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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
NOVEMBER 3, 2008**

The Jackson County Board of Commissioners met in a regular meeting on November 3, 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 amended the Agenda by adding “National Forest Counties & Schools Coalition Resolution”, Commissioner Massie added “FERC Litigation Update” and Commissioner Shelton added “United Neighbors of Tuckasegee”. Commissioner Massie moved to approve the amended Agenda. Commissioner Jones seconded the Motion. Motion carried.

MINUTES: Commissioner Cowan moved to approve the minutes of Regular Meeting of October 20, 2008. Commissioner Jones seconded the Motion. Motion carried.

INFORMAL COMMENTS BY THE PUBLIC:

(a) Marie Leatherwood of Sylva stated that EDC audits for the years 2001 through 2006 are still unavailable. She requested that the EDC be returned and included into an existing government system.

(b) David Galloway of Cullowhee stated the EDC has violated state statutes for more than four years and have not been audited by the Local Government Commission for seven years even though it was using tax money.

(c) Carl Iobst of Cullowhee stated that the River Rock Development is a destruction of our water and land. The development will consist of at least 1,600 houses, 40 condominiums, two golf courses, clubhouses, restaurants, shops and other amenities. He requested that the county impose an immediate halt on all construction in the county and direct the planning department to institute a case-by-case review of all construction with particular evaluation of water resources.

(d) Jim McCarthy of Greens Creek read the Jackson County Citizen Action Group’s (JAG) mission and goals. JAG is a grass roots organization for all citizens throughout the entire county.

(1) COUNTY MANAGER’S REPORT: Mr. Westmoreland reported the groundbreaking ceremony for the new Senior Center is tentatively scheduled for November 14.

(2) FINANCE & TAX COLLECTOR REPORTS FOR OCTOBER 2008:
Carry over.

(3) UNITED NEIGHBORS OF TUCKASEIGEE: (a) Thomas Crowe stated the organization was invited to work with Legasus in drafting a development agreement. The organization has major concerns about the large development's impact on the environment and water resources. He gave a summary of "Issues and Plan of Action for Legasus Development Agreement" drafted by the group. He suggested a countywide moratorium on golf course construction to conserve water and changing the overall steep slope regulations so that they do not favor large-scale subdivision development. The organization is also concerned about the 5-year vested rights limitation. (b) Cherrie' Moses gave an overview of geological research which includes the finding that earthquakes are more frequent in western North Carolina, geological hazards from the abandoned mine, possible land slides and sink holes. (c) Jeanette Cabanis gave an overview of her research about the detrimental impact of golf courses on the environment and water resources which reflect many pesticides that will be used are highly toxic to fish, birds and bees. Bees must be saved for pollination of our food sources. (d) Mary Jo Cobb stated the drought conditions are serious and the Legasus development threatens watersheds, streams and wetlands. The old copper mine, after almost 100 years, should not be disturbed because it will "awaken" poisons and contaminants which will destroy the vegetation and other natural protections.

(4) CASHIERS RECREATION CENTER: Mr. Westmoreland presented a letter from Victor Lofquist, Engineer, recommending that the Board approve a change order due to fuel and material increases since the time of the bid and cost additions due to changes in the stormwater management system as required by NCDENR in the amount of \$304,000. With the change order, the total for the sitework will be \$2,498,586.74. Mr. Westmoreland stated the Board previously authorized an additional \$262,000 for a stormwater control system and funds are available to fully cover the project. Commissioner Jones moved to approve the change order in the amount of \$304,000. Commissioner Cowan seconded the motion. Mr. Westmoreland stated that NCDOT has awarded the county \$400,000 to extend the connector road to Hwy. 64. Commissioner Massie requested that a work session be scheduled within the next few months to review the proposed architectural plans and costs. Commissioner Shelton stated that because of the state of the present economy, the entire capital projects schedule needs to be revisited. Motion carried by unanimous vote.

(5) DILLSBORO DAM - FERC LITIGATION: Attorney Paul Nolan will be requested to update the Commissioners prior to the next regular meeting.

(6) HENRY ROAD (SR1460): NCDOT requested a right-of-way across a portion of the Willett's Community Building property in order to improve Secondary Road 1460 (Henry Rd.). Commissioner Cowan moved to approve the request. Commissioner Shelton seconded the motion. Motion carried by unanimous vote.

(7) FIRE SUPPORT SERVICES JOB DESCRIPTION: Mr. Westmoreland stated county staff has been working with the Fire Chiefs to develop a comprehensive job description. The position would be appointed by the Fire Marshal based upon the recommendation of the individual fire district board of directors. The individual would be under the supervision of the Fire Chief, but would perform other related duties as required by the Fire Marshal. The Fire Chiefs specifically requested that no one other than their volunteers be considered.

Commissioner Cowan stated that the proposed job description appears to deviate from the personnel policy. Chairman McMahan stated the fire departments are corporate entities and there appears to be some question as to whom the individual would work for even though they would be classified as county employees. The proposed job description requires that the employee be certified to respond to fire, medical and other emergency situations; however, the county contracts with the fire departments to provide that service. Other questions were raised: Should only members of fire departments be considered? Would the employee, as a fireman, be paid overtime for responding to emergencies after regular work hours? Would the county recognize years of service for grade/step purposes as is given to other county employees. He recommended that these positions not be filled until July 1, 2009 in order to clarify and revise the job description.

Commissioner Massie stated he understood it was to be an entry-level support position principally for clerical/maintenance purposes; however, the employee must have the ability to respond with a fire engine but the volunteers would do the fire fighting, not county employees. He stated it was his understanding that fire departments are not required to participate by having a county employee at the station.

Carry over.

(8) RACKING COVE RD. WATERLINE EXTENSION: Mr. Westmoreland reported that Rita Grant's well was tested and found to be contaminated. Her property is located on a private road, Peppermill Lane, off Racking Cove Rd. TWSA's cost estimate for extending the waterline 740 lf is \$4,440, the impact fee and meter charge is \$2,030 for a total of \$6,470. After discussion, it was determined that the property owner should be responsible for the cost of extending the waterline and the county only pay the impact fee and meter charge. Commissioner Massie moved to appropriate the sum of \$2,030 from the contingency fund for the impact fee and meter charge and Ms. Grant is responsible for labor and materials for a waterline. Chairman McMahan seconded the motion. Motion carried by unanimous vote.

(9) WORK SESSION: A Work Session was scheduled on November 12, 2008 at 9:00 a.m. to discuss Greenways policy issues and the school bus garage.

(10) RESOLUTION AUTHORIZING FILING APPLICATION FOR APPROVAL OF A FINANCING AGREEMENT (R08-20): Darlene Fox, Finance Director, stated that the Resolution is for authorization to file an application for approval of a financing agreement with the Local Government Commission for the Aging Facility in the amount of \$4,171,000. The increase in taxes necessary to meet the sums to fall due under the proposed contract is 0.0043 cents per \$100 valuation; however, provisions are already in the budget to fund this amount this fiscal year and there is no need for a tax increase. The Bank of America's indicative interest rate is 4.39% but will not be locked in until

November 14. Commissioner Cowan moved to adopt the Resolution. Commissioner Jones seconded the Motion. Motion carried by unanimous vote. A Public Hearing concerning the financing agreement is scheduled on November 17 at 5:30 p.m.

(11) DECLARATION OF IN INTENT TO REIMBURSE – AGING FACILITY PROJECT: Ms. Fox stated the county intends to reimburse itself with the proceeds of the loan for any expenditure incurred for the Jackson County Aging Facility project prior to the loan closing. Commissioner Massie moved to approve the Declaration. Commissioner Shelton seconded the Motion. Motion carried by unanimous vote.

(12) NATIONAL FOREST COUNTIES & SCHOOLS COALITION RESOLUTION (R08-21): Ms. Fox stated Jackson County is one of 25 counties in North Carolina who have federal forest service lands. She recommended that the county elect to receive full safety net payments under the provisions of PL 110-343 and designate that 15% be allocated for fire suppression or emergency operations on federal forest service lands. The remaining 85% must be allocated for schools. The payments would be over a four-year period in the total amount of \$521,792. Commissioner Massie moved to adopt the resolution. Commissioner Jones seconded the Motion. Motion carried by unanimous vote.

(13) AIRPORT AUTHORITY BOARD: Carry over.

(14) ECONOMIC DEVELOPMENT COMMISSION BOARD: Carry over.
Mr. Westmoreland introduced the new EDC Director, Dorthea Dowling.

(15) CASHIERS DESIGN REVIEW BOARD: Commissioner Cowan moved to appoint Mike Benitez to a 3-year term on the Cashiers Design Review Board. Commissioner Jones seconded the motion. Motion carried by unanimous vote.

(16) SOLID WASTE BOARD: Commissioner Massie moved to reappoint Betty Foti to a 4-year term on the Solid Waste Advisory Board. Commissioner Cowan seconded the motion. Motion carried by unanimous vote.

(17) 441 CORRIDOR STEERING COMMITTEE: Mark Brooks resigned from the committee. Commissioner Shelton moved to appoint alternate Jerry McAbee to replace Mark Brooks as a member. Commissioner Massie seconded the motion. Motion carried by unanimous vote.

(18) LIBRARY BOARD: Commissioner Jones moved to reappoint Tina Jones to a 4-year term on the Public Library Board. Commissioner Cowan 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)(5) Real Property (Southern Lumber). 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 other than the approval of minutes.

There being no further business, Commissioner Shelton moved to adjourn the meeting. Commissioner Massie 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