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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
MAY 22, 2008**

The Jackson County Board of Commissioners met in a Regular Meeting on May 22, 2008 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, Jr., County Attorney
Pat Parris, Temporary Clerk

Absent: Evelyn B. Baker, Clerk to the Board

Chairman McMahan called the meeting to order.

AGENDA: Commissioner Jones moved to approve the Agenda. Commissioner Cowan seconded the Motion. Motion carried.

MINUTES: Commissioner Cowan moved to approve the Minutes of the Public Hearing of May 5, 2008, Minutes of the Regular Meeting of May 5, 2008 and Minutes of a Work Session of May 12, 2008. Commissioner Shelton seconded the Motion. Motion carried.

INFORMAL COMMENTS BY THE PUBLIC:

- (a) Kim McCall of Greens Creek requested that the county build a skateboard park. She suggested four possible sites and stated the cost is approximately \$15,000.
- (b) Mozell McCall of Dillsboro stated that skate boarding is a sport and requested that the county construct a stake board park.
- (c) Joe Ward, farmer, of Whittier urged the Board to adopt the Voluntary/Enhanced Voluntary Agricultural District Ordinance.
- (d) Bryan Bumgarner, farmer, of Whittier urged the Board to adopt the Voluntary/Enhanced Voluntary Agricultural District Ordinance.
- (e) Diane Wike of Shoal Creek stated she is unable to tolerate her neighbors dogs (7-8) barking all the time. Some of her family members work at night, but are unable to sleep during the day because of the noisy dogs and she must keep her windows and doors closed at all times. The animal control ordinance should address the noise issue such as limit number of dogs that be kept at a residence.
- (f) Mary Jo Cobb of Tuckasegee stated that because of public concern about water, streams and watersheds should not be disturbed by the Legasus Development. Disturbing the old copper mines and constructing golf courses will be detrimental to all water sources.
- (g) John Wittekind of Caney Fork stated that the Soil & Water Conservation Board supports adoption of the Voluntary/Enhanced Voluntary Agricultural District Ordinance.

(1) COMMISSIONERS REPORTS: Commissioner Massie stated he attended the Mountain Landscape Initiative. The county presented a Resolution Region A requesting the General Assembly to appoint a Machinery Act study commission. Commissioner Shelton reported that he serves on the Mountain Landscape Initiative Steering Committee and the collaborative efforts with surrounding counties will be beneficial.

(2) COUNTY MANAGER'S REPORT: Mr. Westmoreland reported: (a) animal control personnel have worked with the Magistrates to develop amendments to the Animal Control Ordinance. (b) The Mountain Landscape Initiative has made an informal request for a financial contribution; funds are available in the 441 Corridor study appropriation and a budget amendment will be presented at the next meeting. (c) Rep. Haire has requested that amended Resolutions concerning wildlife laws be submitted to him immediately because of the short session.

(3) FINANCE & TAX COLLECTOR REPORTS FOR APRIL 2008:

Darlene Fox, Finance Director, presented the following highlights:

General Fund Revenues Collected to Date	\$ 40,375,766.00
General Fund Expenditures to Date	\$ 36,603,495.00
Ad Valorem Tax Collected	\$ 23,093,783.00
Motor Vehicle Tax Collected	\$ 809,855.00
Sales & Use Tax for February 2008	\$ 938,039.61
Medicaid Hold Harmless payment	\$ 91,089.00
Solid Waste Disposal Fees	\$ 1,526,120.00
Contingency Balance	\$ 162,178.24

Smoky Mountain Center Quarterly Report ending March 31, 2008:

Operating budget	\$ 35,517,221.00
Actual revenues	\$ 26,041,000.00
Actual expenditures	\$ 22,750,000.00
Excess	\$ 3,291,434.00

(4) BUDGET AMENDMENT:

General Fund	\$ 427,032.00
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Commissioner Cowan moved to approve the Finance and Tax Collector's reports for April 2008 and the Budget Amendments. Commissioner Shelton seconded the Motion. Motion carried by unanimous vote.

(5) VOLUNTARY/ENHANCED VOLUNTARY AGRICULTURE DISTRICT ORDINANCE (O08-03): A public hearing was held on May 5, 2005. At Commissioner Shelton's request, Sections 5.8 and 13.2 were revised. Commissioner Shelton moved to adopt the ordinance. Commissioner Massie seconded the Motion. Motion carried by unanimous vote.

(6) SPECIAL OLYMPICS: Jeff Carpenter, Recreation & Parks Director, reported that Jackson County hosted the first Far West Region Spring Games held at SMH on April 25. Twenty local Special Olympics athletes participated. He thanked the Board for its support of the event.

(7) **JUDACULLA ROCK**: Stratum Unlimited, LLC, presented a 91-page Heritage Resource Conservation Plan for Judaculla Rock (State Archaeological Site 31JK3). Judaculla Rock is located in the Caney Fork community. The report states that the rock engravings are the most extensive and complicated ones known to exist not only in North Carolina, but also in the entire region east of the Mississippi River. Judaculla Rock has spiritual significance among Cherokee Indians of the region. The main concern is to reduce the rate of soil sedimentation around the western base of the rock. The plan includes proposed strategies for visitors, marketing, monitoring, and signage, in addition to recommendations for conservation and management actions. Because the property around the rock is privately owned, it was recommended that the county obtain an easement around the rock. The cost of the first phase is \$16,000. Funding is needed for the final design and there are some hard choices to be made which may be expensive. The final design is necessary before the cost can be determined.

(8) **COMMUNITY HEALTHLINK**: Carry over.

(9) **NATIONAL LAW ENFORCEMENT WEEK & MEMORIAL DAY**: Commissioner Cowan moved to proclaim May 15 as National Law Enforcement Officers Memorial Day and May 15-20 as National Law Enforcement Week. Commissioner Jones seconded the Motion. Motion carried by unanimous vote.

(10) **SECONDARY ROAD PROGRAM RESOLUTION (R08-07)**: Jonathan Woodard, NCDOT Division Engineer, requested that that the resolution be revised to reflect a \$250,000 allocation for 2008-2009. Commissioner Shelton moved to adopt the revised resolution. Commissioner Jones seconded the Motion. Motion carried by unanimous vote.

(11) **BUDGET FY2008-09**: Mr. Westmoreland presented the proposed FY2008-09 Budget along with an Executive Summary. He stated the budget is complex and comprehensive with numerous recommended revenue, expenditure, personnel and policy changes. Work Sessions were scheduled on May 29, June 3 and a Public Hearing on June 12, 2008.

(12) **WILDLIFE REGULATIONS**: A Work Session was scheduled on May 29 and a Public Hearing on June 16.

There being no further business, Commissioner Shelton moved to adjourn the meeting. Commissioner Jones seconded the Motion. Motion carried and the meeting adjourned at 8:50 p.m.

Attest:

Approved:

Pat Parris, Temporary Clerk

Brian Thomas McMahan, Chairman

