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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 17, 2008**

The Jackson County Board of Commissioners met in a Regular Meeting on November 17, 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

Ken L. Westmoreland, County Manager
W. Paul Holt, Jr., County Attorney
Evelyn B. Baker, Clerk to Board

Chairman McMahan called the meeting to order.

AGENDA: Chairman McMahan amended the Agenda by adding Financing Agreement, Glenville-Cashiers Rescue Squad and Smoky Mountain Center. 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 Regular Meeting of November 3, 2008 and Minutes of the Work Session of November 12, 2008. Commissioner Jones seconded the Motion. Motion carried.

INFORMAL COMMENTS BY THE PUBLIC:

(a) Scott Baker, President of Sylva Rotary, thanked the Board for its contribution to the HonorAir Flight project. Nine veterans and three guardians visited the WWII monument in Washington, D.C., on November 1 and two additional flights are scheduled in April and May of 2009. The WWII veterans were very appreciative of the county's support.

(b) Marie Leatherwood of Sylva stated all financial actions of the EDC and JDC need to be brought to the forefront.

(c) David Galloway of Cullowhee stated that he agrees with Ms. Leatherwood concerning an investigation of the financial actions of the EDC and JDC.

(d) Wayne Cobb of Tuckasegee requested that a portion of Hwy 107 in the Tuckasegee Community or the bridge at the intersection of SR 1135 be named in honor of former POW, Walter Middleton.

(e) Sandy Hardy of Cullowhee thanked the Board for its continued support of a new Recreation Center in Cashiers.

(1) COUNTY MANAGER'S REPORT: Mr. Westmoreland reported that the Town of Sylva has requested that the county enter into an interlocal agreement for county staff to review planning and zoning issues in addition to building and fire inspections. A proposed agreement to formalize the request will be presented at the December 1 meeting. During the interim, the county planning department will assist with planning

and zoning initiatives. At present, the county is conducting building and fire inspections. The interlocal agreement would include building and fire inspections, planning reviews and possibly administration of the county's cell tower and outdoor lighting ordinances if they are adopted by the Town. Linda Cable, Director, Planning Dept., stated her office would only administer enforcement of the ordinances, but appeals would be managed by the Town Board. County services will be provided on a fee basis.

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

Darlene Fox, Finance Director, gave the following highlights:

General Fund Revenues Collected to Date	\$ 11,449,193.00
General Fund Expenditures to Date	\$ 16,878,809.00
Ad Valorem Tax Collected	\$ 7,285,997.00
Motor Vehicle Tax Collected	\$ 309,641.00
Sales & Use Tax for August 2008	\$ 921,504.43
Solid Waste Disposal Fees	\$ 394,783.00
Contingency Balance	\$ 11,260.00

BUDGET AMENDMENTS:

General Fund	\$ 8,138.03
Recreation Project Fund	\$ 41,998.00

Commissioner Shelton moved to approve the October 2008 Finance & Tax Collector's reports and Budget and Project Ordinance Amendments. Commissioner Jones seconded the Motion. Motion carried by unanimous vote.

(3) FIRE SUPPORT SERVICES JOB DESCRIPTION: Chief Richard Frady, Cullowhee Fire Dept., Chief Darrell Woodard, Savannah Fire Dept. and Chief Johnny Nicholson, Balsam Fire Dept. stated that at present innumerable hours are spent doing paperwork/documentation in addition to vehicle/equipment maintenance. Each stated the support position is needed and requested implementation on January 1, 2009. The individual should be a volunteer fireman from each respective fire department. The individual would revert to "volunteer" status if fire/responder trips are necessary during regular office hours. The grade/step salary for the position should take into consideration the years of service as a volunteer fireman. A formula for credit years will be developed by the Finance Director. The county manager will submit a revised job description at the next meeting. Carry over.

(4) AIRPORT AUTHORITY APPOINTMENT: Carry over.

(5) ECONOMIC DEVELOPMENT COMMISSION APPOINTMENT: Commissioner Jones moved to appoint Russ Seagle to fill the unexpired term of Rick Fulton on the EDC Board of Directors. Commissioner Shelton seconded the Motion. Motion carried unanimous vote.

(6) 441 CORRIDOR STEERING COMMITTEE: Carry over.

(7) MOUNTAIN YOUTH RESOURCES; Margie Allison stated that Mountain Youth Resources has been in existence for over 30 years and is a private non-profit service agency designed to provide services to children, youth and their families. The agency is in the process of constructing Hawthorne Heights, an emergency 6-bedroom residence, in the Webster area that will serve youths from the seven westernmost counties and Qualla Boundary.

(8) MUNICIPAL GRANTS:

- (a) The Town of Sylva submitted an application for Phase III of the Bridge Park Project.
- (b) The Town of Dillsboro submitted an application for the Monteith Farmstead Restoration Project.
- (c) The Town of Dillsboro submitted an application for the Monteith Community Park Recreation facility and overflow parking.

Commissioner Massie moved to award \$13,000 to the Town of Sylva Bridge Park Project, Phase III, \$5,000 to the Town of Dillsboro for the Monteith Community Park and \$2,000 for the Monteith Farmstead Restoration Project. Commissioner Cowan seconded the Motion. Motion carried by unanimous vote.

(9) GREEN ENERGY PARK; Mr. Westmoreland stated the bio-diesel project has been evaluated and it was determined that bio-diesel production is not cost effective at this time because of the inability to maintain feedstock. Timm Muth, Green Energy Park Director, requested that a portion of the original bio-diesel project funds be appropriated as follows:

Glass studio	\$ 70,500
Backup generator to power greenhouse & glass studios	\$ 6,000
Parttime greenhouse manager (hourly position no benefits)	\$ 17,200
Rainwater collection system for greenhouse	\$ 1,000
Add'l funding for assisting in purchase of larger skid steer	\$ 5,000
TOTAL	\$ 99,700

Chairman McMahan moved to allocate \$99,700 of the bio-diesel appropriation as requested and transfer the balance to the contingency fund. Commissioner Massie seconded the Motion. The temporary part-time position must be justified before it is filled. Motion carried by unanimous vote.

(10) AGING FACILITY - FINANCING AGREEMENT: A public hearing was held on November 17 at 5:30 p.m. and no objections or public comments were made. Darlene Fox, Finance Director, presented a Bank of America 15-year installment financing agreement in the amount of \$4,171,000 at a fixed interest rate of 4.35% per annum. The application will be considered by the Local Government Commission on December 2, 2008. Commissioner Jones moved to approve the financing agreement contingent upon approval by the Local Government Commission. Commissioner Cowan seconded the Motion. Motion carried by unanimous vote.

(11) GLENVILLE-CASHIERS RESCUE SQUAD: The rescue squad requested that the 2004 Ford Explorer previously used by Emergency Management be transferred to the rescue squad. Mr. Westmoreland stated that the Glenville-Cashiers Rescue Squad is funded entirely by the county. The vehicle was taken out of service because of maintenance problems and high mileage. He recommended, if the vehicle is given to the rescue squad, the county should not be responsible for on-going maintenance.

Commissioner Cowan moved to declare the 2004 Ford Explorer surplus and transferred to the rescue squad, but the county will not be responsible for on-going maintenance. Commissioner Jones seconded the Motion. Motion carried by unanimous vote.

(12) SMOKY MOUNTAIN CENTER: Mr. Westmoreland stated that federal mandates and the general assembly require all Local Management Entities (LME) to divest themselves of operational concerns and issues and simply become financial oversight agencies. Smoky Mountain Center was given until September 2009 to discontinue all operational services under the LME. He recommended that the county work in collaboration with other counties in Region A towards the formation of an intergovernmental service authority for the provision of core mental health and substance abuse services in the seven-county region. Further, the county manager and the SMC county commissioner board member should be designated to participate in the planning and development of this project to determine the organizational structure and financial model that will then be presented to the Board for consideration and final approval. Commissioner Cowan moved that the county participate in the planning and study of the issue. Commissioner Shelton seconded the Motion. Motion carried by unanimous vote

(13) ORDINANCE ESTABLISHING OUTDOOR LIGHTING STANDARDS (O08-04): A public hearing was held at 5:30 p.m. on November 17. No public comments or objections were made. Michael Egan, Consultant, recommended the following be added to Section 4.2:

This provision shall not apply to public art such as the Cross on Mt. Lyn Lower where the luminaires are an essential part of the artistic expression. In such event, it shall not be required to replace existing luminaires with conforming luminaries.

Commissioner Massie moved that Section 4.2 be amended as recommended and that the Ordinance Establishing Outdoor Lighting Standards be adopted. 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 and G. S. 143-318.11(a)(4) Business Expansion. 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 other than approval of minutes.

There being no further business, Commissioner Cowan 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