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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
JULY 19, 2010**

The Jackson County Board of Commissioners met in a Regular Meeting on July 19, 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 added American Legion Donation, Jackson County Little League Donation and Bull Frog Cove Sewer Project. Commissioner Cowan moved to approve the amended Agenda. Commissioner Shelton seconded the Motion. Motion carried.

MINUTES: Commissioner Shelton moved to approve the Minutes of the Regular Meeting of July 6, 2010. Commissioner Jones seconded the Motion. Motion carried.

INFORMAL COMMENTS BY THE PUBLIC:

(a) Doug Nichol of Franklin stated he supports a skate park. A park is needed to get skaters off streets, prevent confrontation with citizens and law enforcement and will be very beneficial. Nationwide, over 13 million children and young adults are involved in skateboarding.

(b) Jeff Kelly of Sylva stated that for the past year he has operated a non-profit skate park on US 441 South. He has worked with many kids and there have been no problems with violence, gangs, drugs or anything. Kids need a safe place to go. Unfortunately, due to the overhead costs, he is closing the facility on July 20. His organization will donate the ramps and help build a skate park.

(c) Jack Patterson stated his youngest son frequently visited Mr. Kelly's skate park. He approved of the type of environment created at that park for young skaters. He requested the county to build a skate park because there is a definite need.

(d) Bob Stafford of Glenville requested that the recreation center at Cashiers be named "South Jackson Recreation Center".

(e) Ronnie Patterson stated he is an avid skateboarder. Mr. Kelly's park has been a good place. He requested the county to build a skate park.

(f) Carl Iobst of Cullowhee stated that a skate park is a good idea and keeps kids off streets and parking lots. He suggested that some of the Sheriff's Narcotics Fund be donated to build a park.

(1) **CHAIRMAN'S REPORT**: Chairman McMahan stated that a skate park is a good idea and will request the Recreation Dept. Director to ascertain if it can be incorporated into the Recreation Master Plan. He distributed a copy of a letter dated July 1 from the Evergreen Foundation to the Smoky Mountain Center.

(2) **COMMISSIONERS REPORTS**:

Commissioner Shelton stated he would like to see a skate park come to fruition. Commissioner Cowan reported the Smoky Mountain Center and Evergreen Foundation have scheduled another meeting this month

(3) **BUDGET AMENDMENTS**: Darlene Fox, Finance Director, presented four budget amendments.

Motion: *Commissioner Cowan moved to approve the four budget amendments. Commissioner Jones seconded the motion. Motion carried by unanimous vote.*

(4) **TRANSIT DRUG & ALCOHOL TESTING POLICY**: Chuck Norris, Transit Director, presented a revised drug and alcohol testing policy pursuant to state and federal regulations. Mr. Westmoreland stated one of the new requirements is that anyone who works on Transit vehicles is also subject to the policy which means county garage employees are subject to random drug tests and must secure CDL driver licenses in order to road test vehicles.

Motion: *Commissioner Massie moved to adopt the revised drug and alcohol policy. Commissioner Shelton seconded the Motion. Motion carried by unanimous vote.*

(5) **AMERICAN LEGION**: The American Legion William E. Dillard Post 104 is comprised of over 200 military veterans from Jackson and Swain counties and is hosting its third annual "Veterans Still Serving America" benefit golf tournament. All funds raised from the tournament are used for services provided by The American Legion. The county is requested to be a sponsor.

Motion: *Commissioner Massie moved to appropriate \$1,000 from Miscellaneous Donations. Commissioner Jones seconded the Motion. Motion carried by unanimous vote.*

(6) **LITTLE LEAGUE**: The Jackson County Little League requested a donation to help with expenses for five teams in the playoffs. The Sheriff wants to partner with the county in helping sponsor the teams and is providing \$1,000 from his Narcotics Fund. Chairman McMahan recommended the county donate \$1,500 so that \$500 can be distributed to each team.

***Motion:** Commissioner Jones moved to donate \$1,500 from Miscellaneous Donations. Commissioner Cowan seconded the Motion. Motion carried by unanimous vote.*

(7) **BULL FROG COVE SEWER LINE**: Informal bids were secured by Lofquist & Associates for repair and upgrade of the sewer outfall. The apparent low bidder meeting all project specifications was Parker Excavating of Cullowhee in the amount of \$46,831.00. There has been \$6,130.00 in soft cost expenditures (engineering design, permits, and easements) made to date bringing the total cost to \$52,961.00. TWSA will pay the additional engineering design cost for upgrading the line from 6" to 8". TWSA, on advice of legal counsel, could not participate financially in the repair and replacement of the line. The Bull Frog Homeowner's Assoc. has expressed a willingness to pay one-third \$16,903.66 of the cost leaving a balance of \$33,807.34. There are 10 homes in the Bull Frog Cove.

Commissioner Massie stated the Board discussed at its last meeting putting a cap of up to 50% of costs or a maximum amount to be set out in the emergency water/sewer funds policy.

The homeowners had anticipated the costs would be shared with TWSA and the county - one-third each. TWSA's legal counsel is concerned about setting a precedent.

Chairman McMahan stated he was in favor of moving forward because of the sensitive location of the sewer line. Further, because a policy has not been adopted and the Bull Frog Cove Sewer Line is an exception.

Commissioner Shelton suggested that the homeowners be requested to share 50-50 with the county and is also concerned about setting a precedent. Mr. Westmoreland will contact the homeowners about participating at a higher level.

Carry over.

(8) **SECONDARY ROADS RESOLUTION FOR FY2010 (R10-20)**: A public hearing was held on July 19 at 6:00 p.m. and no objections were raised.

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

(9) **SECONDARY ROADS RESOLUTION FOR FY2011 (R10-21)**: A public hearing was held on July 19 at 6:00 p.m. and no objections were raised.

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

(10) **SOLID WASTE ADVISORY BOARD**: Carry over.

(11) PLANNING BOARD - CHAIR & VICE CHAIR APPOINTMENTS:

Motion: Commissioner Shelton moved to appoint, for one year terms, Kim Cowan as Chair and Richard Frady as Vice Chair of the Planning Board. Commissioner Jones seconded the Motion. Motion carried by unanimous vote.

CLOSED SESSION:

Motion: Chairman McMahan moved that the board go into closed session pursuant to G. S. 143-318.11(a)(4) Business Expansion (Skyland Care Center and Railroad) and G.S. 143-143-318.11(a)(6) Personnel. 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 closed session minutes.

There being no further business, Commissioner Massie moved to adjourn the meeting. Commissioner Shelton seconded the Motion. Motion carried and the meeting adjourned at 8:15 p.m.

Attest:

Approved:

Evelyn B. Baker, Clerk to Board

Brian Thomas McMahan, Chairman