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Time Posted: \_\_\_\_\_  
Posted By: Evelyn Baker  
Witnessed By: \_\_\_\_\_

**MINUTES OF A REGULAR MEETING  
OF THE JACKSON COUNTY  
BOARD OF COMMISSIONERS  
HELD ON  
AUGUST 7, 2008**

The Jackson County Board of Commissioners met in a Regular Meeting on August 7, 2008 at 6:00 p.m., 401 Grindstaff Cove Road, Room A201, Sylva, North Carolina.

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

Chairman McMahan called the meeting to order.

**AGENDA:** Chairman McMahan added Industrial Facilities & Pollution Control Financing Authority appointments, Racking Cove Rd. Water Hook-Ups and Agricultural Advisory Board appointments. 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 July 7, 2008 and Regular Meeting of July 7, 2008. Commissioner Cowan seconded the Motion. Motion carried.

**INFORMAL COMMENTS BY THE PUBLIC:**

- (a) Carrie Blaskowski of Dillsboro presented a "Petition of Support for the Refurbishment of the Dillsboro Dam" with approximately 100 signatures. She urged the Board to continue its efforts to reclaim the dam which can be turned into an economic development tool and recreational area.
- (b) Teresa Dowd, Chairman of the Dillsboro Planning Commission and President of the Dillsboro Merchants Assoc. stated all members of both organizations signed the Petition. She encouraged the Board to continue its efforts to save the dam.
- (c) Carl Iobst of Cullowhee stated he was concerned about Domenic Rabuffo's "Blue Ridge Mountain Estates", a 150 acre gated development, with one-acre lots selling for \$650,000. He stated Mr. Rabuffo owes over \$13,000 in county property taxes. He stated he still has questions concerning Legasus/River Rock developments' vested rights.
- (d) Jim McCarthy of Greens Creek stated the county should continue to work to retain the Dillsboro Dam. He stated that cutting out privately gated economic sections in the landscape appears as a blight on the map of the surrounding community and the privately gated economic sectors are tantamount to a caste system. He stated he was concerned about the validity of River Rock's five developments' vested rights.
- (e) Rafael Rodriguz of Sylva stated he is concerned about his neighbor's dangerous dogs. The first complaint was settled through mediation; however, the issue has not been resolved. He has been advised by Animal Control he will need to file a second complaint if he has additional problems with his neighbor's dogs.
- (f) Mary Jo Cobb of Tuckaseegee stated she continues to be concerned about the Legasus Webster Creek development because it threatens her water supply and the entire watershed on both sides of Cullowhee Mountain and there is insufficient water to support the huge developments. Legasus and the Big Ridge developments should not have been granted vested rights.
- (g) Susan Leveille of Webster urged the Board for working to retain the Dillsboro Dam because it is an icon for Dillsboro, a sustainable energy source and an economic benefit to the county.

**(1) CHAIRMAN'S REPORT:** Chairman McMahan reported:

(a) The NC Chapter of American Planning Association has selected the *US 441 Small Area Plan* to receive a 2008 North Carolina Marvin Collins Planning Award in the 2008 Special Theme – “Managing to Grow Award Category”. The award will be presented on September 26 in Raleigh.

(b) He received Eugene Hanson’s letter of resignation from the EDC Board.

(c) He attended the NaCo Conference in Kansas City in July.

**(2) COMMISSIONER REPORTS:**

(a) Commissioner Massie reported that the Wildlife Management bill (present use value system) has been approved by the legislature. One of the reasons the Board supported the bill is because it allows an immediate source of property tax relief. To qualify, a property owner must own at least 20 contiguous acres and the land must be managed under a wildlife habitat conservation agreement with the NC Wildlife Resources Commission.

(b) Commissioner Shelton reported that he hosted a visit to Jackson County by NC Commissioner of Agriculture, Steve Troxler, which was a good opportunity to show that agriculture is of vital importance to the county and efforts are being made to preserve farmland. He also participated in a Western Carolina Local Government Information Idea Exchange Summit hosted by the Eastern Band of Cherokee Indians concerning economic development issues.

(c) Commissioner Jones reported that the Wildlife Management bill, by permitting 20-100 acres of conservation, also allows for water recharge as well as wildlife habitat.

(d) Commissioner Cowan encouraged everyone to attend the Jackson County Cemetery ceremony on August 9.

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

(a) The Racking Cove Road waterline should be operational shortly.

(b) The new well at Andrews Park, after testing, was found to be unsafe because it contains traces of uranium. DEHNR did give permission to temporarily reopen the old well for the balance of the summer. Alternatives will continue to be explored.

(c) Site work for the Cashiers Recreation Center facility will commence next week.

(d) The Rescue Squad has contracted with Morton Builders for a building to be constructed at the county’s Webster Complex; however, an issue has been raised by the Local Government financing concerning ownership of the property. The county appropriates funds to the Rescue Squad to pay for a building. Commissioner Massie suggested that all future projects, if public monies are involved, should be required to use the competitive bid process.

**(4) FINANCE & TAX COLLECTOR REPORTS FOR JULY 2008:**

Darlene Fox, Finance Director, presented the following highlights:

<u>General Fund Revenues Collected to Date</u>	<u>\$ 1,726,066.00</u>
<u>General Fund Expenditures to Date</u>	<u>\$ 6,049,067.00</u>
<u>Ad Valorem Tax Collected</u>	<u>\$ 1,457.00</u>
<u>Motor Vehicle Tax Collected</u>	<u>\$ 63,245.00</u>
<u>Sales &amp; Use Tax for May 2008</u>	<u>\$ 893,646.50</u>
<u>Solid Waste Disposal Fees</u>	<u>\$ 1,434.00</u>
<u>Contingency Balance</u>	<u>\$ 169,063.00</u>

<b><u>Revolving Loans:</u></b>	<u>Outstanding Balance</u>
<u>Clearwood</u>	<u>\$ 83,593.39</u>
<u>Fraternal Composite</u>	<u>\$ 210,382.38</u>
<u>Metrostat</u>	<u>\$ 242,393.14</u>
<u>Q. C. Apparel</u>	<u>\$ 376,223.98</u>
<u>Smoky Mtn Biofuels</u>	<u>\$ 138,162.33</u>

<u>Rentals:</u>	<u>Outstanding Balance</u>
Clearwood	\$ 3,500.00
Q. C. Apparel	\$ 34,350.00
Stanton & Stanton	\$ 35,800.00
Sunrise Sun-Ripened Tomatoes, Inc.	\$ -0-

Chairman McMahan asked that representatives for Q. C. Apparel and Stanton & Stanton appear before the Board at its August 18 meeting.

**(5) BUDGET AMENDMENTS:**

General Fund (year end)	\$ 464,489.00
Sheriff's Office (year end)	\$ 25,779.00
Health Dept (year end)	\$ 50,778.50
Real Property Revaluation (year end)	\$ 62,765.93
Community Development (year end)	\$ 1,085.00
Emergency Watershed Fund (year end)	\$ 46,900.67
Crisis Housing Fund (year end)	\$ 73,009.36
Debt Service Fund (year end )	\$ 245,707.03
Capital Projects Fund (year end)	\$ 34,712.00
Recreation Project Fund (year end)	\$ 35,000.00
Webster Complex Project Fund (year end)	\$ 30,000.00
School Improvement Fund (year end)	\$ 750,293.00
School Improvement Fund (year end)	\$ 27,477.00
Green Energy Park (year end)	\$ 169,074.00
General Fund (current year)	\$ 39,095.00

**(6) 2007 Tax Settlement:** Ms. Fox stated that the tax settlement represents all taxes collected for the county and municipalities.

Commissioner Massie moved to approve the July 2008 Finance & Tax Collector's reports, Budget Amendments and 2007 Tax Settlement. Commissioner Shelton seconded the Motion. Motion carried by unanimous vote.

**(7) WWII VETERANS:** Scott Baker, President of Sylva Rotary, presented the names of the 19 WWII veterans who have signed up for the "HonorAir Flight". The cost for those 19 veterans and 6 chaperones is \$10,700. To date, the Rotary Club has raised \$3,800 towards the project. He stated he was not certain how many slots will be available on the November flight. Commissioner Shelton moved to appropriate \$10,700 for the project. Commissioner Cowan seconded the Motion. Mr. Baker stated that any excess funds will be refunded to the county after the spring 2009 flight. Motion carried by unanimous vote.

**(8) EROSION & SEDIMENT CONTROL FEES:** Linda Cable, Planning Director, stated the majority of erosion complaints received in her office are for single-family home construction on less than one-half acre. Commissioner Shelton stated the \$20 land development permit fee requires site visits, thus erosion and sediment control measures could be checked during those visits. Further, the \$25 fee was not included in the ordinance.

(a) Commissioner Shelton moved that the \$25 erosion control plan review for less than one-half acre be eliminated. Commissioner Massie seconded the Motion. Motion carried by a vote of 4-1 with Commissioner Cowan voting "nay".

(b) Commissioner Massie moved that elimination of the fee be retroactive to July 1, 2008 and refunds made accordingly. Commissioner Shelton seconded the Motion. Motion carried by unanimous vote.

**(9) SCATTERED SITE HOUSING PROGRAM:** Joan Stillwell, Community Development Director, reported the following:

(a) Quarterly Report (April – June 2008): All five projects are complete. Work in progress includes preparation for the \$100,000 bonus for early completion of the grant, preparing for a new relocation project, site visits and accepting new applications for 2009. There have been no problems or delays. Expenditures: \$415.09 administration funds and \$34,791.10 project funds.

(b) Grant Ordinance Amendment: The amendment to the Community Development Grant Fund is for the \$100,000 bonus (\$90,000 for relocation and \$10,000 for clearance activities). Commissioner Massie moved to approve the grant ordinance amendment. Commissioner Cowan seconded the Motion. Motion carried by unanimous vote.

**(10) SOCIAL SERVICES - WORK FIRST PROGRAM:** Kristina Kiska, Social Worker Supervisor, reported that the county is required, every two years, to select a “standard” or “electing” status for the Work First Program. “Standard” status means that DSS can develop its own plan which can be no less restrictive than the federal plan. She recommended that the county remain a “standard” county. Commissioner Cowan moved that the county remain a “standard” county. Commissioner Jones seconded the Motion. Motion carried by unanimous vote.

**(11) MUNICIPAL ENGINEERING SERVICES CO.:** Mr. Westmoreland reported that Municipal Engineering Services Company has submitted an “Agreement for Engineering Services for Phase II of the C & D Transfer Station” expansion at Mineral Springs. He stated that the contract includes the final design, bid preparation and construction oversight. The total cost is \$213,800. Commissioner Shelton moved to approve the contract. Commissioner Cowan seconded the Motion. Motion carried by unanimous vote.

**(12) U. S. TIRE RECYCLING:** Mr. Westmoreland stated the contract is for a period of three years. He will clarify the paragraph concerning a diesel fuel surcharge. Carry over.

**(13) RACKING COVE ROAD WATER:** Chairman McMahan reported that two additional homes on Racking Cove Road have been notified by the state that their wells contain gasoline and are unsafe. The state will not pay the hookup fees for these two homes. He recommended that the county pay the hookup fees of \$2,540 for the Allen Lomax house and \$2,130 for the Pamela Hyatt house. Mr. Westmoreland stated that the grant from the Rural Center required that any family with contaminated water be allowed to hook onto the system without paying a hookup fee; however, Lomax and Hyatt were not on the original list. He has been advised by the Rural Center that the project came in under budget and would be de-obligating \$32,400 and requested that he be allowed to

ascertain if those grant funds can assist these two families. Commissioner Massie moved that if Rural Center grant funds are unavailable, then the county pay the two hookup fees from the contingency fund. Chairman McMahan seconded the Motion. Motion carried by unanimous vote.

**(14) TRANSPORTATION ADVISORY BOARD:** Elmer Hooper and Brenda DuBose (Veterans Officer) have agreed to continue to serve if reappointed. Commissioner Cowan moved to reappoint Elmer Hooper to a 3-year term and the Veterans Officer for “term of employment” to the Transportation Advisory Board. Commissioner Shelton seconded the Motion. Motion carried by unanimous vote.

**(15) AGRICULTURAL ADVISORY BOARD:** Commissioner Massie moved that the Directors of Soil & Water Conservation, Cooperative Extension, and other agriculture-related agencies, serve or appoint someone from their respective agency to serve as ex officio members of the Agricultural Advisory Board. Commissioner Shelton seconded the Motion. Motion carried by unanimous vote.

Chairman McMahan moved that the Board go into closed session pursuant to G. S. 143-318.11(a)(3) Legal and G. S. 143-318.11(a)(4) Business Expansion. Commissioner Massie seconded the Motion. Motion carried.

Chairman McMahan called the regular meeting back to order and stated no action was taken in closed session.

**(16) INDUSTRIAL FACILITIES & POLLUTION CONTROL FINANCING AUTHORITY:** Pursuant to G. S. 159C, the county adopted a resolution on January 7, 1980 creating the “Jackson County Industrial Facilities & Pollution Control Financing Authority”. The Authority consists of seven members who must be residents and registered voters of Jackson County and cannot be an elected official, employee of the State of North Carolina or any political subdivision or any agency of them. Commissioner Massie moved to appoint Craig Forest for a two year term, Mary Otto-Selzer for a two-year term Alan Salzano for a four-year term and Dean Coward for a four-year term. Commissioner Jones seconded the Motion. Motion carried by unanimous vote.

There being no further business, Commissioner Jones moved to adjourn the meeting. Commissioner Massie seconded the Motion. Motion carried and the meeting adjourned at 8:30 p.m.

Attest:

Approved:

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Evelyn B. Baker, Clerk to Board

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Brian Thomas McMahan, Chairman

