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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  
DECEMBER 17, 2007**

The Jackson County Board of Commissioners met in Regular Session on December 17, 2007, at 6:00 p.m., 401 Grindstaff Cove Road, Room A201, Sylva, North Carolina.

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

**AGENDA:** Chairman McMahan amended the Agenda by adding FERC Update. Commissioner Massie moved to approve the amended Agenda. Commissioner Jones seconded the Motion. Motion carried.

**MINUTES:** Commissioner Massie moved to approve the Minutes of the Public Hearing of December 3, 2007 and Regular Meeting of December 3, 2007. Commissioner Jones seconded the Motion. Motion carried.

**INFORMAL COMMENTS BY THE PUBLIC:** (a) John Glenn, Treasurer of the Airport Authority, stated that the documents for grant funds from FAA have been delivered to NCDOT. The Authority is requesting that the county consider providing for a nominal fee and on a contract basis administrative assistance. This would permit the Authority to be included in the county audit process. (b) Steve Woodham stated he supports the proposed Animal Control Ordinance. Further, his neighbors' dogs roam all over his property, bark and growl at his family.

**(1) CHAIRMAN'S REPORT:** None.

**(2) COMMISSIONERS' REPORTS:** Commissioner Massie reported that he received a request for the county to support regulations concerning deer spotlighting.

**(3) COUNTY MANAGER'S REPORT:** Mr. Westmoreland submitted:  
(a) A proposed design and construction of the new library which projects out further than anticipated; however, it has been accepted in concept by Fontana Regional and the Jackson County Friends of the Library.  
(b) A proposed Solid Waste Ordinance civil violation fee schedule recommended by the Solid Waste Advisory Board to be considered for adoption at the January 7, 2008 meeting. A solid

waste enforcement officer position was approved in the budget. The officer would be responsible for dealing with illegal dumps, burning garbage, dumping commercial waste at SRC's, private haulers failing to obtain necessary permits, littering, etc.

(c) A schedule of meetings concerning the 441 Corridor Study. The Cherokee Preservation Foundation wants to sponsor and fund a program involving the youth of the area in the planning process. There will also be a number of individual interviews with community personnel and leaders as to their ideas and concepts regarding the corridor in addition to the general public meetings.

(d) A proposed budget calendar for FY2008-09 with the first Budget Work Session tentatively scheduled on February 11.

(e) He has authorized an appraisal by Mark Reeser of the former Buster Brown property under consideration by Jim Moore.

(f) He stated that he has been looking at measures that can be taken concerning fuel for the balance of this fiscal year, but in many situations, options are limited in terms of consolidation of trips and trying to make sure work schedules are planned in advance to prevent unnecessary or repeat trips.

**(4) AIRPORT AUTHORITY:** Commissioner Massie moved to appoint Kenneth L. Westmoreland and Jason Kimenker to six-year terms on the Airport Authority Board effective January 1, 2008. Commissioner Jones seconded the Motion. Motion carried by unanimous vote.

**(5) CASHIERS PLANNING COUNCIL:** Commissioner Jones moved to appoint Joe Stroup to fill the unexpired term of Jeff Zahner as an alternate on the Cashiers Community Planning Council. Chairman McMahan seconded the Motion. Motion carried by unanimous vote.

**(6) CRIMINAL JUSTICE PARTNERSHIP PROGRAM:** Judge Brad Letts, Chairman, stated that the goal of the program is to provide treatment for some criminal defendants. Grant funds for the program are from the Governor's Crime Control Program. The funds are used for treatment, transportation to and from treatment, working with the Employment Security Commission concerning jobs, psychological counseling, day reporting center, life skills programs, and parenting classes. Jackson County is currently receiving approximately \$55,000 per annum in grant funds. He stated that the CJPP Board is requesting the county to consider a CJPP Director position to ensure that the funds are used appropriately and keep track of the individuals in the program. Jackson and Swain Counties have been sharing an individual to manage the program. Ann Melton, Clerk of Court, submitted comparable position descriptions and recommended salaries. She recommended that the position be filled immediately and stated that the grant can be rewritten to include funding for a director position. Grant funds would be used for the director's salary and no county funds will be necessary; however, she was not sure if there are sufficient grant funds for the current fiscal year and will inform the Board of the available balance. The only costs to the county would be office space; however, the vacant office in the Probation Dept.'s suite is presently being utilized. She was not sure about costs for equipment and supplies. The salary costs would be shared with Swain County (80% Jackson, 20% Swain). The request will be considered at the January 7, 2008 meeting.

**(7) AMENDED MEMORANDUM OF UNDERSTANDING:** The Southwestern North Carolina Planning & Economic Development Commission, NCDOT and the six westernmost counties entered into a Memorandum of Understanding on January 28, 2002 to work in partnership with NCDOT toward development of sound, short and long-term transportation planning for rural areas. The proposed amendments address attendance, quorum, voting at meetings, and reinstatement of members in Section 3 paragraphs 4 and 5 and Section 4 paragraphs 3 and 4. Commissioner Massie moved to adopt the amendments. Commissioner Jones seconded the Motion. Motion carried by unanimous vote.

**(8) TOWN OF SYLVA INTER-LOCAL AGREEMENT:** Mr. Holt stated that he has reviewed and found satisfactory the Resolution approving the Inter-Local Agreement. Commissioner Massie moved to adopt the Resolution and authorize the Chairman to sign the Agreement. Commissioner Cowan seconded the Motion. Motion carried by unanimous vote.

**(9) ANIMAL CONTROL ORDINANCE:** A Public Hearing was held on December 17, 2007 at 5:00 p.m. Commissioner Massie, for purposes of discussion, moved to adopt the Animal Control Ordinance. Chairman McMahan seconded the Motion. Commissioner Massie recommended that paragraph "E" of Section 17 be deleted. Commissioner Jones recommended that the spay/neuter program be revisited at a later date. Paula Carden, Health Dept. Director, recommended that the effective date be March 1, 2008. Chris Tyson, Animal Control Officer, asked if his office will be required to investigate violations as outlined in Section 20, paragraph "A".

Commissioner Massie withdrew his Motion and Chairman McMahan withdrew his second. Mr. Westmoreland and Ms. Carden were directed to revise Section 20, paragraph "A" for consideration at the January 7, 2008 meeting.

**(10) CEMETERY BOARD APPOINTMENT:** By letter, the Cemetery Board recommended that Louise Bedford fill the unexpired term of James Monteith. Commissioner Cowan moved to appoint Louise Bedford to fill the unexpired term of James Monteith on the Cemetery Board. Commissioner Jones seconded the Motion. Motion carried by unanimous vote.

**(11) FEDERAL ENERGY REGULATORY COMMISSION UPDATE:** The county has been pursuing Duke Power's relicensing request for the past four years and expended approximately \$67,000 in attorney and expert fees. In 2007 DEHNR issued a 401 Permit to Duke; however, several agencies filed an appeal. There appears to be some confusion on what has been filed, what has and has not been denied by FERC. The Board must consider what is in the best interests of the public and make a decision concerning what it could receive in comparison to the costs since the 401 Permit has been issued. Attorney Paul Nolan will give an update at the January 7, 2008 meeting.

Chairman McMahan moved that the Board go into closed session pursuant to G. S.143-318.11(a)(5) Real Property (potential easement for broadband internet substation on county property in Cashiers). 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 Massie moved to adjourn the meeting. Commissioner Cowan seconded the Motion. Motion carried by unanimous vote and the meeting adjourned at 7:30 p.m.

Attest:

Approved:

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Evelyn B. Baker, Clerk

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Brian Thomas McMahan, Chairman