

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

**MINUTES OF A REGULAR MEETING
OF THE JACKSON COUNTY
BOARD OF COMMISSIONERS
HELD ON
SEPTEMBER 8, 2008**

The Jackson County Board of Commissioners met in a Regular Meeting on September 8, 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: Commissioner Massie moved to approve the Agenda. Commissioner Jones seconded the Motion. Motion carried.

MINUTES: Commissioner Massie moved to approve the Minutes of the Regular Meeting of August 18, 2008. Commissioner Shelton seconded the Motion. Motion carried.

Chairman McMahan moved that the Board go into closed session pursuant to G. S. 143-318.11(a)(3) Legal (Airport Lawsuit). Commissioner Jones seconded the Motion. Motion carried.

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

INFORMAL COMMENTS BY THE PUBLIC:

(a) Carl Iobst of Cullowhee stated that current events have caused people to ask what can be done about the assault on values, our way of life and developers buying up the county. He invited everyone to attend a meeting on September 19, 6:30 p.m. at the Family Resource Center in Webster – “No more. This must stop now. We, the people, want what is right”.

(b) Beverly Turrentine of Tuckaseegee and on behalf of the United Neighbors of Tuckaseegee stated that potential quarry operators should be required to prove that their planned mining operation would be permitted in Jackson County before DEHNR would even consider the application. She requested that the Board make a public statement that it will stand behind its Industrial Development Ordinance and will bring legal action to stop a quarry at the proposed site in Tuckaseegee and convey that information to DEHNR. Secondly, that the Board communicate with Senator John Snow that the county will support amending the State Mining Act to allow DEHNR officials to consider local ordinances when making determinations regarding mining applications, and that the county also seek similar resolutions of support from other counties throughout the state.

(c) Cherrie' Moses of Tuckaseegee requested that the Board direct the Planning Board to commence work on a Historic Preservation Ordinance and commission. She stated the historic heritage of our state is one of our most valued and important assets and the ordinance would be a unique opportunity to preserve the history of the county.

(d) Amy Ammons Garza of Sylva and on behalf of the Catch the Spirit of Appalachia organization urged the Board to consider a Historic Preservation Ordinance.

(e) Marie Leatherwood of Sylva requested a complete accounting, including audits, of all public funds handled by the EDC and JDC since the county has obligated taxpayers to pay JDC debts in the amount of \$1,674,000 for property valued at only \$1,500,000.

(f) David Galloway of Cullowhee posed the following questions: Why hasn't Marie Leatherwood been given sufficient time to present her views regarding unaccounted for funds? Why did the EDC go over four years unaudited, unbonded and didn't report to the Local Government Commission and violated statutory regulations? Why were some of the people involved in JDC members of the EDC Board? Did JDC declare bankruptcy July 3, 2007 involving \$1,674,000 and then the debt was transferred to the county? Has the county investigated the large amount of monies the JDC had access to when it took over JDC debts with no equity in any property except \$23,000 in Tuckeseegee Mills, and the Drexel property was mortgaged for \$783,226.29? Did the county order an audit of JDC to clarify its financial history and, if not, why?

(g) Haidee Wilson stated she lives on Dillard Road, Webster. Her original spring went dry and she drilled a 900' dry well. She and her neighbors asked TWSA for assistance with infrastructure from Cowan Valley to Dillard Road. She has had to move from her house because she has no water. She furnished a Petition containing 20 names requesting that the Board provide infrastructure to service potable water to the residents on Dillard Road.

(h) Paul Gehring of Webster stated he owns property on Dillard Road. After talking with TWSA he was surprised that no infrastructure improvements have been made for many years. He asked TWSA the cost to get a line run approximately 4,000' and was informed it would cost \$50/ft. for a total of \$350,000, the calculation is not correct. TWSA suggested that his group talk with the Commissioners. He requested that the Board use its authority to require TWSA to live up to its commitments to the citizens.

(i) Tim Jacobs stated he has lived on Dillard Road since 1982 and requested assistance in getting water to his neighborhood. TWSA has no short or long-term plans for development of additional water service in the county.

(j) Jim McCarthy of Greens Creek referred to NCGS 158-10 which states: "Within the limits of appropriated funds, the commission may hire and fix the compensation of any personnel necessary to its operations...". He stated that the statutes permit when a private body accepts over \$1,000 in public monies that its records then become open to the public. He recommended that the county review JDC records. He read a Motion from the 1/10/02 EDC Minutes as follows: "Linda Rogers motioned for the EDC to loan the Jackson Development Corporation \$568,000 to purchase the Tuckaseegee Mills Bldg. for one year at 2% interest with the EDC holding the first deed of trust. The Motion was seconded by Brenda Oliver and Motion carried." That loan was never honored nor was interest paid. He asked that the Board address the EDC/JDC problems.

(1) CHAIRMAN'S REPORT: Chairman McMahan stated that a special meeting will be scheduled in late October or early November, whenever the audits are complete, to discuss the transactions between the EDC and JDC. He reported that he and Commissioner Massie attended the 100th NCACC Annual Meeting on August 21-24.

(2) COMMISSIONER REPORTS:

Commissioner Cowan requested that Beverly Turrentine meet with Linda Cable, Planning Director, and assist in drafting the appropriate document concerning the county's enforcement of the Industrial Development Ordinance. This issue will be placed on the September 23 Agenda.

Commissioner Shelton thanked the public for their comments because the Board needs to be made aware of problems in the county.

Commissioner Massie reported that Chairman McMahan was elected Second Vice-President of the NCACC which means that in two years he will serve as President of the association. He requested that the County Manager check into the Clerk of Court's erroneous telephone bill charges.

(3) COUNTY MANAGER'S REPORT: Mr. Westmoreland reported that he met with representatives from the Dept. of Agricultural, Tribal Historic Preservation Office and the general contractor concerning the Whittier Sewer Project. The Memorandum of Agreement has been agreed to in principal by all parties and awaiting the execution of the document by Chief Hicks. The agreement reached today, with or without all signatures to the Memorandum of Agreement, was that work will commence on the project next Monday, if not before. The delay has caused completion of the project to be pushed forward to next March.

(4) FINANCE & TAX COLLECTOR REPORTS FOR AUGUST 2008: Carry over.

(5) BUDGET AMENDMENTS: Darlene Fox, Finance Director, presented the following budget amendments for the year ending June 30, 2008:

<u>General Fund</u>	<u>\$ 92,863.00</u>
<u>EDC Fund</u>	<u>\$ 26,343.00</u>
<u>TTA Fund</u>	<u>\$ 46,651.00</u>
<u>Law Enforcement Fund</u>	<u>\$ 1,637.00</u>
<u>Clean Water Revolving Loan Fund</u>	<u>\$ 261.00</u>

Commissioner Cowan moved to approve the budget amendments. Commissioner Massie seconded the Motion. Motion carried by unanimous vote.

(6) AIRPORT AUTHORITY: Commissioner Massie moved to appropriate the sum of \$61,585 from the contingency fund as a 10% match to the Airport Authority for repairs at the airport. Chairman McMahan seconded the Motion. Commissioner Cowan stated that taxpayers' monies should not be expended on the airport because it only benefits very, very few Jackson County citizens. Motion carried by a vote of 4-1 with Commissioner Cowan voting "nay".

(7) SOUTHWESTERN CHILD DEVELOPMENT-CASHIERS CENTER: Betty Morris and Whitney Carlton of the Hampton Preschool stated that the Southwestern Child Development program in Cashiers currently serves 33 children and suffers from insufficient funding with a current shortfall in excess of \$70,000. Hampton Preschool proposes to combine the Cashiers Development Center to operate as the Hampton Preschool & Early Learning Center. Hampton Preschool has been in operation for 32 years. She stated the proposed combination will offer the following benefits: The only infant care program in southern Jackson County; a quality preschool and infant/toddler care program; the availability of a quality program which is critical in the decision of many young families considering relocation to southern Jackson County; a five star rated program which will qualify us for additional funding dollars; additional staff expertise and educational resources to complement the current program; a Board of Trustees comprised of dedicated community leaders and volunteers; access to a community network of fundraisers to help finance and support the program in the future;

ongoing cooperative involvement with the Cashiers Community Council; and county commission support for a “critical community project” in southern Jackson County.

A proposed budget for 2008-09 was presented which reflects a shortfall of \$84,335; however, if Hampton assumes operation on November 1, the amount needed would be approximately \$56,223. Ms. Carlton stated that the \$150,000 for capital improvements would be raised by the community. The combined facility would allow for 50 slots with 43 slots to be filled immediately. Commissioner Jones stated that the program is desperately needed in the Cashiers area. Ms. Carlton stated that funding from the county will sustain the program over the next fiscal year. She stated they will also apply for grants and continue with their fundraisers. This will be the only program in the community for infant/toddler care. Commissioner Cowan stated he is concerned about non-profit organizations continuing to request financial assistance from the county. Ms. Morris stated Hampton would like to present another proposal for the county to help fund the center in the future. Carry over request.

(8) SCHOOL BUS GARAGE: Tabled.

(9) TEACHER SUPPLEMENTS: The Board of Education requested an additional \$24,434.66 for the year ending June 30, 2008. The county appropriated the exact amount the Board of Education had previously requested during budget meetings. Chairman McMahan moved to deny the request. Commissioner Massie seconded the Motion. Commissioners Jones and Cowan requested that the County Manager ascertain the reason for the miscalculation. Chairman McMahan withdrew his Motion and Commissioner Massie withdrew his second. Carry over request.

(10) BLACKSMITH LEASE: Carry over.

(11) GUERRERA POWER LINE EASEMENT: Mr. Westmoreland presented a plat and stated that Tony Guerrero has requested an amendment to the easement originally granted for a power line on county property adjoining his property in Dillsboro Township. Because of the substantial amount of rocks and steep terrain along the perimeter, Duke Power was unable to bury a power line. The amended easement would be across the center of the county’s property on an old abandoned logging road. Mr. Guerrero would pay all costs associated with the underground power line. Carry over request.

(12) MONTEITH PARK – DILLSBORO: The Town of Dillsboro requested a loan in the amount of \$15,000 in order to facilitate the completion of Monteith Park. Dillsboro has full funding through a PARTF grant for the project, but the problem is cash flow because the town must make expenditures and then apply for reimbursement. The short-term loan would be repaid from grant funds. Commissioner Massie moved to loan the Town of Dillsboro the sum of \$15,000 from the recreation fund. Commissioner Cowan seconded the Motion. Motion carried by unanimous vote.

(13) INDUSTRIAL FACILITIES & POLLUTION CONTROL FINANCING AUTHORITY APPOINTMENTS: Chairman McMahan moved to appoint Becky Chastain and Raye Parker to 6-year terms on the Industrial Facilities & Pollution Control Financing Authority. Commissioner Massie seconded the Motion. Motion carried by unanimous vote.

(14) LIBRARY & FONTANA REGIONAL LIBRARY BOARDS: Howard Allman and Vance Davidson have agreed to continue to serve on both boards if reappointed. Commissioner Shelton moved to reappoint Howard Allman and Vance Davidson to 4-year terms on the Public Library and Fontana Regional Library Boards. Commissioner Cowan seconded the Motion. Motion carried by unanimous vote.

(15) PLANNING BOARD: Glenna Buchanan, Sue Bumgarner, Kim Cowan, and Richard Frady have agreed to continue to serve if reappointed. Commissioner Cowan moved to reappoint Glenna Buchanan, Sue Bumgarner, Kim Cowan and Richard Frady to 3-year terms on the Planning Board. Commissioner Jones seconded the Motion. Motion carried by unanimous vote.

(16) BOARD OF ADJUSTMENT: Steve Yurkovich has agreed to continue to serve if reappointed. Commissioner Massie moved to reappoint Steve Yurkovich to a 3-year term on the Board of Adjustment. Commissioner Shelton seconded the Motion. Motion carried by unanimous vote.

(17) WORK FIRST COMMITTEE: DSS recommended that the following be appointed: Ken Westmoreland, Juanita Burrell, Ann Howell, Chuck Norris, Courtney McLaughlin, Sara Beddingfield, Marsha Griffin, Georgia Strother, Kathy Cross, Amber Clayton, Dana Tucker, Donna Bowles, Vickie Ansley, Carolyne Moses, Robert Cochran, Jennifer Abshire, Randal Moss, Kristina Kiska, Sherre Dean, Cyndi Hoyle, Becky Green, **Jeanne Dulworth** and Linda Gregory. Commissioner Cowan moved to approve the recommendations. Commissioner Shelton seconded the Motion. Motion carried by unanimous vote.

Chairman McMahan moved that the Board go into closed session pursuant to and G. S. 143-318.11(a)(6) Personnel. Commissioner Jones seconded the Motion. Motion carried.

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

There being no further business, Commissioner Shelton moved to adjourn the meeting. Commissioner Jones seconded the Motion. Motion carried and the meeting adjourned at 8:15 p.m.

Attest:

Approved:

Evelyn B. Baker, Clerk to Board

Brian Thomas McMahan, Chairman