

Posted: _____
Time Posted: _____
Posted By: Evelyn Baker
Witnessed By: _____

**MINUTES OF THE REGULAR MEETING
OF THE JACKSON COUNTY
BOARD OF COMMISSIONERS
HELD ON
FEBRUARY 4, 2008**

The Jackson County Board of Commissioners met in a Regular Meeting on February 4, 2008, at 5:00 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
Kenneth L. Westmoreland, County Manager
W. Paul Holt, Jr., County Attorney
Evelyn B. Baker, Clerk to the Board

Absent: Mark Jones, Commissioner

Chairman McMahan called the meeting to order.

AGENDA: Chairman McMahan amended the Agenda by adding EDC. Commissioner Massie moved to approve the amended Agenda. Commissioner Shelton seconded the Motion. Motion carried.

MINUTES: Commissioner Massie moved to approve the Minutes of the Public Hearing of January 22, 2008 and Regular Meeting of January 22, 2008. Commissioner Shelton seconded the Motion. Motion carried.

INFORMAL COMMENTS BY THE PUBLIC: None.

(1) **CHAIRMAN'S REPORT:** Chairman McMahan reported that Jackson County has been chosen by the N. C. Wildlife Federation to receive the Municipal Conservationist of the Year award in the 2007 Governor's Conservation Achievement Awards program. Smoky Mountain High School media coordinator sent a letter of appreciation for the new computers.

(2) **COMMISSIONERS REPORTS:** Commissioner Massie reported that the county was awarded the Governor's Municipal Conservationist Achievement Award for adopting conservation subdivision and steep slope ordinances.

Commissioner Shelton reported that the series of public meetings concerning the 441 Corridor Study have been completed.

(3) COUNTY MANAGER'S REPORT: Mr. Westmoreland reported that WCU School of Art & Design has offered to design, at no cost to the county, a county flag. The design of the flag would be based upon historical research, environmental considerations and would be unique to Jackson County. The Board can accept or reject any and all designs. It is anticipated that a flag will be ready for the NCACC Parade of Flags at its annual meeting this summer.

He reported that an interested party would like to establish a taxicab service in the greater Sylva, Webster and Dillsboro area. The Town of Sylva has a taxicab ordinance. He asked if the county would be interested in developing a taxicab ordinance for the area outside of the municipalities. The Board would like to review ordinances from other counties before making a decision.

(4) FINANCE & TAX COLLECTOR REPORTS FOR JANUARY 2008 and BUDGET AMENDMENTS: Carry over.

(5) U. S. FOREST SERVICE: Mike Wilkins, District Ranger for the Nantahala Ranger District, reported that last June the Highlands and Wayah Districts merged to become the "Nantahala District" which consists of about 260,000 acres or 410 square miles. All of the national forest land in Jackson County is in the Nantahala District.

(6) TRANSFER STATION EXPANSION: Wayne Sullivan of Municipal Engineering Services presented the following options and estimated costs:

- (a) *Option One:* Add 25 ft. to the present building and expand the driveway: \$500,000.
- (b) *Option Two:* Construct a new transfer station, commercial entrance, and develop a leachate collection system at the existing white goods pad: \$1.75 million.
- (c) *Option Three:* Construction of a new transfer station on site in the draw and relocating some existing facilities: \$3 million.
- (d) *Option Four:* Keep the existing facilities and building for recycling and other disposal needs and build a new MSW transfer station on site plus site improvements: \$2.25 million.

Chad Parker, Solid Waste Director, stated he had discussed various plans with the Solid Waste Advisory Board and they feel strongly about keeping the existing facilities for recycling. Commissioner Massie moved to authorize Municipal Engineering Services to proceed with the design phase for Option Four, an alternate facility adjacent to the existing building estimated at \$2.25 million. Commissioner Shelton seconded the Motion. Mr. Westmoreland stated that a solid waste enterprise fund was set up last year and will pay all costs involved with the expansion. Motion carried by unanimous vote.

(7) SCATTERED SITE HOUSING PROGRAM QUARTERLY REPORT (October - December 2007): Joan Stillwell, Community Development Director, reported that four of the five projected projects are now complete. Work in progress during the quarter included two relocation projects and one rehabilitation project. Volunteers are no longer available for the final relocation project in Cullowhee and a bid contract for completion of the house will begin in mid-February and should be completed within three weeks. Expenditures for the quarter were \$863.67 administration funds and \$27,941.25 project funds. She will ascertain if there are sufficient funds available to do a new rehabilitation project.

(8) STORMWATER BMP REVIEWER CERTIFICATION: Mr.

Westmoreland presented a letter from the Division of Water Quality (DWQ) concerning training for BMP Reviewer Certification. This issue will be discussed in budget work sessions.

(9) WIRELESS TELECOMMUNICATIONS FACILITIES ORDINANCE:

Linda Cable, Planning Director, stated the Planning Board has reviewed and recommends the proposed ordinance. She stated there are a few minor things that need correcting. Carry over.

(10) RESOLUTION IN SUPPORT OF CONTINUATION OF JUVENILE CRIME PREVENTION COUNCIL FUNDING (R08-01):

Steve Lillard, JCPC Council Member, presented a resolution endorsing full reinstatement of funding for Juvenile Crime Prevention Council Programs to the state's continuation budget and allocation of additional funds. Chairman McMahan suspended the rules and Commissioner Cowan moved to adopt the Resolution. Commissioner Massie seconded the Motion. Motion carried by unanimous vote.

(11) RESOLUTION SUPPORTING LEGISLATION PROHIBITING HUNTING FROM PUBLIC ROAD RIGHT-OF-WAYS:

Commissioner Massie presented a resolution requesting the General Assembly of North Carolina to enact legislation to prohibit hunting from, on, or across right-of-way for a public road or highway, with the exception of bear and boar, in Jackson County. Chairman McMahan requested clarification that the proposed law would prohibit the discharge of a firearm on or across public road right-of-way while hunting bear or boar. A Public Hearing was scheduled on February 18, 2008 at 5:15 p.m. A Wildlife Officer will be present at the public hearing to answer questions.

(12) RESOLUTION SUPPORTING LEGISLATION PROHIBITING SHINING OF LIGHTS IN DEER AREAS:

Commissioner Massie presented a resolution requesting the General Assembly of North Carolina to enact legislation to prohibit shining of lights in deer areas in Jackson County. A Public Hearing was scheduled on February 18, 2008 at 5:00 p.m.

(13) PLANNING BOARD APPOINTMENTS:

Zac Koenig and Dan Pittillo have agreed to continue to serve if reappointed. Chairman McMahan suspended the rules and Commissioner Massie moved to reappoint Zac Koenig and Dan Pittillo to 3-year terms as at-large members on the Planning Board. Commissioner Cowan seconded the Motion. Motion carried by unanimous vote.

(14) ROAD NAMING BOARD APPOINTMENTS:

Tom Massie, Todd Dillard, Melissa Gibson, William Shelton and Ron Story have agreed to continue to serve if reappointed. Chairman McMahan suspended the rules and Commissioner Cowan moved to reappoint Tom Massie, Todd Dillard, Melissa Gibson, William Shelton and Ron Story to 2-year terms on the Road Naming Board. Chairman McMahan seconded the Motion. Motion carried by unanimous vote.

(15) JACKSON TRAVEL & TOURISM BOARD APPOINTMENTS: Cherie Bowers has agreed to continue to serve if reappointed. Chairman McMahan suspended the rules and Commissioner Shelton moved to reappoint Cherie Bowers to a 3-year term on the Jackson Travel & Tourism Board. Commissioner Massie seconded the Motion. Motion carried by unanimous vote.

(16) GREENWAYS COMMISSION APPOINTMENT TO TRANSPORTATION TASK FORCE: Carry over.

(17) CRIMINAL JUSTICE PARTNERSHIP PROGRAM APPOINTMENTS: Carry over.

(18) ECONOMIC DEVELOPMENT COMMISSION: Chairman McMahan stated he met, as the county's representative, with the EDC Task Force to review the bylaws. The suggested options are:

(a) *Option One.* The EDC become a stand-alone body and would receive at least \$1.00 per capita contribution from the county and municipalities. The EDC would have the authority to hire a director who would work solely for and answerable only to the EDC Board. The county Finance Director would continue as the Treasurer to allow for the incorporation of the EDC in the county audits.

(b) *Option Two.* Dissolve the EDC in its current configuration and reestablish it in an advisory capacity only. The county could then consider creating an EDC Department, hiring a director who would be a county employee and answerable to the Jackson County Board of Commissioners. The municipalities would pay per capita contributions directly to the county to help offset the costs.

(c) *Option Three.* Commissioner Massie stated the EDC Board suggested that the current arrangement remain and the county pay up to the amount that it determines an individual is qualified to receive under the county's grade and step system; however, if the EDC Board determines the individual's salary should be higher, then EDC would supplement the salary from its other sources of revenue. The individual would be a county employee, but answerable only to the EDC. Commissioner Massie stated he would consider this option as long as the county's per capita funds are not used for salary supplements. Commissioner Shelton agreed. Chairman McMahan stated this option appears to create a state of confusion and an individual would be required to answer to "two masters". This issue will be placed on the February 18 Agenda.

Chairman McMahan moved that the Board go into closed session pursuant to G. S. 143-318.11(a)(6) Personnel. Commissioner Cowan 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 to adjourn the meeting. Commissioner Cowan seconded the Motion. Motion carried and the meeting adjourned at 8:30 p.m.

Attest:

Evelyn B. Baker, Clerk

Approved:

Brian Thomas McMahan, Chairman

