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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
AUGUST 20, 2007**

The Jackson County Board of Commissioners met in Regular Session on August 20, 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, County Attorney
Evelyn B. Baker, Clerk to the Board

Chairman McMahan called the meeting to order.

AGENDA: Chairman McMahan amended the Agenda by adding Contribution to VFW/American Legion, Commissioner Jones added Ordinance Prohibiting Registered Sex Offenders in Public Parks/Recreation Facilities and Commissioner Massie added Revolving Loan Fund. Commissioner Jones moved to approve the amended Agenda. Commissioner Cowan seconded the Motion. Motion carried.

MINUTES: Commissioner Shelton moved to approve the Minutes of the Public Hearing of August 6, 2007, Regular Meeting of August 6, 2007, and Minutes of the Special Meeting/Work Session of August 13, 2007. Commissioner Jones seconded the Motion. Motion carried.

INFORMAL COMMENTS BY THE PUBLIC:

- (a) T. J. Walker of Dillsboro stated that removal of the Dillsboro Dam has been through a flawed process by not only Duke Power, but also the Federal Energy Regulatory Commission.
- (b) Terri Walker of Dillsboro stated that safety, stewardship and sensitivity have been disregarded in the Dillsboro Dam removal process. The Dillsboro powerhouse should remain so it can provide electrical power, if necessary, to the area. The dam is a tourist attraction and should be protected and saved for future generations.
- (c) Roger Clapp of WATR stated that all waters in the county must be protected. WATR would like to establish a watershed education center to house a laboratory and headquarters for water organizations. All contractors should be required to take at least one course per year in erosion control.
- (d) Mary Otto Selzer, President of Friends of the Library, recognized and presented certificates to the children who participated in the "2007 Books for Bricks Challenge". The children raised \$2,099.64 which will be deposited in the new library fund.

(1) CHAIRMAN'S REPORT: Chairman McMahan reported:

- (a) He attended the NCACC annual conference in Fayetteville last week and also met with the Criminal Justice & Public Safety Committee. The committee's main issue is addressing underage drinking and associated fatalities.
- (b) U. S. Senator Richard Burr will tour the Green Energy Park on August 21 at 10:30 a.m.
- (c) The Region A Annual Meeting is scheduled on August 21, 6:30 p.m., Cherokee Holiday Inn.
- (d) The Lacy H. Thornburg Highway dedication ceremony is August 29, 11:00 a.m. at SCC.
- (e) SCC-Macon Campus open house is scheduled on August 30, 4:30-6:00 p.m.

(2) COMMISSIONERS REPORTS: Commissioner Shelton stated he has received several complaints from small business owners concerning the new regulations in the amended Solid Waste Ordinance. He will forward the complaints to the Solid Waste Advisory Board for review. Commissioner Cowan stated that Congressman Heath Shuler will be visiting Webster Enterprises on August 21 at 1:00 p.m.

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

- (a) If the new Commissioners will select a date, a tour of the Scattered Site Housing Program houses will be scheduled
- (b) Three proposals from professional consultants were submitted for a 441 Corridor Study. By consensus, the Board scheduled a Special Meeting on September 4 at 3:00 p.m. to interview the applicants.
- (c) Four proposals from architectural and engineering firms were submitted for a Solid Waste Transfer Facility expansion at Mineral Springs. By consensus, the Board scheduled a Special Meeting on September 6 at 5:00 p.m. to interview the applicants.

(4) FINANCE & TAX COLLECTOR REPORTS FOR JULY 2007: Darlene Fox, Finance Director, presented the following highlights:

<u>General Fund Revenues Collected to Date</u>	\$ 1,771,757.00
<u>General Fund Expenditures to Date</u>	\$ 4,914,519.00
<u>Ad Valorem Tax Collected</u>	\$ 15,982.00
<u>Motor Vehicle Tax Collected</u>	\$ 71,562.00
<u>Prior Year Tax Collected</u>	\$ 100,824.00
<u>Sales & Use Tax for May 2007</u>	\$ 792,013.00
<u>Landfill Disposal Fees</u>	\$ -0-
<u>Contingency Balance</u>	\$ 152,878.47

(5) BUDGET AMENDMENTS:

<u>General Fund (FY 6/30/07)</u>	\$ 1,157,270.72
<u>Emergency Telephone Fund (FY 6/30/07)</u>	\$ 28,718.00
<u>TTA Fund (FY 6/30/07)</u>	\$ 19,422.00
<u>Law Enforcement Fund (FY 6/30/07)</u>	\$ 30,251.67
<u>Community Dev. Fund (FY 6/30/07)</u>	\$ 1,040.00
<u>Solid Waste Fund (FY 6/30/07)</u>	\$ 3,604.00
<u>Cashiers Library Project Fund (FY 6/30/07)</u>	\$ 38,822.00
<u>School Improvement Fund (FY 6/30/07)</u>	\$ 107,097.75
<u>General Fund (FY 6/30/08)</u>	\$ 35,711.15
<u>EDC Fund (FY 6/30/08)</u>	\$ 35,711.15

(6) 2006 TAX SETTLEMENT: Ms. Fox stated that the tax settlement represents all taxes collected for the county and municipalities.

Commissioner Jones moved to approve the July 2007 Finance & Tax Collector Reports, Budget Amendments and 2006 Tax Settlement. Commissioner Shelton seconded the Motion. Motion carried by unanimous vote.

(7) CASHIERS SRC STAFFING: Mr. Westmoreland stated that in order to get the new Cashiers Transfer Station/SRC programs underway and since no applications were received for three part-time positions, he authorized the employment of one fulltime position to take the place of two of the three part-time positions. He requested the Board to ratify the administrative decision and approve one fulltime Cashiers SRC attendant position.

Commissioner Jones moved to ratify the authorization. Commissioner Cowan seconded the Motion. Commissioner Massie stated that he was not opposed to creating the position, but opposes filling it at this time because a fulltime position was not advertised as required by the Human Resources Manuel. Mr. Westmoreland responded that the person has a total of 12 service years with GDS and the county; there was an urgency to get the operation up and running, but simply not enough personnel. Motion carried by a vote of 4-1 with Commissioner Massie voting “nay”.

(8) PLANNING / FINANCE DEPTS. CORRIDOR: Mr. Westmoreland stated that for reasons of office management, security and customer service, there is the need to provide some form of physical barrier to separate the corridor between the Planning and Finance Depts. Because of the expense of a fixed wall, approximately \$8,000, a temporary partition or barricade of some type could serve as a first option. By consensus, it was agreed that a temporary barrier be placed in the corridor.

(9) CLERICAL POSITION – CASHIERS BUILDING INSPECTION & PLANNING DEPT.: Mr. Westmoreland stated that the volume of activities in the building inspections and planning department has increased tremendously in the Cashiers Office. He requested the Board to consider converting the part-time contract position to a permanent full-time position and place the person working in the contract position into a permanent position. Commissioner Massie stated he opposes the transfer because the position has not been advertised as required by the Human Resources Manuel. Commissioner Cowan moved that a fulltime position be advertised. Commissioner Jones seconded the Motion. Motion carried by unanimous vote.

(10) AMERICAN LEGION: Chairman McMahan stated that the local American Legion Post 104 is a very active post. It provides an honor guard at veterans’ funerals including graveside military rites and provides color guards for civic parades and ceremonies. The American Legion, a non-profit and in need of financial support, is organizing a golf tournament-fundraising event and has requested Board sponsorship. Chairman McMahan moved to appropriate a \$1,000 sponsorship to the American Legion. Commissioner Shelton seconded the Motion. Motion carried by unanimous vote.

(11) ORDINANCE PROHIBITING REGISTERED SEX OFFENDERS IN PUBLIC PARKS/RECREATION FACILITIES: Commissioner Jones stated that an ordinance is needed to prevent registered sex offenders and predators from being in public parks and recreational facilities. He suggested that Mr. Holt draft an ordinance for Board consideration.

(12) REVOLVING LOAN FUND-SOUTHERN LUMBER: Tommy Stovall, owner of Southern Lumber, stated he has an outstanding revolving loan with the county. He stated his business has decreased and is such that all revenue must go to operations. He requested that the Board suspend his revolving loan payments for a period of six months while he markets the land and building and when the property is sold, he will repay the loan in full. Commissioner Massie moved to suspend the revolving loan payments for a period of six months. 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(a)(5) Real Property and G. S. 143-318(a)(3) Legal. Commissioner Jones seconded the Motion. Motion carried.

Chairman McMahan called the open session back to order and Vice Chair Cowan reported no action or votes were taken in closed session.

There being no further business, Commissioner Cowan moved to adjourn the meeting. Commissioner Massie seconded the Motion. Motion carried and the meeting adjourned at 8:15 p.m.

Attest:

Evelyn B. Baker, Clerk

Approved:

Brian Thomas McMahan, Chairman

