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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
MARCH 15, 2010**

The Jackson County Board of Commissioners met in a Regular Meeting on March 15, 2010 at 6:30 p.m., 401 Grindstaff Cove Road, Room A201, Sylva, North Carolina.

Present: Brian T. McMahan, Chairman	Ken Westmoreland, County Manager
Tom Massie, Vice Chair	Evelyn B. Baker, Clerk to Board
William Shelton, Commissioner	W. Paul Holt, Jr., County Attorney
Joe Cowan, Commissioner	
Mark Jones, Commissioner	

Chairman McMahan called the meeting to order.

AGENDA: Chairman McMahan amended the agenda by adding TWSA Committee Appointments. Commissioner Shelton moved to approve the amended Agenda. Commissioner Massie seconded the Motion. Motion carried.

MINUTES: Commissioner Massie moved to approve the Minutes of a Public Hearing and Regular Meeting of March 1, 2010. Commissioner Jones seconded the Motion. Motion carried.

INFORMAL COMMENTS BY THE PUBLIC:

- (a) Marie Leatherwood of Sylva stated it is her opinion that the county has not done everything possible concerning documentation of funds used by the EDC/JDC.
- (b) Carl Iobst of Cullowhee stated his concerns about the county's indebtedness, tax revaluations being every four years, hiring employees when there is a stated freeze, salary increases, and the Sheriff's drug fund account.

(1) CHAIRMAN'S REPORT: Chairman McMahan reported that he attended the National Association of Counties Legislative Conference last week at which the reauthorization of the transportation bill and its affect on North Carolina was discussed. He also attended an Emergency Services Planning Committee meeting and one of the presentations was from the local government credit union that now has the ability to offer competitive rates and enter into financial contracts with counties, fire departments and rescue squads.

(2) COMMISSIONERS REPORTS: Commissioner Massie reported he will be attending an "economic development listening meeting" hosted by the Appalachian Regional Commission. He attended a Cherokee Preservation Foundation meeting at which a grant was awarded to Jackson County for excavation around Judaculla Rock. He will be attending the upcoming initial meeting of the Mountain Resource Commission.

(3) COUNTY MANAGER'S REPORT: Mr. Westmoreland reported he has authorized the Board of Elections to use a portion of the former Southern Lumber facility for storage and maintenance of voting machines. He stated it is standard practice throughout the state for 4-year tax revaluations. The next revaluation will be completed December 31, 2011 which will go into effect on January 1, 2012. The Board needs to schedule a second budget planning session.

(4) FINANCE, TAX COLLECTOR REPORTS FOR FEBRUARY 2010 GRANT PROJECT ORDINANCES, AND BUDGET AMENDMENTS: Darlene Fox, Finance Director, presented the finance and tax collector's reports for the month of February 2010, two grant project ordinances and two budget amendments.

***Motion:** Commissioner Cowan moved to approve the finance and tax collector's reports for February 2010, two grant project ordinances and two budget amendments. Commissioner Jones seconded the motion. Motion carried by unanimous vote.*

(5) EARLY COLLEGE FACILITY: Mr. Westmoreland stated bids for a new Early College Facility on SCC campus will not be opened until March 16 and the low bidder must be given 48 hours to withdraw the bid. In order to get the facility operational for the fall semester, he requested that a special meeting be scheduled to consider the bids because the next regular board meeting is not until April 5th. A Special Meeting to consider the bids was scheduled for March 18 at 4:00 p.m.

(6) WHISTLER POINT RESOLUTION (R10-07): Jason Sands, property owner, presented a petition from property owners requesting that Whistler Point be added to NCDOT's maintenance system.

***Motion:** Commissioner Massie moved to adopt the resolution. Commissioner Shelton seconded the motion. Motion carried by unanimous vote.*

(7) US441 DISTRICT ORDINANCE AMENDMENTS (O2010-04): A public hearing was held on March 1, 2010 and no public comments were made. The planning board has reviewed and recommends adoption.

***Motion:** Commissioner Shelton moved to adopt the amendments. Commissioner Cowan seconded the motion. Motion carried by unanimous vote.*

(8) COMMUNITY TRANSPORTATION PROGRAM RESOLUTION (R10-08): A public hearing was held at 6:20 p.m. on March 15 and no public comments were made. The resolution is authorization to submit a grant application to the N. C. Dept. of Transportation.

***Motion:** Commissioner Cowan moved to adopt the resolution. Commissioner Jones seconded the Motion. Motion carried by unanimous vote.*

(9) MUTUAL ASSISTANCE WITH LAW ENFORCEMENT AGENCIES RESOLUTION (R10-09): N.C.G.S. 160A-288 authorizes counties to adopt guidelines for the purpose of mutual assistance with other municipal and county law enforcement agencies.

Motion: *Commissioner Massie moved to adopt the resolution. Commissioner Shelton seconded the Motion. Motion carried by unanimous vote.*

(10) FLOOD DAMAGE PREVENTION ORDINANCE (O2010-05): Linda Cable, Planning Director, stated the two Kitchens Branch issues raised at the public hearing have been resolved. The Monteith Branch issue needs further study. After the ordinance is adopted, property owners still have the opportunity to request for a map change. Each individual property owner must file a request and cannot rely on findings for an adjoining property owner. The municipalities must also adopt resolutions approving the ordinance. Carry over.

(11) SEDIMENT CONTROL APPEALS BOARD:

Motion: *Chairman McMahan moved to reappoint Boyce McCall to a 4-year term on the Sediment Control Appeals Board. Commissioner Massie seconded the motion. Motion carried by unanimous vote.*

Motion: *Commissioner Massie moved to appoint Barry Stevens to a 4-year term on the Sediment Control Appeals Board. Chairman McMahan seconded the motion. Motion carried by unanimous vote.*

(12) BOARD OF ADJUSTMENT APPOINTMENTS: Carry over.

(14) HISTORIC PRESERVATION COMMISSION:

Motion: *Commissioner Cowan moved to appoint Amy Ammons-Garza to fill the unexpired term of Alvin Frady on the Historic Preservation Commission. Commissioner Jones seconded the motion. Motion carried by unanimous vote.*

(15) TOWN OF WEBSTER BOARD OF ADJUSTMENT: Carry over.

(16) TWSA COMMITTEE: In 1992, Tuckaseegee Water & Sewer Authority entered into an agreement for the transfer of water and sewer “systems” from Jackson County and the municipalities. TWSA accepted ownership of the “systems”. Situations have arisen concerning whether certain lateral lines are actually TWSA’s responsibility or lines belonging to private developments and/or homeowners. TWSA has requested the county to make two appointments to a committee which will review the agreement and make recommendations to help clarify what is actually TWSA’s responsibility. Chairman McMahan volunteered to serve on the committee.

Discussion ensued concerning whether the committee will be asked to interpret the original agreement or just make recommendations for future policies concerning some of the grey areas. It was suggested that this issue should be discussed at the next joint meeting with the municipalities, TWSA, WCU and SCC rather than appointing a committee.

Carry over.

CLOSED SESSION:

Chairman McMahan stated there was a need for a closed session pursuant to G. S. 143-318.11(a)(4) Business Expansion.

Motion: *Commissioner Massie moved that the Board go into closed session. 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 except approval of closed session minutes.

There being no further business, Commissioner Shelton moved to adjourn the meeting. Commissioner Jones seconded the Motion. Motion carried and the meeting adjourned at 8:00 p.m.

Attest:

Approved:

Evelyn B. Baker, Clerk to Board

Brian Thomas McMahan, Chairman