

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

**MINUTES OF THE REGULAR MEETING
OF THE JACKSON COUNTY
BOARD OF COMMISSIONERS
HELD ON
APRIL 21, 2008**

The Jackson County Board of Commissioners met in a Regular Meeting on April 21, 2008 at 6:00 p.m., 401 Grindstaff Cove Road, Room A201, Sylva, North Carolina.

Present: Brian T. McMahan, Chairman
Joe Cowan, Vice Chair
William Shelton, Commissioner
Mark Jones, Commissioner
Kenneth L. Westmoreland, County Manager
W. Paul Holt, Jr., County Attorney
Evelyn B. Baker, Clerk to the Board

Absent: Tom Massie, Commissioner

Chairman McMahan called the meeting to order.

AGENDA: Chairman McMahan amended the Agenda by adding Balsam Mountain Preserve Settlement Agreement and US 441 Small Area Plan & Strategies for Land Conservation. Commissioner Shelton moved to approve the amended Agenda. Commissioner Jones seconded the Motion. Motion carried.

MINUTES: Commissioner Jones moved to approve the Minutes of the Regular Meeting of April 7, 2008. Commissioner Shelton seconded the Motion. Motion carried.

INFORMAL COMMENTS BY THE PUBLIC: None.

(1) **PROCLAMATION HONORING OLDER AMERICANS:** Chairman McMahan read a Proclamation honoring older Americans. Commissioner Jones moved to adopt a Proclamation designating the month of May as Older Americans Month. Commissioner Shelton seconded the Motion. Motion carried by unanimous vote.

(2) **BALSAM MOUNTAIN PRESERVE:** Mr. Westmoreland stated that the county and Balsam Mountain Preserve (BMP) have reached a settlement agreement regarding the notice of violation that occurred last summer. Commissioner Shelton moved to approve the settlement agreement. Commissioner Cowan seconded the Motion. Chairman McMahan stated that because he is a BMP employee, he has not participated in any closed session discussions concerning BMP. He requested and received permission to recuse himself from voting on the Motion. Motion carried by a vote of 3 - 0.

(3) **CHAIRMAN'S REPORT:** Chairman McMahan reported that a budget work session with the Board of Education is scheduled on April 30, 5:00 p.m.

(4) COUNTY MANAGER'S REPORT: Mr. Westmoreland reported:

(a) He will meet with Magistrate Henry next week concerning the Animal Control Ordinance;

(b) The commercial in-progress permits report from the Building Inspections Office reflects there are currently several construction projects underway totaling approximately \$65,000,000 which is a record high;

(c) As discussed in the last closed session Mike Ensley, Fire Marshal, has announced his retirement. The advertisement for a Fire Marshal will be published this week. There will be a preliminary examination to determine eligibility with the understanding the goal is to attract someone who has the capability of achieving a Level III certification within a reasonable length of time.

(5) FINANCE & TAX COLLECTOR REPORTS FOR MARCH 2008:

Darlene Fox, Finance Director, presented the following highlights:

<u>General Fund Revenues Collected to Date</u>	<u>\$ 37,861,325.00</u>
<u>General Fund Expenditures to Date</u>	<u>\$ 32,465,045.00</u>
<u>Ad Valorem Tax Collected</u>	<u>\$ 22,666,849.00</u>
<u>Motor Vehicle Tax Collected</u>	<u>\$ 733,605.00</u>
<u>Sales & Use Tax for January 2008</u>	<u>\$ 975,804.64</u>
<u>Medicaid Hold Harmless payment</u>	<u>\$ 233,975.37</u>
<u>Solid Waste Disposal Fees</u>	<u>\$ 1,495,668.00</u>
<u>Contingency Balance</u>	<u>\$ 6,147.32</u>

(4) BUDGET AMENDMENTS:

<u>DSS</u>	<u>\$ 8,180.11</u>
<u>General Fund</u>	<u>\$ 287,480.92</u>

Commissioner Shelton moved to approve the Finance and Tax Collector's reports for March 2008 and the Budget Amendments. Commissioner Jones seconded the Motion. Motion carried by unanimous vote.

(6) ENVIRONMENTAL CREDIT CORP: Mr. Westmoreland recommended that this issue be tabled. Commissioner Jones moved to table the issue. Commissioner Shelton seconded the Motion. Motion carried by unanimous vote.

(7) TRANSPORTATION BOARD APPOINTMENT: Commissioner Shelton moved to reappoint Wade Wilson to a 3-year term on the Transportation Board. Commissioner Jones seconded the Motion. Motion carried by unanimous vote.

(8) BEAR LAKE RESERVE: By letter, Bear Lake Reserve requested permission to have a private fireworks display on its property on May 31 and July 5. The fireworks displays will be handled by Pyrotecnico. Commissioner Cowan moved to permit Bear Lake Reserve to display fireworks by a certified pyrotechnics expert on its property on May 31 and July 5. Commissioner Jones seconded the Motion. Motion carried by unanimous vote.

(9) JUVENILE CRIME PREVENTION COUNCIL: Steve Lillard presented selected programs, a membership list and proposed funding for FY2008-09 for approval. The selected programs are JCPC Administrative expense, Operation Aspire, Project Pursuit, Project Challenge and Hawthorne Heights. The county appropriation would be \$19,822. Commissioner Jones moved to approve the programs, funding request and membership list. Commissioner Cowan seconded the Motion. Motion carried by unanimous vote.

(10) RESOLUTION APPOINTING REVIEW OFFICERS (R08-05): Pursuant to statutory requirements, Commissioner Shelton moved to adopt a Resolution appointing Bobby McMahan, Kevin Jamison, Kim McClure, Leann Pate, Ramona Powell, Wendy Smith, and Brandon Stanly as Review Officers. Commissioner Cowan seconded the Motion. Motion carried by unanimous vote.

(11) RESOLUTIONS – SECONDARY ROAD IMPROVEMENTS (R08-06 & R08-07): A public hearing was held on April 21, 2008 at 5:00 p.m. Commissioner Cowan moved to adopt the FY2008 and FY2009 Resolutions as recommended by NCDOT. Commissioner Jones seconded the Motion. Motion carried by unanimous vote.

(12) US 441 CORRIDOR SMALL AREA PLAN and STRATEGIES FOR LAND CONSERVATION: Commissioner Shelton moved to approve the non-regulatory documents entitled “US 441 Small Area Plan” and “Strategies for Land Conservation” as presented and recommended by Kimley-Horn & Associates at a Special Meeting earlier today. Commissioner Jones seconded the Motion. Motion carried by unanimous vote.

There being no further business, Commissioner Cowan moved to adjourn the meeting. Commissioner Jones seconded the Motion. Motion carried and the meeting adjourned at 6:45 p.m.

Attest:

Approved:

Evelyn B. Baker, Clerk

Brian Thomas McMahan, Chairman