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

**MINUTES OF THE REGULAR MEETING
OF THE JACKSON COUNTY
BOARD OF COMMISSIONERS
HELD ON
DECEMBER 18, 2006**

The Jackson County Board of Commissioners met in Regular Session on December 18, 2006, 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
Kenneth L. Westmoreland, County Manager
W. Paul Holt, Jr., County Attorney
Evelyn B. Baker, Clerk to the Board

Chairman McMahan called the meeting to order and reminded the Board that action will be taken during the meeting since it is the only regular meeting of this Board in December.

AGENDA: Chairman McMahan added Revised Resolution for Lacy H. Thornburg Highway and Appointment to Airport Authority. Commissioner Massie moved to approve the amended Agenda. Commissioner Jones seconded the Motion. Motion carried.

MINUTES: Commissioner Massie requested that Paragraph (10) of the December 4, 2006 Organizational Minutes be corrected by deleting the second “*Commissioner Shelton seconded the Motion*” sentence. Commissioner Cowan moved to approve the Minutes of the Regular Meeting December 4, 2006 and corrected Minutes of the Organizational Meeting of December 4, 2006. Commissioner Shelton seconded the Motion. Motion carried.

INFORMAL COMMENTS BY THE PUBLIC:

(a) T. J. Walker of Dillsboro urged the county to maintain its persistent strategy concerning the Duke relicensing issue with FERC. He stated that trout fishing could be improved with a flow regime strategy during the summers and would enhance the off-season tourist business.

(b) Arthur Kijek of Sylva stated that he thinks he has been overcharged landfill fees since 1996. He constructed a second house on his property in 1997, but it has never been occupied. Thus, he should not be charged two landfill fees and requested the Board to refund him \$600.00 or in the alternative immediately remove the second landfill fee.

Chairman McMahan informed him that his request would be forwarded to the Landfill Fee Review Committee for a decision.

(1) FINANCE & TAX COLLECTOR REPORTS FOR NOVEMBER 2006:

Darlene Fox, Finance Director, presented the following highlights:

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|---|------------------|
| General Fund Revenues Collected to Date | \$ 17,672,982.11 |
| General Fund Expenditures to Date | \$ 19,023,499.22 |
| Ad Valorem Tax Collected | \$ 11,399,747.96 |
| Motor Vehicle Tax Collected | \$ 320,808.30 |
| Sales & Use Tax for September 2006 | \$ 825,717.16 |
| Landfill Disposal Fees | \$ 605,501.05 |
| Contingency Balance | \$ 24,192.00 |

(2) BUDGET AMENDMENT:

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|---|--------------|
| Grant Project Fund (Community Dev. Grant) | \$ 89,069.90 |
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Commissioner Cowan moved to approve the Finance and Tax Collector's reports for the month of November and Budget Amendment. Commissioner Massie seconded the Motion. Motion carried by unanimous vote.

(3) CHAIRMAN'S REPORT: None.

(4) COMMISSIONERS REPORT:

(a) Commissioner Massie reported that he attended the Institute of Government School for New County Commissioners at WCU last week. Also, he has been appointed by Governor Easley to the Cherokee Preservation Foundation Board effective January 1st.

(b) Commissioner Shelton stated that he attended the Commissioners School and received invaluable information. Also, he has been contacted by the Qualla Fire Dept. concerning removal of county property from the old Qualla School.

(c) Commissioner Jones stated he attended the Commissioners School and found it to be very informative.

(5) COUNTY MANAGER'S REPORT: Mr. Westmoreland stated he had authorized an expenditure of up to \$5,000 to the Health Dept.'s Environmental Health Section for overtime work in order to get current with inspections to health establishments and motels. Inspections of 200 establishments, pursuant to state requirements, must be completed by the end of December.

(6) ADULT DAY CARE PROGRAM: A Work Session was held on December 18, 2006 at 4:00 p.m. The Love's Chapel Methodist Church currently operates the adult day care program for the county and has informed county officials that it can no longer administer the program and requested that the county assume the responsibility. Mr. Westmoreland stated that in view of the fact that it has been an on-going and worthwhile program along with the stability of state and federal funding in the foreseeable future, he recommended that the Board assume the program on February 1, 2007. Commissioner Cowan moved to approve the county assuming operation of the Adult Day Care Program. Commissioner Jones seconded the Motion. Commissioner Massie stated it is an important program which provides a valuable service to the county and should not be abandoned

because at this time it is very economical, cost effective and citizens deserve the service. Motion carried by unanimous vote.

(7) **EDC BY-LAWS**: Chairman McMahan stated that the previous Board, in a joint meeting with the municipalities, discussed the option of reviewing the structure and components of the EDC. He and Mr. Westmoreland were appointed to a Task Force to ascertain what can be changed so that the county could possibly again participate with the Economic Development Commission. He presented proposed by-laws for the county's consideration. State legislation requires that the county and each municipality must approve the by-laws before they can be amended. He stated the municipalities have approved the revised by-laws.

Commissioner Massie commented on several changes from the 1997 By-Laws to the proposed version. His comments and suggestions will be forwarded to the Task Force for consideration. He stated that if the county is going to effect any changes, now is the proper time to do so before new by-laws are finalized. Further, Jackson County must look at improving its infrastructure before it can accommodate further growth and development.

Commissioner Cowan stated that he would like to see a mission statement, focus or direction addressed in the by-laws.

Chairman McMahan stated that the task force discussed changing EDC's focus, its purpose, and what it hopes to accomplish. He commended Mayors Oliver and Hartbarger as Co-Chairs of EDC for the past year. He stated that the next task force meeting is January 22nd and requested Board members to submit their questions and comments and he will take them to the meeting.

Mr. Holt volunteered to apprise the new board members of the history of the Jackson Development Corporation and is of the opinion that it needs to be seriously addressed.

(8) **BUDGET WORK SESSION**: A Budget Work Session was scheduled on January 29, 2007 at 6:00 p.m. Mr. Westmoreland suggested that additional work sessions be scheduled to discuss capital projects, operations, and general goal setting.

(9) **PLANNING DEPT. - WORK SESSION**: Chairman McMahan suggested that a work session be scheduled to set goals and objectives for the planning board for the upcoming year. Linda Cable, Planning Coordinator, will update the Commissioners concerning the proposed ordinances the Planning Board has drafted. The Planning Board Chair is also requested to attend. A Work Session was scheduled on January 3, 2007 at 5:00 pm.

(10) **JANUARY 2007 REGULAR MEETING**: Due to the holidays and other scheduling conflicts, only one regular meeting will be scheduled in January, i.e., January 23, 2007 at 6:00 pm.

(11) **DOT SECONDARY ROADS PUBLIC HEARING**: Pursuant to a request from the N. C. Dept. of Transportation, a Secondary Roads Public Hearing was scheduled on February 5, 2007 at 5:00 pm.

(12) LAND FOR TOMORROW PROGRAM RESOLUTION (R06-27):

Commissioner Massie presented a Resolution stating that Jackson County is in support of the work of the Land & Water Conservation Study Committee and encourages the N. C. General Assembly to act upon its recommendations for funding the Land for Tomorrow Program in the 2007 Session. He stated that the state must do something if it is going to protect the things that are important such as streams, game lands, working farms, historic structures, etc. He stated that the Study Committee's draft recommendations include a request for an additional one billion dollars in funding over five years (\$200,000,000 per year) for land and water conservation, historical preservation and jobs for economic development. The funds would be allocated as follows: \$3 million for One North Carolina Naturally; \$30 million to land and job development; \$39.5 million to Clean Water Management Trust Fund; \$62.5 to Natural Heritage Trust Fund; \$35 to Parks and Recreation Trust Fund; and approximately \$30 million for Agricultural Development in the Farmland Preservation Trust Fund per year. He stated this means that one billion dollars could be used in any of those areas and could be helpful to Jackson County in its efforts to preserve the rural character of the area as well agricultural lands and historic sites. The Study Committee is also discussing various methods for funding including general obligation bonds, excise taxes and perhaps certificates of participation.

Commissioner Massie moved to adopt the Resolution and present it to the Land & Water Study Commission at its meeting at AB Tech in Asheville on January 4, 2007. Commissioner Shelton seconded the Motion. Motion carried by unanimous vote.

(13) "LACY H. THORNBURG HIGHWAY" RESOLUTION (R06-26):

Conrad Burrell, member of the N.C. Dept. of Transportation and former Commissioner, requested that the Resolution adopted by the Board on November 20, 2006 be revised to extend the named portion of the road from the Jackson County line at Balsam to Exit 85. Commissioner Shelton moved to adopt a revised Resolution. Commissioner Jones seconded the Motion. Motion carried by unanimous vote.

(14) CASHIERS DESIGN REVIEW BOARD APPOINTMENT: Carry over.

(15) APPOINTMENT OF VOTING DELEGATE TO LEGISLATIVE GOALS CONFERENCE: Commissioner Shelton moved to appoint Chairman McMahan as Jackson County's Voting Delegate at the January 11-12, 2007 Legislative Goals Conference in Pinehurst. Commissioner Jones seconded the Motion. Motion carried by unanimous vote.

(16) JACKSON COUNTY CEMETERY BOARD APPOINTMENT: Carry over.

(17) AIRPORT AUTHORITY APPOINTMENT: The Airport Authority submitted a letter dated December 12, 2006 stating there is one vacancy on the Authority and submitted the following eight names: Brian McMahan, Joe Cowan, Mark Jones, Tom

Massie, William Shelton, John Buenting, Tom McClure, and Alston Macon. The Airport Authority requested that the Commissioners appoint one of the named individuals for a six-year term on the Authority. Chairman McMahan moved to table the appointment until the January meeting. Commissioner Jones seconded the Motion. Motion carried by unanimous vote.

Commissioner Shelton moved that the Board go into Closed Session pursuant to G. S. 143-318.11(a)(3) Legal. Commissioner Jones seconded the Motion. Motion carried.

Chairman McMahan called the Open Session back to order and reported no action or votes were taken in Closed Session.

There being no further business, Commissioner Jones moved that the meeting be adjourned. Commissioner Cowan seconded the Motion. Motion carried and the meeting adjourned at 8:20 p.m.

Attested By:

Evelyn B. Baker, Clerk

Approved:

Brian Thomas McMahan, Chairman

