

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

**MINUTES OF A REGULAR MEETING
OF THE JACKSON COUNTY
BOARD OF COMMISSIONERS
HELD ON
APRIL 20, 2009**

The Jackson County Board of Commissioners met in a Regular Meeting on April 20, 2009 at 6:30 p.m., 401 Grindstaff Cove Road, Room A201, Sylva, North Carolina.

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

Chairman McMahan called the meeting to order.

AGENDA: Commissioner Cowan moved to approve the Agenda. Commissioner Jones seconded the Motion. Motion carried.

MINUTES: Commissioner Massie moved to approve the Minutes of the Regular Meeting of April 6, 2009. Commissioner Shelton seconded the Motion. Motion carried.

INFORMAL COMMENTS BY THE PUBLIC:

- (a) Marie Leatherwood of Sylva stated she has spoken over 17 times during the past nine months on the unresolved issues concerning tax money being used by the EDC without accountability. JDC, a non-profit corporation, operated for 9 ½ years with no accountability to anyone while using tax money and then turning over to the county its debts in the amount of \$1,777,673. She stated her objections to the form of the county's response to District Attorney Bonfoey
- (b) Jim McCarthy of Greens Creek requested a response concerning the status of the EDC audits.

(1) **CHAIRMAN'S REPORT:** Chairman McMahan reported that the N. C. Dept. of Health & Human Services, Jail & Detention Section, inspects the detention center on an annual basis. The latest report listed a few deficiencies. Mr. Westmoreland stated some were minor maintenance and housekeeping corrections; however, the eating tables in the pods should be replaced with stainless steel tables which are expensive and will probably be addressed in the next budget year.

(2) **COMMISSIONERS REPORTS:** Commissioner Massie reported he attended the opening of the Senior Games earlier today.

Commissioner Shelton requested a status report of Duke Energy's dredging permit at the Dillsboro Dam. Mr. Westmoreland responded that he understood that Attorney Nolan was having conversations with Duke's in-house counsel and thought the matter had been resolved; however, Duke Energy objected to the stipulations and the parties must go back before Judge Bridges and request an interpretation of her March 23, 2009 Order. The stipulations are customary, reasonable, not excessive, and are typical

stipulations any party receives when a permit of any type is issued. Attorney Holt stated the issue cannot be heard until Judge Bridges is scheduled to be in the 30th Judicial District.

(3) **COUNTY MANAGER REPORT:** Mr. Westmoreland reported that the library bid opening is scheduled on April 21 at 3:00 p.m. 27 contractors have picked up plans.

(4) **FINANCE & TAX COLLECTOR REPORTS FOR MARCH 2009 and BUDGET AMENDMENT:** Darlene Fox, Finance Director, presented financial reports for the month of March and a budget amendment.

***Motion:** Commissioner Shelton moved to approve the Finance & Tax Collector's Reports for March 2009 and Budget Amendment. Commissioner Jones seconded the Motion. Motion carried by unanimous vote.*

(5) **BURTNER – GREEN ENERGY PARK LEASE:** Mr. Westmoreland stated the county provides insurance for the building, but Mr. Burtner would be responsible for purchasing insurance to cover his personal property.

***Motion:** Commissioner Massie moved to approve the John Burtner blacksmith shop lease. Commissioner Shelton seconded the Motion. Motion carried by unanimous vote.*

(6) **PRE-EVENT DISASTER RECOVERY ASSISTANCE CONTRACT:**

***Motion:** Chairman McMahan moved to award the contract to Omni Pinnacle. Commissioner Cowan seconded the Motion. Motion carried by unanimous vote.*

(7) **JUVENILE CRIME PREVENTION COUNCIL:** Steve Lillard presented selected programs, a membership list and proposed funding for FY2009-10 in the amount of \$132,081. The selected programs are Operation Aspire, Project Pursuit, Project Challenge, and Hawthorne Heights in addition to JCPC administrative expenses. The county's appropriation would be \$23,763.

***Motion:** Commissioner Massie moved to approve the programs, funding plan and membership list. Commissioner Jones seconded the Motion. Motion carried by unanimous vote.*

(8) **HISTORIC PRESERVATION COMMISSION ORDINANCE:** Linda Cable, Planning Director, stated the purpose of the ordinance is to safeguard the heritage of the county by preserving districts and landmarks that embody important elements of its culture, history, architectural, history, or prehistory, and to promote the use and conservation of such districts and landmarks for the education, pleasure, and enrichment of the residents of the county and state as a whole. The designation of a historic site would be voluntary by the property owner; however, a public hearing and approval of the site by the Board of Commissioners is required. The proposed ordinance has been reviewed and approved by the Preservation Services & Certified Local Government Coordinator at the N. C. State Historic Preservation Office. A public hearing will be scheduled at a later date.

(9) CEMETERY BOARD: The Cemetery Board recommended that Jean Dugger of Cashiers be appointed to fill Louise Bedford's unexpired term.

Motion: Commissioner Shelton moved to appoint Jean Dugger to fill the unexpired term of Louise Bedford on the Cemetery Board. Commissioner Jones seconded the Motion. Motion carried by unanimous vote.

(10) AIRPORT AUTHORITY APPOINTMENT: Carry over.

CLOSED SESSION:

Motion: Chairman McMahan moved that the Board go into closed session pursuant to 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 Shelton moved to adjourn the meeting. Commissioner Cowan seconded the Motion. Motion carried and the meeting adjourned at 8:30 p.m.

Attest:

Evelyn B. Baker, Clerk to Board

Approved:

Brian Thomas McMahan, Chairman