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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
SEPTEMBER 23, 2008**

The Jackson County Board of Commissioners met in a Regular Meeting on September 23, 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 added FERC Update. Commissioner Shelton moved to approve the amended Agenda. Commissioner Jones seconded the Motion. Motion carried.

MINUTES: Commissioner Cowan moved to approve the Minutes of the Work Session of September 8, 2008 and Minutes of the Regular Meeting of September 8, 2008. Commissioner Shelton seconded the Motion. Motion carried.

BOOKS FOR BRICKS CHALLENGE 2008: June Smith, President of Friends of the Library, stated the Books for Bricks Challenge is a fundraiser by children for the new library. The fifty children who participated raised \$609.00 and an anonymous donor matched that amount for a total of \$1,209.00. Certificates were presented to the children who participated in the event.

INFORMAL COMMENTS BY THE PUBLIC:

- (a) Marie Leatherwood of Sylva stated that the EDC, through the JDC, endangered county tax monies and she had contacted District Attorney Bonfoey concerning the misuse of public funds.
- (b) David Galloway of Cullowhee stated he supports Ms. Leatherwood's statements and research.
- (c) Charles Stanton of Sylva thanked Chairman McMahan and Mr. Westmoreland for visiting his leased premises today.

(1) CHAIRMAN'S REPORT: Chairman McMahan invited everyone to the WNC Association of Fire Fighters district meeting at Balsam Fire Dept. on October 15 at 6:30 p.m. The group who lobbied the legislature to pass the "move over" law will be honored by state officials during the meeting.

(2) COMMISSIONER REPORTS: Commissioner Massie stated that because of fuel shortage, the county should suspend all unnecessary and non-essential travel and that all county vehicles be parked at county offices except those needed for emergency services. He stated he was concerned about the implosion of the American financial system and the county should seriously consider postponing funding capital projects for 90-180 days until we see what happens with the economy and take prudent steps to make sure the county is financially sound.

(3) COUNTY MANAGER'S REPORT: Mr. Westmoreland reported that he met with department heads earlier today concerning the fuel shortage. The Emergency Management Director has been monitoring the situation very closely. As of 4:00 p.m. today, 2 of 4 stations in Cashiers-Glenville had no gas, and 16 of 22 stations in the remainder of the county had no gas. Department heads were instructed to restrict all travel to only absolutely essential activities. Grass mowing at schools and county buildings will be suspended until such time as fuel supplies are more readily available. If the fuel situation does not improve, the Board may be requested to consider other measures such as approved administrative leave or require mandatory leave.

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

Darlene Fox, Finance Director, gave the following highlights:

<u>General Fund Revenues Collected to Date</u>	<u>\$ 3,859,816.61</u>
<u>General Fund Expenditures to Date</u>	<u>\$ 8,873,580.99</u>
<u>Ad Valorem Tax Collected</u>	<u>\$ 3,747.92</u>
<u>Motor Vehicle Tax Collected</u>	<u>\$ 127,832.48</u>
<u>Sales & Use Tax for June 2008</u>	<u>\$ 919,904.16</u>
<u>Solid Waste Disposal Fees</u>	<u>\$ 80.00</u>
<u>Contingency Balance</u>	<u>\$ 68,383.00</u>

She stated the county's investments are safe and collateralized. She had received a notice from the state treasurer stating there appears to be no problem with retirement funds. Commissioner Massie moved to approve the August 2008 Finance and Tax Collector's reports. Commissioner Shelton seconded the Motion. Motion carried by unanimous vote.

(5) SOUTHWESTERN CHILD DEVELOPMENT – HAMPTON

PRESCHOOL: Southwestern Child Development, due to a financial deficit, plans to close the Cashiers Community Child Development Center (CCCDC). In order to retain an infant and toddler program in the Cashiers area, Hampton Preschool plans to merge with the CCCDC and requested the county to make a one-time appropriation of \$56,223.00 to help offset the anticipated operating budget deficit caused by the merger. Chairman McMahan moved to appropriate the sum of \$56,223 from the contingency fund to Hampton Preschool. Commissioner Jones seconded the Motion. Hampton Preschool must furnish the county with frequent financial reports commencing in January 2009. Motion carried by unanimous vote.

(6) HISTORIC PRESERVATION ORDINANCE: Cherrie' Moses of Tuckasegee stated that when counties use conservation and preservation of its historic sites and landmarks, it helps to stabilize and increase property values in their areas, strengthens the overall economy of the county and state, and insures that future generations will gain new insights into the county's rich heritage. She requested that the Board of Commissioners authorize the Planning Board to proceed with drafting an ordinance. Commissioner Shelton moved to authorize the Planning Board to research and draft a Historic Preservation Ordinance. Commissioner Cowan seconded the Motion. Motion carried by unanimous vote.

(7) CONSTRUCTION CONTROL CORP.: Lee McClure, President, gave an overview of his company's services. The company would furnish a capable project manager who would work under the direction, control and authority of the county. The project manager would devote an average of two days per week to the project during the construction phase and make monthly reports to the county. The company's services will specifically cover monitoring construction for quality assurance, contractor compliance with contract documents, budget containment, schedule management and promote the county's goals and requirements. He stated the cost would be a lump sum fee based on the exact services required, the company does not duplicate services and the majority of time saves the owner enough money to pay the fee.

(8) RESOLUTION SUPPORTING THE INDUSTRIAL DEVELOPMENT ORDINANCE (R08-14): The resolution is a request for the General Assembly to pass legislation amending the Mining Act of 1971 to recognize the authority of local government ordinances regulating mining activities prior to the issuance of permits by the State. Commissioner Cowan moved to adopt the Resolution. Commissioner Jones seconded the Motion. Motion carried by unanimous vote.

(9) TEACHER SUPPLEMENTS: The county appropriated the exact amount the Board of Education requested for the last fiscal year. The county understood that the supplement was for certified teachers and media personnel only; however, the Board of Education also paid supplements to counselors, social workers, psychologists, and school nurses, thus the request for an additional \$24,434.66. No action required.

The county's line item supplement for support personnel (teacher aides, custodians, etc.) is being paid by the Board of Education through a one-step salary adjustment on the anniversary date of employment. The Board of Education has been requested to furnish detailed and itemized job classifications for supplement consideration during the next fiscal year.

(10) BLACKSMITH LEASE: John Burtner submitted a proposed lease for space at the Green Energy Park for use as a blacksmith studio for a period of three years for a monthly rental of \$200.00. Mr. Westmoreland stated the jury selection committee recommended approval of the lease which has also been approved by Mr. Holt. Commissioner Cowan moved to approve the Lease. Commissioner Massie seconded the Motion. Motion carried by unanimous vote.

(11) **GUERRERA POWER LINE EASEMENT**: Mr. Westmoreland stated that Mr. Guerrero has withdrawn his request.

(12) **FERC – DILLSBORO DAM**: Mr. Westmoreland stated that FERC refused to issue a “stay” order; however, Paul Nolan, attorney representing the county on this issue, has informed Mr. Westmoreland that this “stay” was immaterial because an administrative hearing is scheduled in October and FERC is relying on an improperly issued 401 Permit by the State of North Carolina. Commissioner Massie stated that it appears that the county must soon reach a final conclusion because of the costs. Chairman McMahan recommended that no action be taken until an order is issued after the October hearing.

(13) **CASHIERS RECREATION CENTER – CHANGE ORDER BIDS FOR SITEWORK**: Carry over.

(14) **RESOLUTION – CJPP (R08-15)**: The resolution would dissolve the current Jackson County CJPP Board because Swain and Jackson Counties have agreed to combine their CJPP programs. Appointments will be made to a new “Jackson/Swain Criminal Justice Partnership” board. Commissioner Shelton moved to adopt the resolution. Commissioner Cowan seconded the Motion. Motion carried by unanimous vote.

(15) **ORDINANCE ESTABLISHING LIGHTING STANDARDS**: Michael Egan, consultant, stated the intent and purpose of the ordinance is to establish outdoor lighting standards which fulfill the following purposes: (a) provide adequate light for safety and security; (b) promote efficient and cost effective lighting and conserve energy; (c) reduce light pollution, light trespass, glare and offensive light sources; (d) provide an environmentally sensitive nighttime environment that includes the ability to view the stars against a dark sky so that people can see the Milky Way Galaxy from residential and other appropriate viewing areas; (e) prevent inappropriate, poorly designed or installed outdoor lighting; and, (f) encourage quality lighting design, light fixture shield, establish maximum uniformity ratios and establish maximum light levels within and on property lines. Compliance with the requirements of this ordinance shall be required for all new development. Mr. Egan will ascertain if the lighted Cross located on the mountain near the Haywood County line will be grandfathered in the proposed ordinance. The Planning Office would administer the ordinance. A Public Hearing was scheduled on November 17 at 5:00 p.m.

(16) **AIRPORT AUTHORITY APPOINTMENT**: Carry over.

(17) **ECONOMIC DEVELOPMENT COMMISSION APPOINTMENT**: Carry over.

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)(5) Real Property. Commissioner Shelton 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 8:45 p.m.

Attest:

Approved:

Evelyn B. Baker, Clerk to Board

Brian Thomas McMahan, Chairman