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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  
DECEMBER 1, 2008**

The Jackson County Board of Commissioners met in a regular meeting on December 1, 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
Tom Massie, Vice Chair	Evelyn B. Baker, Clerk to Board
Joe Cowan, Commissioner	W. Paul Holt, Jr., County Attorney
Mark Jones, Commissioner	

Absent: William Shelton, Commissioner

Chairman McMahan called the meeting to order.

**AGENDA:** Chairman McMahan amended the Agenda by adding JCPC Funding. Commissioner Cowan 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 Re: Ordinance Establishing Outdoor Lighting Standards of November 17, 2008, Public Hearing Re: Financing Agreement of November 17, 2008 and Regular Meeting of November 17, 2008. Commissioner Cowan seconded the Motion. Motion carried.

**INFORMAL COMMENTS BY THE PUBLIC:**

- (a) Marie Leatherwood of Sylva stated the EDC/JDC financial records and audits continue to remain unavailable.
- (b) David Galloway of Cullowhee stated he concurred with Ms. Leatherwood.
- (c) Jim McCarthy of the Greens Creek community urged everyone to attend a DOT meeting on December 4, 2:00-3:00 or 7:00-8:00 at WCU and a JAG meeting on Dec. 11, 11:00 a.m. at City Lights.
- (d) Molly McIntosh, attorney for Duke Energy, stated she sent a letter dated September 29, 2008, requesting clarification regarding permits the county required for Duke Energy to proceed with sand mining operations at the Dillsboro Reservoir. She read her letter dated November 25, 2008 requesting a written explanation of the basis for the county's action not to process Duke Energy's permit applications. The letter also states: "If permits are not issued within thirty days following the date of this letter, Duke Energy Carolinas will have no alternative but to take further legal action."
- (e) Mary Jo Cobb of Tuckasegee stated she was concerned that her citizens group still has not had the opportunity to meet with Legasus to "hammer out" the wording of a development agreement. She requested that Legasus be held accountable and work with the Tuckasegee community and other county organizations in drafting a development agreement.

(1) **CHAIRMAN'S REPORT:** Chairman McMahan reminded the Board of the Essentials of Government Schools for Elected Officials at Lake Junaluska on December 9-11. TWSA's annual meeting on December 9, 6:00 p.m. and the county employees' awards luncheon on December 11, 12:00 noon at WCU. He requested that the second

regular meeting scheduled on December 15 be cancelled. No objections were raised. He asked Darlene Fox, Finance Director, the status of the EDC audit reports. She responded she had received the June 30, 2006 audit. Audits for 2002, 2003, 2004, 2005 and 2007 will commence in January 2009. The 2008 audit will be included in the county's audit.

(2) **COMMISSIONERS REPORTS**: Commissioner Massie reminded the Board of the DSS Christmas luncheon on December 17 at 12:00 noon. He urged the Board to attend the Essentials of Government Schools on December 9 and in particular meet with the School of Government representative who works with school boards/counties and discuss the school bus garage issue.

(3) **COUNTY MANAGER'S REPORT**: Mr. Westmoreland reported that in preparation of moving forward with construction on the new library, proposals for asbestos removal and demolition of the old jail were solicited and came in less than the formal quote or bid and he will issue a directive to proceed. All construction documents should be out for bid in late February or early March. DMV is scheduled to relocate to new offices at the former Southern Lumber property. It was the consensus that the DMV office trailer be stored on the Southern Lumber property for future use by county.

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

(5) **BUDGET AMENDMENTS**: Darlene Fox, Finance Director, presented the following:

Health Dept	\$ 68,609.00
Green Energy Park	\$ 72,801.64
Contingency Fund	\$ 72,801.64

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

(6) **AUDIT REPORT for FISCAL YEAR ENDING 6/30/08**: Mitch Crisp of Dixon Hughes PPLC presented a summary of the audit report for fiscal year ending June 30, 2008. He stated the report contains an unqualified opinion and the county is in compliance with all federal and state program requirements. The fund balance is well above the state average for other comparable counties and property tax collection was 96.33%. Commissioner Massie moved to accept the audit report. Commissioner Jones seconded the Motion. Motion carried by unanimous vote.

(7) **FIRE SUPPORT SERVICES JOB DESCRIPTION**: Commissioner Massie recommended that the job description be revised to delete any requirement that the employee respond to fires and emergencies. Chairman McMahan recommended that the supervision requirement be revised to include that should a Fire Chief be hired, then he would be supervised by the volunteer fire department board of directors. Carry over.

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

(9) **441 CORRIDOR STEERING COMMITTEE**: Carry over.

**(10) RESCUE SQUAD – LEASE AGREEMENT:** The Jackson County Rescue Squad plans to enter into a loan agreement with a financing authority for the construction of a facility at the Webster Complex; however, the county owns the real property and a long-term lease between the county and the rescue squad must be executed. In addition, the county must enter into an interlocal agreement to pay for the principal and interest payments. Secondly, because the entire Webster Complex is financed through the Bank of America, a release of 1.58 acres must be obtained. Mr. Holt has prepared all necessary documents. Commissioner Jones moved to approve the lease agreement contingent upon a commencement date, to be determined by the county attorney, being inserted. Chairman McMahan seconded the Motion. Motion carried by unanimous vote.

**(11) INTERLOCAL AGREEMENT –TOWN OF SYLVA:** The Town of Sylva has requested that the county enter into a five-year interlocal agreement for the administration of planning and zoning issues, building and fire inspections in addition to enforcement of the county’s Wireless Telecommunications Facilities Ordinance. The town will adopt the county’s fee structure. Commissioner Massie moved to approve the interlocal agreement. Commissioner Cowan seconded the Motion. No new personnel or tax monies will be required in order to fulfill the agreement. Motion carried by unanimous vote.

**(12) NCACC VOTING DELEGATE:** Commissioner Massie moved to appoint Chairman McMahan as the county’s Voting Delegate at the Legislative Goals Conference. Commissioner Cowan seconded the Motion. Motion carried by unanimous vote.

**(13) JUVENILE JUSTICE PARTNERSHIP FUNDING:** Commissioner Jones stated JCPC was allocated additional funds in the amount of \$2,172.00 from the state. The county is required to make a 20% match (\$434.40). He presented a revised allocation plan. Commissioner Jones moved to approve the revised plan and appropriate \$434.40 from contingency. Commissioner Massie 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) (5) Real Property. Commissioner Massie seconded the Motion. Motion carried.

Chairman McMahan called the regular meeting back to order

There being no further business, Commissioner Cowan moved to adjourn the meeting. Commissioner Jones seconded the Motion. Motion carried and the meeting adjourned at 7:45 p.m.

Attest:

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Evelyn B. Baker, Clerk to Board

Approved:

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Brian Thomas McMahan, Chairman

