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

**MINUTES OF THE REGULAR MEETING
OF THE JACKSON COUNTY
BOARD OF COMMISSIONERS
HELD ON
MAY 22, 2007**

The Jackson County Board of Commissioners met in Regular Session on May 22, 2007, at 6:00 p.m., 401 Grindstaff Cove Road, Room A201, Sylva, North Carolina.

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

Chairman McMahan called the meeting to order.

AGENDA: Chairman McMahan amended the Agenda by adding Receive Sediment Control Ordinance Amendments and Veterans Office. Commissioner Shelton moved to approve the amended Agenda. Commissioner Massie seconded the Motion. Motion carried.

MINUTES: Commissioner Jones moved to approve the Minutes of the Regular Meeting of May 7, 2007. Commissioner Cowan seconded the Motion. Motion carried.

INFORMAL COMMENTS BY THE PUBLIC:

Marie Leatherwood of Sylva stated that she is still concerned about the EDC and JDC situation and after investigating some JDC properties and documentation, she found that the JDC is and has been collecting money from six rentals for an undetermined number of years producing an undetermined amount of money. She stated records reflect mortgages and property sales which have given JDC access to \$2,518,000 not including income from the rentals. She stated the JDC audit report reflects \$1.9 million in assets. She asked if the county intends to buy the JDC property, i.e. Tuckaseigee Mills mortgaged for \$568,000 to EDC and Drexel property mortgaged for \$775,000. She stated that the Commissioners' goal should be the safe and long-term protection of tax money and are responsible for explaining everything about JDC's expenditures of EDC monies in the amount of \$1,245,254.50 within the past five years while being un-audited, un-bonded for approximately four years with private bank accounts for both entities. She stated the Board is obligated to ascertain if anyone on the JDC Board is bonded to enable recovery of taxpayers' monies.

Eddie Palmer of Sylva, realtor, stated that he has a group of clients who have joined their properties together. He read a letter from Bruce N. Lowe, Landscape Architect for the group, which states in part that he has been unable to ascertain the minimum lot size based on the uncertainty of the language in the proposed ordinances because 8.48 acres, or more than 50%, of the total land is required for open space. Further, he asked if septic drain fields be placed in open spaces and what is the number of homes that can share a well before it is considered a community well. Mr. Palmer stated the property is under a \$2.3 million contract as of the last day of January.

Charlie Johnson of Aquaculture International presented photographs of greenhouses he set up at landfills in Yancey/Mitchell counties to grow fish and vegetables in a recirculation system. He requested use of a greenhouse at the Green Energy Park rent-free for three months to grow organic vegetables, flowers, plants in addition to red worms and fish.

Marian Smith of Kituwah Foundation, stated that she has been working with Charlie Johnson presenting programs to schools concerning new ways to use energy, create aqua-agriculture and economic opportunities.

(1) **CHAIRMAN'S REPORT:** Chairman McMahan reported that the Caney Fork community's annual bar-be-que is June 2, 4:00-7:00 p.m. at the community building.

(2) **COMMISSIONERS REPORTS:** Commissioner Massie reported he received a letter from Alvin Frady concerning a growing junkyard at the intersection of Allman Road and Mineral Springs Road. Mr. Frady is complaining that he has been unable to get satisfaction from the Planning Dept. Mr. Westmoreland was requested to investigate the site and ascertain if it is in compliance with the junkyard ordinance.

(3) **COUNTY MANAGER'S REPORT:** Mr. Westmoreland reported that the issues at the Greens Creek, Cullowhee and Mineral Springs SRC's can be resolved by paving and striping the area approaching the compactor sites with circular dual travel lanes. Chad Parker, Solid Waste Director, has been directed to move forward with a contract for improvements at the three sites.

(4) **FINANCE & TAX COLLECTOR REPORTS FOR APRIL 2007:** Commissioner Massie moved to approve the Finance & Tax Collector's reports for April 2007. Commissioner Shelton seconded the Motion. Motion carried by unanimous vote.

(5) **CASHIERS RECREATION CENTER SITEWORK BIDS:** Mr. Westmoreland reported that the 401 permit from DEHNR is still outstanding. The contractor has agreed to continue to hold the bid while the permit issue is being resolved. Carry over to June 4.

(6) **WADE HAMPTON GOLF CLUB:** Commissioner Jones moved to allow 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.

(7) SMOKY MOUNTAIN HIGH SCHOOL PHASE III BIDS: Mr.

Westmoreland reported that the low bidder meeting all the specification requirements exceeded the budget and engineer's estimate. The contractor reviewed alternatives and made some substantial reductions; however, the amount is still over budget. Chairman McMahan stated that this meeting will be recessed and reconvened on March 24 at 4:00 p.m. to discuss and resolve this issue.

(8) WASTE MANAGEMENT CONTRACT AMENDMENT: Waste

Management accepts the county's municipal solid waste at its landfill in Homer, Georgia. Waste Management has agreed not to adjust the 2007 disposal rate for Consumer Price Index in exchange for the county extending the contract until September 15, 2012. Commissioner Massie moved to approve the contract amendment. Commissioner Shelton seconded the Motion. Motion carried by unanimous vote.

(9) BUDGET FY2007-08: A Work Session was scheduled for May 29 at 6:00

p.m.

(10) HIGHWAY 1001 RESOLUTION (R07-14): Commissioner Cowan moved

to adopt a resolution requesting that the NCDOT conduct an engineering evaluation for safety improvements to Highway 1001 from the bridge near the Cullowhee Recreation Center to the bridge at the intersection of Tilley Creek and Cullowhee Mountain roads. Commissioner Massie seconded the Motion. Motion carried by unanimous vote.

(11) SMOKY MOUNTAIN CENTER: Shelly Lackey, Community Relations

Coordinator, presented the July 1, 2007-June 30, 2010 Local Business Plan. The Executive Summary outlined the organization's commitment to continuously improve its operations in a manner that is responsive to state and community stakeholders, providers, and consumers. Over the next three-year period, SMC will work to improve operations in the areas of: (a) governance and administration; (b) business and information management, (c) customer services and consumer information, (d) service management, and (e) quality management. In order to achieve the strategic goals in the Plan, efforts will be made to engage state and community stakeholders, local government, providers, consumers and family members in planning and implementing related activities. Commissioner Shelton moved to approve the Local Business Plan. Commissioner Jones seconded the Motion. Motion carried by unanimous vote.

(12) JUVENILE CRIME PREVENTION COUNCIL: Captain Lillard

presented Certification Standards substantiating a request that the JCPC be permitted to use up to \$15,500 of its annual fund allocation to cover administrative and related costs of the council. Commissioner Jones moved to approve the Certification Standards. Commissioner Cowan seconded the Motion. Motion carried by unanimous vote.

(13) GREEN ENERGY PARK: Timm Muth, Director, presented a power point overview of the park and an artist's concept of the master plan which reflects spaces for blacksmithing forges, greenhouses, pottery studios, glass-blowing studios, and the bio-diesel refinery. He stated there are plans for use of all open space at the park and the portion of the building not presently being used by the bio-diesel refinery. The economic impact is to encourage the success of new artisans by offering 6-months to 3-year leases, fully functional studios, and cost free fuel. The 2007 project schedule includes construction of additional blacksmith forges and ventilation installation, install greenhouse end walls and roof coverings, boilers and heating system, and begin construction of crafts building (pottery and glass).

(14) SUBDIVISION ORDINANCE, MOUNTAIN & HILLSIDE DEVELOPMENT ORDINANCE, SEDIMENT CONTROL ORDINANCE AMENDMENTS: Linda Cable, Planning Coordinator, reported that the Planning Board has worked for the past 3 ½ months drafting the following:

- (a) A proposed Subdivision Ordinance
- (b) A proposed Mountain & Hillside Development Ordinance
- (c) Proposed Amendments to the Sediment Control Ordinance

The Board commended Ms. Cable and the Planning Board for their diligent work on the ordinances. Mr. Westmoreland suggested that a 15-minute power point presentation outlining major provisions of the ordinances be presented prior to the public hearing. No Board deliberation or action will be taken at the public hearing

Commissioner Shelton moved to schedule a Public Hearing concerning the three ordinances on June 11, 2007, 7:00 p.m. at Southwestern Community College. Commissioner Jones seconded the Motion. Motion carried by unanimous vote.

(17) VETERANS OFFICE: Russ Bauer, Veterans Officer, stated there are presently 3,700 surviving veterans in the county. He requested that on Veterans Day, November 11, 2007, the fountain be dedicated as the Veterans Memorial Fountain along with a plaque listing the Commissioners names and that a granite monument with a bronze plaque in memory of and honoring all veterans from the county be placed at the fountain. He also requested that the veterans monument located near the old courthouse be moved to the fountain area. A Memorial Day ceremony is scheduled on May 28, 12:00 noon at the fountain. A Memorial Day ceremony is also scheduled at the Village Green in Cashiers on May 28 at 12:00 noon.

Commissioner Massie moved that the Board go into Closed Session pursuant to G. S. 143-318.11(a)(3) Legal, G. S. 143-318.11(a)(5) Real Property, G. S. 143-318.11(a)(4) Business Expansion. Commissioner Jones seconded the Motion. Motion carried.

Chairman McMahan called the Open Session back to order and reported no action was taken in Closed Session.

At 10:00 p.m., Chairman McMahan recessed the meeting until May 24, 2007 at 4:00 p.m.

Attested By:

Evelyn B. Baker, Clerk

Approved:

Brian Thomas McMahan, Chairman