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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
NOVEMBER 16, 2009**

The Jackson County Board of Commissioners met in a Regular Meeting on November 16, 2009 at 6:30 p.m., 401 Grindstaff Cove Road, Room A201, Sylva, North Carolina.

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

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

Chairman McMahan called the meeting to order.

AGENDA: Chairman McMahan amended the agenda by adding TWSA Appropriation and Commissioner Massie added Cullowhee Greenway Funding. Commissioner Massie moved to approve the amended Agenda. Commissioner Jones seconded the Motion. Motion carried.

MINUTES: Commissioner Shelton moved to approve the Minutes of the Public Hearing and Regular Meeting of October 19, 2009. Commissioner Massie seconded the Motion. Motion carried.

INFORMAL COMMENTS BY THE PUBLIC:

(a) Marie Leatherwood of Sylva stated the county should not be negotiating with Clemmy Queen for purchase of the Tuckaseegee Mills Bldg. because Queen/Q. C. Apparel, as of 11/2/09, owes the county for an unpaid revolving loan and rent a total of \$467,680.33.

(b) Julie Mayfield, Executive Director of Western North Carolina Alliance, and on behalf of the Jackson-Macon Conservation Alliance, The Canary Coalition, Tuckaseegee Community Alliance, United Neighbors of Tuckaseegee, and the Watershed Assoc. of the Tuckaseegee River, requested that the vested rights decisions made by the Planning Dept. in 2007 prior to the adoption of several new land use ordinances should be reviewed. The groups have concerns that some of those vested rights decisions were made in haste or without sufficient or accurate evidence. County staff should be vigilant in new development proposals and revisit, re-examine and revoke, if appropriate, a vested right determination previously granted.

(c) Jim McCarthy, Executive Director of JAG, of Greens Creek, stated that his research reveals that of the 240 vested rights applications, 238 were approved. Those applications should be revisited.

(d) Carl Iobst, Secretary of JAG, of Cullowhee, suggested that a committee of citizens should be appointed to review the vested rights exemptions previously approved.

(e) Jason Kimenker, Airport Authority member, requested that the vacancies on the Authority Board be filled immediately.

(f) Christa McTall of Dillsboro requested that the county investigate Transit policies concerning shopping bags.

(1) **CHAIRMAN'S REPORT**: Chairman McMahan reported that he has now received copies of EDC audits from two different auditors and this issue will be placed on the December 7 Agenda.

He submitted a list of topics he wants to be discussed during a Board Retreat: capital project planning, budget development, manager evaluation, agenda formation and structure, public meetings access, board appointments, meeting schedule, planning issues, and the airport. The Commissioners also need to submit topics to the county manager.

(2) **COMMISSIONERS REPORTS**: Commissioner Massie stated TWSA's annual meeting is scheduled on December 8. He requested "public communication" be added to the Board Retreat topic list.

(3) **COUNTY MANAGER REPORT**: Mr. Westmoreland stated the Subdivision Ordinance does require performance bonds, but perhaps not to the full extent of cost or involvement of the entire project and is an area that probably needs to be addressed by the Planning Dept.

(4) **FINANCE & TAX COLLECTOR'S REPORTS for OCTOBER 2009 and BUDGET AMENDMENT**: Darlene Fox, Finance Director, presented the finance and tax collector's reports for the month of October 2009 and budget amendments.

***Motion:** Commissioner Cowan moved to approve the finance & tax collector's reports for October 2009 and two budget amendments. Commissioner Shelton seconded the motion. Motion carried by unanimous vote.*

She also presented Smoky Mountain Center's financial report for the quarter ending 9/30/09.

(5) **TWSA**: Joe Cline, Executive Director, requested an appropriation of \$100,000 for the county's portion of operational costs, and advance \$100,000 for the Tribe's portion of operational costs for the Whittier Wastewater Treatment Plant and \$87,500 for debt service for a total of \$287,500. \$100,000 will be refunded to the county when the Tribe makes its payment.

***Motion:** Chairman McMahan moved to appropriate \$287,500 from Capital Reserve Fund to TWSA. Commissioner Shelton seconded the Motion. Motion carried by unanimous vote.*

(6) **LIBRARY**: Donnie Love of McMillan Pazdan Smith, LLC presented an exterior color palette for the new library. By consensus, the dark green/deep olive sample he presented for window trim was approved. The exterior colors presented were unsatisfactory, thus sample color swatches will be painted on the building for review before final selections are made.

(7) **AUDIT REPORT for FISCAL YEAR ENDING 6/30/09**: Carry over.

(8) MUNICIPAL GRANTS: The following grant applications were submitted:

- (a) Town of Dillsboro - Monteith Farmstead Restoration Project - \$5,000
- (b) Town of Dillsboro - Monteith Park - \$8,276.00
- (c) Town of Sylva - Downtown Directional Signage - \$14,700.00

(9) MICHAEL EGAN LEGAL SERVICES:

***Motion:** Commissioner Massie moved to approve a \$175/hr. on an as-needed basis for Mr. Egan's legal services. Chairman McMahan seconded the Motion. Motion carried by unanimous vote.*

(10) CULLOWHEE GREENWAY (FUND 28): Commissioner Massie recommended that the "Conservation/Preservation/Recreation Fund 28" be used for rights-of-way, conservation easements or fee simple property acquisition for greenways. Staff should be authorized to expend the funds for Cullowhee Greenway acquisition subject to the prior approval of the county manager. Mr. Westmoreland stated negotiations would be on a case-by-case basis, some of which may require the services of a local realtor or other professionals. Mr. Westmoreland and county staff were requested to present suggested acquisition parameters to the Board in December.

(11) CEMETERY BOARD:

***Motion:** Commissioner Massie moved to appoint James Monteith to fill the unexpired term of Louise Bedford representing the Genealogical Society on the Jackson County Cemetery Board. Commissioner Shelton seconded the Motion. Motion carried by unanimous vote.*

(12) CASHIERS PLANNING COUNCIL:

***Motion:** Commissioner Jones moved to appoint John Stanger in either an alternate or member status contingent upon ascertaining if either of the current alternates prefers to have member status; however, should neither of the current alternates want member status, then Mr. Stanger would serve as a member. Chairman McMahan seconded the Motion. Motion carried by unanimous vote.*

(13) BOARD OF ADJUSTMENT APPOINTMENTS: Carry over.

(14) WATER RESOURCES BOARD APPOINTMENTS: Carry over.

(15) AIRPORT AUTHORITY: Carry over.

CLOSED SESSION:

Chairman McMahan stated there was a need for a closed session pursuant to G. S. 143-318.11(a)(3) Legal (lawsuit) and 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 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 8:45 p.m.

Attest:

Evelyn B. Baker, Clerk to Board

Approved:

Brian Thomas McMahan, Chairman