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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
APRIL 6, 2009**

The Jackson County Board of Commissioners met in a regular meeting on April 6, 2009 at 6:30 p.m., 401 Grindstaff Cove Road, Room A201, Sylva, North Carolina.

Present: Brian T. McMahan, Chairman
Tom Massie, Vice Chair
Joe Cowan, Commissioner
William Shelton, Commissioner
Mark Jones, Commissioner

Ken L. Westmoreland, County Manager
W. Paul Holt, Jr., County Attorney
Evelyn B. Baker, Clerk to Board

Chairman McMahan called the meeting to order.

AGENDA: Chairman McMahan added Cashiers Rec Center Sitework Change Order, Alcohol Awareness Week Proclamation and Commissioner Massie added Duke/FERC Status of Lawsuit. Commissioner Cowan moved to approve the amended Agenda. Commissioner Jones seconded the Motion. Motion carried.

MINUTES: Commissioner Shelton moved to approve the Minutes of a Public Hearing on March 16, 2009, Minutes of a Regular Meeting on March 16, 2009, Minutes of a Work Session on March 18, 2009, Minutes of a Work Session with the School Board on March 25, 2009 and Minutes of a Budget Work Session on March 30, 2009. Commissioner Jones seconded the Motion. Motion carried.

INFORMAL COMMENTS BY THE PUBLIC:

Marie Leatherwood of Sylva stated her continued concerns about EDC/JDC finances.

(1) **CHAIRMAN'S REPORT:** Chairman McMahan reported he attended the NCACC District Meeting at WCU last week. He read the following excerpt from his April 6, 2009 letter to Ms. Marie Leatherwood:

“Upon receiving a letter from District Attorney Michael Bonfoey addressed to the Jackson County Board of Commissioners dated September 3, 2008, I placed a telephone call to the office of Mr. Bonfoey and left a message for him to please call me. Mr. Bonfoey returned my phone call and we had a conversation concerning the allegations surrounding the EDC and JDC that Ms. Leatherwood had made on several occasions to his office. In my conversation with Mr. Bonfoey, I explained to him the history of the organizations in question, the concerns and questions that the Board of Commissioners had had, and the appropriate actions taken by the Board of Commissioners. I answered all the questions that Mr. Bonfoey had and offered to provide him with any documentation that he or his staff needed. I also advised him that when all the audit reports and future investigations were completed, a final complete report would be submitted to him for his review. He had no further questions and the conversation concluded. I spoke with Mr. Holt, Jackson County Attorney, and advised him of the conversation that I had had with Mr. Bonfoey, and he advised that he had also spoke with Mr. Bonfoey and provided the same information. I also advised the other Commissioners individually of my conversation.

The matter was never discussed by the full board of the Jackson County Board of Commissioners in any official or unofficial capacity. Therefore, there are no official minutes.”

(2) COMMISSIONERS REPORTS: Commissioners Massie, Shelton and Jones reported they also attended the NCACC District Meeting.

(3) ALCOHOL AWARENESS WEEK PROCLAMATION:

Motion: *Commissioner Cowan moved to proclaim the week of April 19-25 as Alcohol Awareness Week. Commissioner Jones seconded the Motion. Motion carried by unanimous vote.*

(4) BURTNER LEASE: Carry over.

(5) GREAT SMOKY MOUNTAINS NATIONAL PARK: Due to the weather, the park superintendent was unable to be present; however, he sent a news release announcing a series of events to celebrate the park’s 75th Anniversary. County Commissioners are invited to the first event scheduled on April 24th at Newfound Gap

(6) PRE-EVENT DISASTER RECOVERY ASSISTANCE PROPOSAL: Todd Dillard, Emergency Management Director, submitted a proposal for a pre-event disaster recovery assistance plan as recommended by FEMA and NCDOT. Five companies submitted proposals. An evaluation committee (Todd Dillard, Ken Westmoreland, Darlene Fox, and Chad An evaluation committee recommended Omni Pinnacle even though it was not the lowest bidder. Mr. Westmoreland stated that bids are not quite as important in this issue because a company must be pre-certified and approved by FEMA so everything they do for a public jurisdiction is reimbursable. Omni Pinnacle volunteered to provide pre-training without being aware it would be recommended for the contract. FEMA requires, in addition to a contract for debris removal, that a management/oversight company also be hired to make sure that the debris removal company and the county comply with all FEMA regulations during the clean-up process. Requests for Proposals for a management/oversight company are being developed. Carry over.

(7) WNC REGIONAL LIVESTOCK CENTER: WNC Communities requested the county to contribute \$7,500 to help establish a modern, 30,000 sf WNC Regional Livestock Center in Haywood County. Approximately \$510,000 in grant funds is committed to the project. The facility can create 12 permanent jobs (4 fulltime and 8 part-time). He recommended a one-time appropriation of \$15,000 from the farmland preservation fund.

Motion: *Chairman McMahan moved to appropriate a one-time \$15,000 contribution from the farmland preservation fund. Commissioner Shelton seconded the Motion. Motion carried by unanimous vote.*

(8) HEALTH INSURANCE: Mr. Westmoreland stated the insurance consultant recommended at the March 18 Work Session that the following policies be implemented: (a) a mandatory health screening for all employees and retirees; (b) a wellness/education program for all current employees and retirees; and (c) keep the present health insurance plan in place; however, effective July 1, 2009, those who do not participate in the wellness/education program will go to an alternate plan (higher deductibles/co-pays).

Motion: *Commissioner Cowan moved to implement the recommended wellness/education program and alternate health insurance plan. Commissioner Shelton seconded the Motion. Motion carried by unanimous vote.*

(9) WADE HAMPTON GOLF CLUB:

Motion: *Commissioner Jones moved to permit the Wade Hampton Golf Club to display fireworks by a certified pyrotechnics expert at its facility on July 4. Commissioner Cowan seconded the Motion. Motion carried by unanimous vote.*

(10) CASHIERS REC CENTER: The sitework in the original design plan has impacted the only lighted ball field causing it to be lost for regulation play. The engineer submitted a redesign and recommended approval of a sitework change order in the amount of \$57,313.16 to correct the problem. Mr. Westmoreland stated the original sitework contract has two allowances, \$40,000 rock and \$15,000 undercut, which will not be utilized and would cover the majority of the cost of the change order. The balance could be appropriated from the capital account.

Motion: *Commissioner Jones moved to approve a change order in the amount of \$57,313.16 to be appropriated from the two allowances and the balance from the capital account. Commissioner Cowan seconded the Motion. Motion carried by a vote of 4-1 with Commissioner Massie voting "nay".*

(11) DISCOVERY PLACE RESOLUTION (R09-07): A petition was submitted by property owners requesting that a portion of Discovery Place be added to DOT's maintenance system.

Motion: *Commissioner Massie moved to adopt the resolution adding a portion of Discovery Place to DOT's maintenance system. Commissioner Cowan seconded the Motion. Motion carried by unanimous vote.*

(12) SEDIMENT CONTROL BOARD: Victor Lofquist has agreed to serve if appointed.

Motion: *Commissioner Massie moved to appoint Victor Lofquist to a 4-year term on the Sediment Control Board. Commissioner Shelton seconded the Motion. Motion carried by unanimous vote.*

(13) AIRPORT AUTHORITY: Carry over.

(14) DUKE ENERGY/FERC (Dillsboro Dam): Mr. Westmoreland stated the Judge ruled in favor of Duke Energy in the permit case and a permit should be issued on April 7 which will contain stipulations that all parties agreed are fair and equitable. The only other pending issue is mediation as ordered by the 9th Circuit Court of Appeals; however, a date has not been set. There are several interveners involved and he has been advised that attorneys' fees for mediation will be paid by the "Friends of Lake Glenville".

CLOSED SESSION:

Motion: *Chairman McMahan moved that the Board go into closed session pursuant to G. S. 143-318.11(a)(5) Real Property and G. S. 143-318.11(a)(4) Business Expansion. 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 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 8:00 p.m.

Attest:

Approved:

Evelyn B. Baker, Clerk to Board

Brian Thomas McMahan, Chairman