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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  
NOVEMBER 5, 2007**

The Jackson County Board of Commissioners met in Regular Session on November 5, 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 Village of Forest Hills Municipal Grant Application, Jackson County Airport Appropriation, Appointment to Nursing Home Committee, Resolution Honoring Veterans, and Town of Webster/Cell Tower Ordinance. Commissioner Shelton moved to approve the amended Agenda. Commissioner Massie seconded the Motion. Motion carried.

**MINUTES:** Commissioner Jones stated the October 22, 2007 Minutes should be corrected to reflect that Commissioner Massie was absent. Commissioner Jones moved to approve the Minutes of a Regular Meeting of October 15, 2007 and corrected Minutes of the Special Meeting of October 22, 2007. Commissioner Shelton seconded the Motion. Motion carried.

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

**(1) CHAIRMAN'S REPORT:** Chairman McMahan read the following public statement concerning water conservation:

*"Water and water related issues have become major topics of concern across the country and particularly in the southeast during this last year. Here in Jackson County the drought, along with wastewater treatment capacity issues in the Cashiers and Sylva areas have driven those issues home. A much needed rainfall last week gave us a brief respite, but obviously was not a permanent fix to our long-range problems. Simply, water source, treatment and quality issues are likely to be issues that all of us will be dealing with for a long time to come. They are particularly important to the quality of life we all enjoy in the mountains of Jackson County. In this vein, I encourage all citizens to become more aware and involved in ways to help with the water issues that we face. Value water, learn more about water conservation and ways to prevent water pollution. Learn more about your community's water and wastewater infrastructure, support efforts to maintain and upgrade water and wastewater infrastructure, be aware and follow all water conservation and water shortage rules in effect in the community. Don't assume, even if you get your water from a private well, that you need not observe good water use rules. Encourage your friends and neighbors to be a part of a*

*water conscious community and try to do one thing each day that will result in saving water. While the task ahead is likely to be difficult, but with each citizen becoming aware of the issues and playing their part in its resolution, I believe that Jackson County will not only weather this difficulty, but will be strengthened through the process”.*

He distributed a bulletin from the N. C. Association of County Commissioners which reflects how the county's dues are used. The Jackson County Honor Guard's uniforms have arrived and they are working on their program.

**(2) COMMISSIONERS REPORTS:** Commissioner Massie stated that water conservation is a serious problem and urged all citizens to practice all types of conservation.

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

**(4) BUDGET AMENDMENTS:** Carry over.

**(5) US 441 CORRIDOR STUDY CONSULTING CONTRACT:** The contract states that three deliverables will be submitted to the county for managing growth in the US 441 Corridor: US 441 Corridor Plan and Analysis Workbook, US 441 Corridor Protection Overlay District Ordinance, and US 441 Land Preservation Strategies Report. Mr. Westmoreland stated, and Kimley-Horn has agreed, that paragraphs “Task 9-US 441 Corridor Protection Overlay District, Provision 4(c), Provision 7 and Provision 10” be amended. He recommended that the contract be awarded to Kimley-Horn & Assoc. for a fee of \$154,300; however, any service or time not used as outlined in the contract will not be charged. Chairman McMahan suspended the rules and Commissioner Massie moved to award the contract, as amended, to Kimley-Horn & Assoc. in the amount of \$154,300.00. Commissioner Shelton seconded the Motion. Motion carried by unanimous vote.

**(6) CANDLELIGHT REFLECTIONS:** Cindy Miles, Family Caregiver Support Coordinator, stated that from November 1-8, candles will be burning across the state and nation in observance of “Candlelight Reflections” which is intended to honor all family caregivers as well as all those affected by Alzheimer's disease and related disorders. The hope is that the flame of each candle will enlighten communities and state leaders as to the critical need to support all family caregivers and the growing number of those living with Alzheimer's.

**(7) TOWN OF SYLVA – ETJ AGREEMENT:** Mayor Oliver stated that when the county adopted a Subdivision Ordinance and Mountain & Hillside Development Ordinance and because it enforces state building codes, the entire county is governed by the ordinances. Thus, in order for the town to extend its land use and planning jurisdiction through extra-territorial jurisdiction (ETJ), an inter-local agreement is required between the county and town in order for the town to establish ETJ of the Savannah Drive/Yellowbird Branch Road area. The Planning Board and County Attorney will review the proposed agreement and make a recommendation.

**(8) MUNICIPAL GRANT:** The Town of Webster submitted one application, the Town of Dillsboro submitted two, the Town of Sylva submitted three and the Village of Forest Hills submitted one. The applications will be considered at the next meeting.

**(9) AIRPORT:** Chairman McMahan stated that in September 2005 the Board requested that NCDOT move forward with an airport feasibility study; however, the study was never done. Chairman McMahan suspended the rules and Commissioner Shelton moved to appropriate up to the sum of \$65,000 to the Jackson County Airport Authority upon the following conditions: (a) Up to \$45,000 shall be used for: (i) such evaluation and study as is reasonable and necessary to determine what, if any, action is necessary to stabilize the Jackson County Airport property and to ensure the safety of that property as well as avoid any danger to any neighboring property; and (ii) if recommended upon completion of the evaluation and study and as is reasonable, and if necessary, to stabilize the Jackson County Airport property and to ensure the safety of that property as well as avoid any danger to any neighboring property; (b) Up to \$20,000 to be used by the Jackson County Airport Authority for reasonable and necessary legal costs to ensure the on-going viability of the Jackson County Airport. Chairman McMahan seconded the Motion. Motion carried by a vote of 4-1 with Commissioner Cowan voting "nay".

**(10) TIMBUKTU ROAD RESOLUTION:** Peter Young presented a petition signed by property owners requesting that .43 miles of Timbuktu Road be added to the NCDOT maintenance system.

**(11) FINANCING AGREEMENT RESOLUTION:** Darlene Fox, Finance Director, stated that the Resolution is for authorization to file an application for approval of a financing agreement authorized by N.C.G.S. 160A-20 in the amount of \$9,905,000. The projects are: Fairview Kindergarten \$3,263,403.00, Cashiers Recreation Center \$2,739,097.00 and Webster Complex site work \$3,902,500.00. The findings of fact in the Resolution state that the projects are necessary, that the bond issue would be greater than a G.S. 160A-20 action, and the necessary increase in tax rate is equivalent to 1.65 cents per \$100 valuation; however, provisions are already in the budget to fund this amount this fiscal year and there is no need for a tax increase. The financing terms are 15 years semi-annual in arrears and the Bank of America has the lowest rate at 3.72%.

Chairman McMahan suspended the rules and Commissioner Cowan moved to adopt the Resolution. Commissioner Jones seconded the Motion. Motion carried by unanimous vote.

A Public Hearing concerning a financing contract is scheduled on November 13 at 6:00 p.m. followed by a Special Meeting to consider the contract at 6:15 p.m.

**(12) VETERANS – RESOLUTION:** A Resolution was presented stating that in appreciation for military service, the fountain located at the base of the Historic Courthouse steps is named the "Veterans Fountain". A new monument will be erected at the site and unveiled at the Veterans Day Celebration at 12 o'clock noon on November 10. Chairman McMahan suspended the rules and Commissioner Shelton moved to adopt the Resolution. Commissioner Cowan seconded the Motion. Motion carried by unanimous vote.

**(13) TOWN OF WEBSTER – CELL TOWER ORDINANCE:** The Town of Webster adopted a Resolution on October 14, 2007 which states:

*“The Town of Webster hereby resolves to allow the County of Jackson, North Carolina to control telecommunication towers and wireless facilities in the town throughout the county’s ordinance in place until further notice.”*

Chairman McMahan suspended the rules and Commissioner Massie moved that the county administer the Wireless Telecommunication Facilities Ordinance within the Town of Webster. Commissioner Cowan seconded the Motion.

**(14) AGING COUNCIL APPOINTMENTS:** The Council on Aging Board of Directors recommended that Mary Jo Cobb be appointed for a 3-year term. Chairman McMahan suspended the rules and Commissioner Cowan moved to appoint Mary Jo Cobb to a 3-year term on the Council on Aging Board of Directors. Commissioner Jones seconded the Motion. Motion carried by unanimous vote.

**(15) CASHIERS AREA PLANNING COUNCIL APPOINTMENT:** Adrian Fowler has resigned due to scheduling conflicts, but his term does not expire until October 21, 2008. Jeff Zahner is the senior alternate member and is eligible to fill the position. Chairman McMahan suspended the rules and Commissioner Jones moved to appoint Jeff Zahner to fill Adrian Fowler’s unexpired term on the Cashiers Area Planning Council. Commissioner Shelton seconded the Motion. Motion carried by unanimous vote.

**(16) NURSING HOME COMMITTEE APPOINTMENT:** Chairman McMahan suspended the rules and Commissioner Cowan moved to reappoint Evelyn Austin to a 3-year term on the Nursing Home Committee. Commissioner Massie seconded the Motion. Motion carried by unanimous vote.

Chairman McMahan moved that the Board go into closed session pursuant to G. S. 143-318(a)(3) Legal and G. S. 143-318(a)(6) Personnel. Commissioner Shelton seconded the Motion. Motion carried.

Chairman McMahan called the open session back to order and reported no action was taken in closed session.

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

Attest:

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Evelyn B. Baker, Clerk

Approved:

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Brian Thomas McMahan, Chairman