VOTING DELEGATE: Chairman McMahan suspended the rules and Commissioner Massie nominated Chairman McMahan as the voting delegate to the NCACC Annual Conference in Cumberland County on August 16-19. Commissioner Jones seconded the nomination. The nomination carried by unanimous vote.

(10) KINSLAND TRUCKING: Mr. Westmoreland stated that Kinsland Trucking would not be able to comply with the Sunday experiment for just one year because he must acquire two additional hauling trailers to accommodate the loads. Kinsland Trucking has requested that the hauling contract be extended for a minimum of 40 months. Commissioner Jones moved to extend the contract. Commissioner Massie seconded the Motion. Suggestions were made that the Cashiers SRC, Qualla SRC and Sylva Transfer Station open on Sundays from 1:00 p.m. to 6:00 p.m. Motion carried by unanimous vote.

(11) KUDZU PLAYERS LEASE: Commissioner Massie stated the Kudzu Players have requested an extension of their lease at the Historic Courthouse. He stated he prefers just allowing the temporary storage of their materials in a more orderly fashion at the courthouse, but productions and rehearsals must be held at another facility.

Mr. Westmoreland stated that the major point of emphasis is liability, safety issues and concerns because the building is under construction. There have been some nuisance issues, but those are not the major concerns. The biggest issue is fire safety because the code requires a sprinkler system for the entire structure which is not in place. During the previous performances, the Sylva Fire Dept. was requested to place a pumper truck at the courthouse site along with stand-by firemen. Commissioner Shelton stated he prefers to allow Kudzu to continue to use the facility. Chairman McMahan stated it was his understanding that Kudzu has been given the opportunity to use a theater at WCU.

Commissioner Shelton moved to allow Kudzu Players to continue to use the Historic Courthouse at no cost for temporary storage purposes only. Commissioner Massie seconded the Motion. Motion carried by unanimous vote.

(12) SOLID WASTE ORDINANCE AMENDMENTS: A Public Hearing was held on April 2, 2007. Chad Parker, Solid Waste Director, clarified Section 500C by stating that private haulers would be allowed to use SRCs only after 4:00 p.m. and this issue is addressed in operation procedures for private haulers. Attachment I Categories 2, 3, 4, 5 provides that if commercial property owners provide the Solid Waste Dept. documentation that either they or private haulers are taking commercial waste to the C&D Transfer Stations, the \$50.00 annual fee will be refunded and/or waived if the proper solid waste form is completed. Commissioner Massie moved to adopt the Solid Waste Ordinance Amendments. Commissioner Jones seconded the Motion. Motion carried by unanimous vote.

(13) TRANSPORTATION ADVISORY BOARD APPOINTMENT: Eddie Maney has agreed to continue to serve if reappointed. Chairman McMahan suspended the rules and Commissioner Shelton moved to reappoint Eddie Maney to a 3-year term on the Transportation Advisory Board. Commissioner Jones seconded the Motion. Motion carried by unanimous vote.

(14) JURY COMMISSION APPOINTMENT: Ann Melton, Clerk of Court, recommended that Earl Hooper be reappointed for a 2-year term. Chairman McMahan suspended the rules and Commissioner Massie moved to reappoint Earl Hooper to a 2-year term on the Jury Commission. Commissioner Shelton seconded the Motion. Motion carried by unanimous vote.

(15) REGION A AGING ADVISORY COUNCIL APPOINTMENTS: Mary Barker, Administrator Region A Area Agency on Aging, recommended that Irene Hooper be reappointed as a member and that Nancy Bumgarner be reappointed as an alternate. Chairman McMahan suspended the rules and Commissioner Cowan moved to reappoint Irene Hooper and Nancy Bumgarner to 3-year terms on the Region A Advisory Council. Commissioner Jones seconded the Motion. Motion carried by unanimous vote.

(16) PLANNING BOARD – CHAIRMAN APPOINTMENT: Carry over.

(17) PLANNING BOARD – VICE CHAIR APPOINTMENT: Carry over.

Commissioner Massie moved that the Board go into Closed Session pursuant to G. S. 143-318.11(a)(5) Real Property. Commissioner Cowan seconded the Motion. Motion carried.

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

(18) JACKSON DEVELOPMENT CORP.(JDC): Chairman McMahan stated that the Board has been working for some time to resolve several issues regarding the EDC and the county's role and participation. Revised EDC By-Laws have been approved by the municipalities and the county. Many questions have been raised concerning the role of JDC with the EDC. JDC was created primarily to transact business and hold property on behalf of the EDC. The EDC and JDC worked closely over the past years and has been a fairly successful venture. JDC owns several properties and is desirous of transferring title to the county and the county is interested in the acquisition of those properties. The properties are: former Tuckasee Mills Bldg., former Buster Brown property, and Whittier Industrial Park at a total tax value of approximately \$2,544,800.00. Currently there are renters in the buildings who are paying a total of approximately \$9,300-\$10,000 in monthly rents.

Commissioner Cowan moved to acquire the Jackson Development Corporation properties. Commissioner Jones seconded the Motion. Commissioner Massie stated that he agreed with the revised EDC By-Laws, the county rejoining the EDC and the county taking control of the properties and keep the people who are already working in the

properties employed. Commissioner Shelton stated it was a good resolution to that the assets be under the control of the taxpayers. Motion carried by unanimous vote.

Jay Coward, Vice President of JDC, stated that the members of the EDC are: Chris Matheson, Irene Hooper, Brenda Oliver, Jean Hartbarger, Patrick Holleman, Rick Fulton, Eugene Hanson, Norma Moss, J. K. Coward. The JDC officials are: Tom McClure, Boyd Sossamon, Scott Conner, J. K. Coward. He stated many people have been employed through the years as a result of the EDC's work. Pursuant to the revised By-Laws, the EDC Treasurer is now the Jackson County Finance Director. An outside firm is now working on an up-to-date EDC audit, and in the future, the audit will be a part of the county's audits. He tendered a deed to the county attorney for the three JDC properties. Mr. Holt acknowledged receipt of the deed and stated that it has been properly executed and notarized.

There being no further business, Commissioner Massie moved that the meeting be adjourned. Commissioner Shelton seconded the Motion. Motion carried and the meeting adjourned at 7:45 p.m.

Attested By:

Evelyn B. Baker, Clerk

Approved:

Brian Thomas McMahan, Chairman

