

Posted: _____
Time Posted: _____
Posted By: _____
Witnessed By: _____

**MINUTES OF THE REGULAR MEETING
OF THE JACKSON COUNTY
BOARD OF COMMISSIONERS
HELD ON
MARCH 3, 2008**

The Jackson County Board of Commissioners met in a Regular Meeting on March 3, 2008, at 6:00 p.m., 401 Grindstaff Cove Road, Room A201, Sylva, North Carolina.

Present: Joe Cowan, Vice Chair
Tom Massie, Commissioner
William Shelton, Commissioner
W. Paul Holt, Jr., County Attorney
Evelyn B. Baker, Clerk to the Board

Absent: Brian McMahan, Chairman
Kenneth L. Westmoreland, Co. Mgr.

Vice Chair Cowan called the meeting to order.

AGENDA: Vice Chair Cowan added Jackson County Transit VI Plan. Commissioner Jones moved to approve the amended Agenda. Commissioner Shelton seconded the Motion. Motion carried.

MINUTES: Commissioner Jones moved to approve the Minutes of the Public Hearing of February 18, 2008 and Regular Meeting of February 18, 2008. Commissioner Massie seconded the Motion. Motion carried.

INFORMAL COMMENTS BY THE PUBLIC: Mary Joe Cobb stated her property adjoins the Legasus Development in Tuckasegee. She received a notice last week from the US Army Corps of Engineers stating that Legasus has requested authorization to impact a stream channel and wetland associated with the construction of a golf course on the development. Mill Creek, Mine Branch, Webster Creek and other creeks will be affected. She has contacted the NC Division of Water Quality about her concerns, but has not received a response. She requested assistance from the Board in obtaining additional information and determining exactly what Legasus' plans are and how the small streams will be impacted. She is also concerned about further contamination if the old copper mines located on the property are disturbed. The deadline for responses to the Corps of Engineers is March 24.

(1) COMMISSIONERS REPORTS: Vice Chair Cowan reported that on February 23, he and Commissioners Massie, Shelton and Jones attended the 48th Annual Governor's Awards Banquet in Durham and accepted, on behalf of the county, the 2007 Municipal Conservationist of the Year trophy and plaque.

Commissioner Massie asked Attorney Holt the exact amount of the judgment in the McClure v. Jackson County lawsuit. Attorney Holt stated the amount is around \$56,000, but he had filed a Notice of Appeal.

Commissioner Massie stated a letter dated February 25 to Attorney Holt from Duke Power attorneys raises some serious questions that need to be addressed. The letter refers to N.C.G.S. 40A-1(a) concerning taking over, maintaining and operating a FERC-licensed hydro-powered facility and Chapter 40A designates only nine purposes for which a county may condemn property. He requested Attorney Holt's opinion if any of those purposes fall within the county's purview for it to legally consider condemnation. The letter states there is a FERC surrender order concerning the dam. Thus, if the county condemns the property, purchases it from Duke, would the county then be required to pay to have the dam removed if the surrender order is not vacated. Attorney Holt stated he would contact Attorney Paul Nolan and have a legal opinion available at the next meeting.

Commissioner Shelton thanked everyone who assisted with the development of the subdivision and steep slope ordinances for which the Municipal Conservationist of the Year trophy and plaque were awarded.

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

(3) RESOLUTION & INTERLOCAL AGREEMENT- DILLSBORO ETJ (R08-02): Vice Chair Cowan suspended the rules and Commissioner Massie moved to adopt the Resolution and authorize the Chairman to sign the Agreement. Commissioner Jones seconded the Motion. Motion carried by unanimous vote.

(4) COMMUNITY TRANSPORTATION IMPROVEMENT PLAN: Chuck Norris, Transit Director, stated that every five years each transit system in the state is required to complete a Community Transportation Improvement Plan. The Transportation Advisory Board has approved the Plan. Vice Chair Cowan suspended the rules and Commissioner Shelton moved to approve the Community Transportation Improvement Plan. Commissioner Jones seconded the Motion. Motion carried by unanimous vote.

(5) TRANSIT TITLE VI PLAN: Chuck Norris, Transit Director, stated that for transportation, Title VI means assessing the nature, extent and incidence of probable impacts from any transportation-related activity on minority, low-income and other disadvantaged populations. Language assistance through Fluent Language Services will be provided. In addition to the state census and for a broader scope of minorities, information will be obtained from the Social Services Dept., Health Dept., Aging Dept., Vocational Rehabilitation, REACH, United Christian Ministries and church groups. Vice Chair Cowan suspended the rules and Commissioner Massie moved to adopt the proposed Title VI Plan. Commissioner Shelton seconded the Motion. Motion carried by unanimous vote.

(6) SMH/FAIRVIEW SCHOOL WATERLINE: Lofquist & Associates recommended that the county approve a \$64,105 change order to Stillwell Enterprises to complete the installation of the SMH/Fairview School waterline loop. Vice Chair Cowan suspended the rules and Commissioner Massie moved to approve the change order. Commissioner Jones seconded the Motion. Motion carried by unanimous vote.

(7) BOARD OF EQUALIZATION & REVIEW APPOINTMENTS: Richard Wilson, Gail Cooper, Richard Robson, Roger Shelton have agreed to continue to serve if reappointed. Vice Chair Cowan suspended the rules and Commissioner Massie moved to reappoint Richard Wilson, Gail Cooper, Richard Robson and Roger Shelton to a one-year term on the Board of Equalization and Review. Commissioner Jones seconded the Motion. Motion carried by unanimous vote. One additional appointment will be considered at the March 17 meeting.

(8) COUNCIL ON AGING BOARD APPOINTMENTS: The Council on Aging Board recommended that Stella Moore, Ellen Hunter, Charles McConnell and Harmer Weichel be appointed. Vice Chair Cowan suspended the rules and Commissioner Jones moved to appoint Stella Moore, Ellen Hunter, Charles McConnell and Harmer Weichel to a three-year term on the Council on Aging Board. Commissioner Shelton seconded the Motion. Motion carried by unanimous vote.

(9) SEDIMENT CONTROL APPEALS BOARD: Lloyd Green and Phil Fowler have agreed to continue to serve if reappointed. Vice Chair Cowan suspended the rules and Commissioner Massie moved to reappoint Lloyd Green and Phil Fowler to a four-year term on the Sediment Control Appeals Board. Commissioner Jones seconded the Motion. Motion carried by unanimous vote.

(10) LIBRARY BOARD: Carry over.

(11) TRANSPORTATION BOARD: Dean Coward and Howard Allman have agreed to continue to serve if reappointed. Vice Chair Cowan suspended the rules and Commissioner Shelton moved to reappoint Dean Coward and Howard Allman to a three-year term on the Transportation Board. Commissioner Jones seconded the Motion. Motion carried by unanimous vote.

There being no further business, Commissioner Massie moved to adjourn the meeting. Commissioner Shelton seconded the Motion. Motion carried and the meeting adjourned at -6:50 p.m.

Attest:

Evelyn B. Baker, Clerk

Approved:

Joe Cowan, Vice Chair

