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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  
SEPTEMBER 20, 2010**

The Jackson County Board of Commissioners met in a Regular Meeting on September 20, 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
Mark Jones, Commissioner	
Joe Cowan, Commissioner	

Chairman McMahan called the meeting to order.

**AGENDA:** Chairman McMahan added a Resolution addressing the Delayed Harvest Trout Waters Boundary in Dillsboro. Commissioner Jones moved to approve the amended Agenda. Commissioner Cowan seconded the Motion. Motion carried.

**MINUTES:** Commissioner Shelton moved to approve the Minutes of the Regular Meeting of August 23, 2010. Commissioner Jones seconded the Motion. Motion carried.

**BOOKS FOR BRICKS CHALLENGE:** June Smith, President of Friends of the Library, stated this is the sixth year of the “Books for Bricks Challenge” fundraiser by children for the new library. The children read 1,377 books and raised \$1,334.00. Certificates and gift cards were presented to the participants.

**INFORMAL COMMENTS BY THE PUBLIC:**

(a) Bob Stafford requested \$15,000-\$20,000 for renovations to the Glenville CDC building. He stated the Glenville CDC has not received funding from the county.

(b) Beverly Turrentine of Tuckaseegee urged the county to purchase property/building in Tuckaseegee for a much needed community facility. The building could also be used as a voting place, community meeting site, use for fundraisers/benefits, outdoor concerts, family reunions, picnics, recreation, walking path, and an outreach center for senior citizens as well as the Rescue Squad and Sheriff’s Dept. Citizens and businesses have offered their time, services and skills to help repair the building.

(c) Nola Brown of Tuckaseegee requested the county to purchase the property/building for a community center.

(d) George Lamphier, Rescue Squad Chief, stated having property available for parking a boat and quick response vehicle in the area would decrease response time.

(e) Mona Hooper of Tuckaseegee stated the proposed property has a lot of potential which would benefit the county as well as the Tuckaseegee community.

(f) T. J. Walker of Dillsboro requested the Board to request the NC Wildlife Commission to designate “Miracle Falls” located approximately 100 yards upriver from the old Dillsboro dam to be designated as the downstream boundary for delayed harvest trout fishery.

(h) Jeff Powell of Tuckaseegee stated the property/building that is now available would be a tremendous asset to the community.

(i) Marie Leatherwood of Sylva stated her disapproval of past issues between EDC/JDC and the county.

(j) Carl Iobst of Cullowhee stated he disagreed with the delayed release of closed session minutes.

(k) Jim Ed Powell of Tuckaseegee urged the county to purchase the proposed property/building for use as a community building.

(l) Giles Morris stated he and Bill Graham have created "The Tuckaseegee Reader", an online journal addressing culture, outdoors and community news topics from Cashiers to the Nantahala Gorge.

(m) Wayne Cobb of Tuckaseegee stated a community center is needed in River Township and requested the county to purchase the property/building.

(n) Mary Jo Cobb of Tuckaseegee stated a community center is greatly needed and would be a beneficial asset to the area.

(o) Mike Milligan of Tuckaseegee urged the county to purchase property for a community center.

**(1) CHAIRMAN'S REPORT:** Chairman McMahan stated:

(a) Due to a scheduling conflict, the first meeting in October has been changed to October 11 at the Cashiers Community Building.

(b) As required by state law, the clerk keeps a general account of closed sessions. Some of the information might address privileged or confidential information that is privileged or confidential pursuant to the laws of this state or of the United States; some may deal with an honorary degree, scholarship or similar award to prevent premature disclosure; it may pertain to consultation with an attorney to preserve the attorney-client privileges; also to discuss business location or expansion and review business plans to see if incentives can be offered to help provide new jobs in the community; also a time to discuss real property acquisition and negotiate the purchase price; to consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment, etc, about personnel matters; to plan, conduct, or hear reports concerning investigations of alleged criminal misconduct; to formulate plans by a local board of education relating to emergency response to incidents of school violence; to discuss potential threats to the safety of the citizens of the community and how to better secure and safely provide for services. (Reading and referring to a book entitled "Open Meetings" by David M. Lawrence of the Institute of Government).

A request from *The Sylva Herald* dated August 11, 2010 requested closed session minutes for numerous meetings from 2007-2010. The Board did not hold a meeting at the first of September, thus only starting reviewing the minutes on August 23. The county manager, clerk or county attorney do not have the authority to release closed session minutes. The law is clear that before closed session minutes can be released, the Board must review them to ascertain that no confidential information is being released. After the review, the Board must vote to unseal closed session minutes.

**(2) COMMISSIONERS REPORTS:** Commissioner Massie stated he attended the Canada Fire Dept.'s annual bar-be-que fundraiser on Saturday night along with Chairman McMahan. He also attended the NC Wildlife Resources Public Hearing last Wednesday night and the deadline for submitting comments is October 1.

**(3) COUNTY MANAGER'S REPORT:** Mr. Westmoreland stated the county budgets \$1,500 per annum to each community development club and will ascertain if the Glenville CDC has received funds.

**(4) FINANCE & TAX COLLECTOR REPORTS FOR AUGUST 2010, and BUDGET AMENDMENTS:** Darlene Fox, Finance Director, presented the finance and tax collector's reports for the months of August 2010 and two budget amendments.

***Motion:*** *Commissioner Shelton moved to approve the finance and tax collector's reports for August 2010 and two budget amendments. Commissioner Cowan seconded the motion. Motion carried by unanimous vote.*

**(5) WEBSTER ENTERPRISES:** Gene Robinson, Executive Director, stated that Webster Enterprises manufactures disposable medical devices and is making sweeping changes to expand the number of people with disabilities that it serves in Jackson, Swain and Macon counties. Currently there are 30 employees at the facility; however, with revitalization, that figure should increase to 60 during the next year, but \$150,000 is needed for working capital and to make necessary upgrades. He is in the process of applying for several grants; however, it is necessary to have local support and requested a \$50,000 appropriation. He stated that within a few years Webster Enterprises should become self-sufficient. The majority of the people served are citizens of Jackson County, but he will also be requesting funding from Macon and Swain counties. The request taken under consideration.

**(6) TRANSIT POLICIES:** Chuck Norris, Director, stated that in order for the Transit Dept. to close the Federal Compliance Review conducted on April 22, 2010, the Board needs to approve findings and advisories which have been corrected by the Transit Dept., i.e., legal authority, annual certifications, governance, control environment and labor protection), cash management, records retention, drug and alcohol testing policy, operation and service requirements, and system safety program plan,

***Motion:*** Commissioner Massie moved to approve the findings and advisories. Commissioner Shelton seconded the Motion. Motion carried by unanimous vote

**(7) SCATTERED SITE HOUSING PROGRAM QUARTERLY REPORT (June-August 2010):** Joan Stillwell, Community Development Director, stated the amount of the grant is \$400,000. She reported the two Tuckasegee relocation projects are complete. Clearance, demolition and site work is ready to start on the Cullowhee project. There have been no problems or delays. Funds expended are: \$96,663.38 for projects and \$28,189.34 for administration.

**(8) NC ECONOMIC RECOVERY PROGRAM:** Joan Stillwell, Community Development Director, requested authorization to file an application for NC Economic Recovery Program funds in the amount of \$500,000. A public hearing was held on September 20 at 6:15 p.m. and no public comments were made. The description of the program is a housing project and project locations are scattered throughout the county. The Selection Committee met earlier today and selected the following sites:

54 Whisper Wind Rd., Cashiers, NC	24 Pigeon Lane, Sylva, NC
732 Dills Branch Rd., Sylva, NC	227 Mimosa Lane, Sylva, NC
7 Mallard Lane, Sylva,	

54 Live Oak Dr., Sylva (first alternate)

If more than one alternate is needed, the committee will meet again and prioritize the following alternates who have been on a waiting list for some period of time:

445 Tobacco Rd., Cullowhee, NC	105 Ebony Dr., Sylva, NC
29 Linhaven Mountain Rd., Sylva, NC	45 Happy Ridge Lane, Sylva, NC
401 Hospital Rd., Sylva, NC	

If the funds are awarded, 5.23 contractor jobs will be created in building the houses (the .23 jobs is for temporary/short term demolition and clearance work). The budget has been revised so that all projects fall under the “rehabilitation” title which gives some flexibility with projects. The total amount for projects is \$450,000 and \$50,000 for administrative costs.

***Motion:*** *Commissioner Cowan moved to authorize filing an application for NC Economic Recovery Program funds. Commissioner Jones seconded the Motion. Motion carried by unanimous vote.*

**(9) LANGUAGE ACCESS PLAN:** A standard plan, modified for Jackson County, was presented which will ensure that LEP individuals are provided meaningful access to benefits and services provided through contractors or service providers receiving sub-grants from the county.

***Motion:*** *Commissioner Massie moved to approve the Language Access Plan as submitted. Commissioner Cowan seconded the Motion. Motion carried by unanimous vote.*

**(10) R.E.A.C.H.:** Kim Roberts Fir, Executive Director, requested additional funding in the amount of \$15,000 to assist with costs for shelter services, victim advocacy/legal services and counseling. Staff has been reduced from 17 to 10 (full and part-time). The request taken under consideration.

**(11) GREEN ENERGY PARK - BURTNER LEASE:** John Burtner requested that a lease for space at the Green Energy Park be approved for one year at a rental rate of \$200.00 per month.

***Motion:*** *Commissioner Shelton moved to approve the Lease. Commissioner Cowan seconded the Motion. Motion carried by unanimous vote.*

**(12) AGING FACILITY DINING ROOM:** The dining room is now in full operation and more outside groups are requesting to reserve it for private use. In order to give it an identity, the Council on Aging Board has recommended that the dining room be named the “Heritage Room”.

***Motion:*** *Commissioner Jones moved to officially name the Aging Facility dining room the “Heritage Room”. Commissioner Cowan seconded the Motion. Motion carried by unanimous vote.*

**(13) SCHOOL OF ALTERNATIVE (THE HUB):** The Board of Education designated improvements to the HUB as one of its priorities on the capital projects list. Improvements include a replacement of the HVAC system and all doors and windows. The project was divided into two informal bid components to enhance the ability of local contractors to be competitive as opposed to formal sealed bids. Professional Mechanical Contractors of Asheville was the low bidder for the HVAC system in the amount of \$278,900. Western Builders of Sylva was the low bidder for the window/door replacements in the amount of \$307,900. After all A&E fees plus the bids were computed, the costs exceeded the budgeted amount. School officials were made aware of the funding deficiency. Mr. Westmoreland recommended, and school officials concur,

that the deficiency be made up with the balance of the School Capital Reserve Fund to complete the project.

**Motion:** *Commissioner Cowan moved to approve the recommendation. Commissioner Jones seconded the Motion. Motion carried by unanimous vote.*

A Project Ordinance Amendment for the HUB in the amount of \$442,200 was presented for approval.

**Motion:** *Commissioner Cowan moved to approve the Project Ordinance amendment. Commissioner Jones seconded the Motion. Motion carried by unanimous vote.*

**(14) COMMUNITY TABLE:** An evaluation of requested renovations reflects some necessary work was not included. The critical and priority areas include installing three-phase power and replacing the HVAC system. For the HVAC to be efficient, the building must be insulated and old windows replaced with energy efficient windows. The county's maintenance superintendent estimated it will cost \$43,000 for just the critical work in order to make the facility operational which is about 50% of the total renovation costs. The Community Table will continue with its fundraising efforts.

**Motion:** *Commissioner Massie moved to appropriate \$35,000 from the contingency fund as a challenge grant for the Community Table to raise the \$8,000 balance. Commissioner Shelton seconded the Motion. Motion carried by unanimous vote.*

**(15) HARVEST TROUT WATERS BOUNDARY RESOLUTION (R10-23):**

The resolution is a request to the NC Wildlife Resources Commission for designation of "Miracle Falls" located upstream from the Hwy. 441 bridge in Dillsboro as the new downstream boundary for the Tuckasee River Delayed Harvest Trout Fishery. Commissioner Massie recommended that the proposed resolution be amended by changing "Miracle Falls" (not a historic or local designation) to "landmark of a rock ledge".

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

**(16) TRANSPORTATION ADVISORY BOARD:**

**Motion:** *Commissioner Massie moved to appoint Carl Hooper to a 3-year term on the Transportation Advisory Board. Commissioner Shelton seconded the Motion. Motion carried by unanimous vote.*

**(17) BOARD OF ADJUSTMENT:**

**Motion:** *Commissioner Shelton moved to re-appoint Dickie Wood, Vicki Green and David Bates to 3-year terms on the Board of Adjustment. Commissioner Massie seconded the Motion. Motion carried by unanimous vote.*

**(18) PLANNING BOARD:**

**Motion:** *Commissioner Shelton moved to reappoint Joe Ward to a 3-year term on the Planning Board. Commissioner Massie seconded the Motion. Motion carried by unanimous vote.*

**(19) CASHIERS PLANNING COUNCIL:**

**Motion:** *Commissioner Shelton moved to appoint Sean Ross to fill the unexpired term of McCarley on the Cashiers Planning Council. Chairman McMahan seconded the Motion. Motion carried by unanimous vote.*

**CLOSED SESSION:** Chairman McMahan stated there is a need for the board to go into closed session pursuant to G. S. 143-318.11(a)(3) Legal (Stanton & Stanton and Jackson Paper tax issues), G. S. 143-318.11(a)(4) Business Expansion (Homtex), G. S. 143-318.11(a)(5) Real Property (Metz Property –Tuckaseegee and D & R Property - Webster), G. S. 143-318.11(a)(6) Personnel, and G. S. 143-318.11(a)(1) Privileged Information (Closed Sessions Minutes).

**Motion:** *Commissioner Shelton moved that the Board go into closed session. Commissioner Jones seconded the Motion. Motion carried.*

Chairman McMahan called the regular meeting back to order.

**AGENDA AMENDMENT:** Chairman McMahan stated there is a need to amend the Agenda by adding Closed Session Minutes. Commissioner Shelton moved to amend the Agenda. Commissioner Jones seconded the Motion. Motion carried.

**(19) CLOSED SESSION MINUTES REQUEST:**

**Motion:** *Chairman McMahan moved to release redacted closed session minutes as requested by The Sylva Herald on 8-11-10 and add two additional sessions, 6/15/09 and 6/24/09. Commissioner Massie seconded the Motion. Motion carried by unanimous vote.*

There being no further business, Commissioner Shelton moved to adjourn the meeting. Commissioner Jones seconded the Motion. Motion carried and the meeting adjourned at 10:30 p.m.

Attest:

Approved:

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Evelyn B. Baker, Clerk to Board

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Brian Thomas McMahan, Chairman

