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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
JANUARY 7, 2008**

The Jackson County Board of Commissioners met in Regular Session on January 7, 2008, 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 EDC Director. Commissioner Cowan moved to approve the amended Agenda. Commissioner Shelton seconded the Motion. Motion carried.

Chairman McMahan moved that the Board go into closed session pursuant to G. S.143-318.11(a)(3) Legal and G. S. 143-318.11(a)(6) Personnel. Commissioner Jones seconded the Motion. Motion carried.

Chairman McMahan called the open session back to order and reported no action or votes were taken in closed session.

MINUTES: Commissioner Cowan moved to approve the Minutes of the Public Hearing of December 17, 2007 and Regular Meeting of December 17, 2007. Commissioner Shelton seconded the Motion. Motion carried.

INFORMAL COMMENTS BY THE PUBLIC:

(a) Tom Wilcox stated the Dillsboro Dam is a significant part of the county's cultural and industrial history and should be preserved for that reason. The public has a right to a fair and thorough discussion of alternative electric power systems before the dam is destroyed.

(b) Jim McCarthy stated he does not want the Dillsboro Dam removed primarily because it produces clean green energy. The dam could produce hydro-power and lessen dependence on foreign oil. He stated he supports collectively the county's continued fight for preservation of the dam.

(c) Teresa Dowd, President of the Dillsboro Merchants Assoc., stated that the Dillsboro Dam should be preserved and hopes that a solution can be found.

(d) T. J. Walker stated there are a lot of hidden costs involved with removal of dams. Since 1995, river rafting is down 25%. The U.S. Fish & Wildlife Service conducts surveys every five years of outdoor enthusiasts and the 2006 survey reflects that fishing continues to be the favorite pastime and 3 million

participants spent approximately \$2 billion on fishing activities in North Carolina, South Carolina and Georgia.

(e) Jason Kimenker stated he recognizes the value of the Dillsboro Dam historically, economically and supports the county's continued litigation to preserve the dam. The county should receive full compensation from Duke Energy for use of the river for the next 30 years.

(f) Veronica Nichols requested that a "nuisance animal" definition be added to the proposed Animal Control Ordinance to address their repeated and unwanted presence on private property, in addition to animals on private property who chase and harass pedestrians, livestock, vehicles, or other animals. She suggested that the word "offensive" not be used in the definition. She urged that mandatory spay/neutering be included in the ordinance.

(g) Susan Leveille stated she supports the county's efforts to preserve the Dillsboro Dam since it is a viable part of the county's history and is important to the tourism industry in Dillsboro. The dam could be another component, along with the Green Energy Park, of sustainable energy.

(h) Ellen Boyd stated she supports preserving the historic Dillsboro Dam. The dam contributes to the scenic picturesqueness of Dillsboro and has the potential of generating green power for the area.

(i) Mark Singleton, Executive Director of American White Water, and resident of the county, inquired how much more the county can afford to spend and/or lose on retention of the Dillsboro Dam. The county has invested in excess of \$150,000 even though the settlement offer is \$350,000 and suggested obtaining a second opinion and considering other objectives over legal action.

(1) CHAIRMAN'S REPORT: Chairman McMahan reported the NCACC is celebrating 100 years of county unity this year and has requested each county contribute and promote county government throughout 2008. The request for January is a "State of the County" address. Other contributions throughout the year include compiling a cookbook of county recipes, designing a county flag, county logo, etc.

(2) COMMISSIONERS REPORTS: None.

(3) COUNTY MANAGER'S REPORT: None.

(4) FINANCE & TAX COLLECTOR REPORTS FOR DECEMBER 2007:
Carry over.

(5) BUDGET AMENDMENTS: Carry over.

(6) FERC/DUKE ENERGY RELICENSING UPDATE: Attorney Paul Nolan stated that the issue is not just the preservation of the Dillsboro Dam but seven hydro projects in various phases of relicensing. After giving a brief overview of the status of the FERC issue, he recommended the county consider condemnation of the Dillsboro Dam and the issuance of a Request for Proposals (RFP). Based upon recent changes in rates, favorable legislation for renewables, etc. the county should consider the feasibility of acquiring the site and leasing it to a developer with the goal of recouping costs expended to date plus condemnation costs. The condemnation and RFP timeframe would be approximately 30-60 days.

Chairman McMahan moved that the county explore the option of condemnation and the issuance of a Request for Proposals for operation of the Dillsboro Dam. Commissioner Shelton seconded the Motion carried. Motion carried by a vote of 4-1 with Commissioner Massie voting "nay".

(7) ANIMAL CONTROL ORDINANCE: Paula Carden, Health Dept. Director, together with Attorney Holt revised Section 20 “Imposition of Penalties for Violations of Ordinance”, paragraph “A” of the proposed ordinance. She recommended that a “nuisance animals” definition and a section entitled “Animals Creating a Nuisance” be added. A revised ordinance will be considered at the January 22 meeting.

(8) SOLID WASTE ORDINANCE CIVIL VIOLATION FINE SCHEDULE:
The Solid Waste Advisory Board recommended the following:

Offense	1 st	2 nd	3 rd
Illegal Dump	Warning	\$500	\$500
Burning Garbage	Warning	\$250	\$500
Dumping Commercial Waste at SRC	Warning	\$250	\$500
Private Hauler failing to get permit	Warning	\$500	\$500
Littering/Unsecured load	Warning	\$250	\$500
Out of county waste	Warning	\$250	\$500
Scavenging	Warning	\$250	\$500
Failure to provide proof of proper disposal	Warning	\$250	\$500

Commissioner Massie moved to adopt the fine schedule but change “3rd” to “3rd and subsequent”. Commissioner Shelton seconded the Motion. Motion carried by unanimous vote.

(9) CRIMINAL JUSTICE PARTNERSHIP PROGRAM POSITION: The CJPP Board of Directors requested that the county authorize a CJPP Director position. Mr. Westmoreland stated there are sufficient grant funds available for the position during the balance of the fiscal year, but the Director would be a state employee, not a county employee, who would comply with all state personnel policies and procedures, and would be under the direction of the Clerk of Court. Commissioner Cowan moved to approve the request and authorize grant funds to be used for the salary of a CJPP Director. Commissioner Shelton seconded the Motion. Motion carried by unanimous vote.

(10) FUEL CONSERVATION PRACTICE REPORT: Mr. Westmoreland presented possible county policies and procedures for conserving vehicle fuel consumption: (a) Practical Procedures: driver responsibility which include shop gas stations for price, use of correct fuel, keep engine tuned, use cruise control wherever possible, etc.; (b) Operational Procedures: department head responsibility and should insist that conduction of routine business be handled, wherever possible, through phone, internet, or video conferencing, eliminate all unnecessary trips, carpool whenever possible; and (c) Policy Positions: Board of Commissioners responsibility and could include adopting a policy to purchase vehicles to fit the job as opposed to purchases made under state contract at low bid, authorize purchase of hybrid and more energy efficient vehicles when possible, offer option of paying employees for use of personal vehicle at current federal mileage reimbursement rate, all of which can be discussed during upcoming budget meetings.

(11) WATERSHED REVIEW BOARD APPOINTMENTS: Randy Lanier, Jim Mincey and Ed Norton have agreed to continue to serve if reappointed. Chairman McMahan suspended the rules and Commissioner Massie moved to reappoint Randy Lanier and Jim Mincey as members and Ed Norton as an alternate on the Watershed

Review Board, all to serve 3-year terms. Commissioner Cowan seconded the Motion. Motion carried by unanimous vote.

(12) COUNCIL ON AGING APPOINTMENT: Brenda DuBose, Veterans Officer, has volunteered to fill the unexpired term of Russ Bauer. Chairman McMahan suspended the rules and Commissioner Cowan moved to appoint Brenda DuBose to fill the unexpired term of Russ Bauer on the Council on Aging Board. Commissioner Jones seconded the Motion. Motion carried by unanimous vote.

(13) EDC DIRECTOR: Chairman McMahan read an excerpt from Article 6 of the Bylaws adopted by the municipalities and county on April 6, 2007: *The EDC may have an Executive Director and other support staff as necessary. The Executive Director and staff will be employees of Jackson County and will be employed at the discretion of the Jackson County Board of Commissioners.* Therefore, the position must conform to the county's grade and step policy as well as all other benefits. It would also give the employee the opportunity to be a part of a government retirement plan. There has been a procedural misunderstanding because the EDC was supposed to make a recommendation to the county manager, the Commissioners would consider the recommendation, set the salary and offer the position to the individual who must conform to all county personnel policies.

Rick Fulton, EDC Chairman, stated he was furnished a salary range and understood EDC would interview and locate a qualified person. EDC did an extensive research and a salary comparison was made with other counties of equal size and stature. He stated he understood it was EDC's responsibility to set a salary, benefits and starting date and made a recommendation of same to the county manager for presentation to the Commissioners. He stated no public announcement has been made.

Commissioner Massie stated that it appears EDC has set a starting date, offered a salary and benefits prior to the Commissioners having an opportunity to discuss the proposed candidate's qualifications. All county employees fit within a salary structure and are assigned grades/steps. The salary and benefits offered by the EDC are all contrary to county policy.

Chris Matheson stated she served on the EDC Executive Committee who interviewed the applicants and the county manager provided the job description. EDC considered the applicant's current salary and qualifications, and the salary offered was well within the range provided by the county. If anyone had informed the EDC that it was not authorized to hire anyone or set a salary, then it would have taken a different approach. She understands the EDC is an independent commission.

Chairman McMahan stated there are only two options: (a) Submit the candidate's application to the county manager who will assign a grade/step salary; and if that person is still interested the county manager will then submit the name to the Commissioners who will hire that individual based upon those recommendations as long as they conform to county policies, or (2) Revise the Bylaws to make that candidate an employee of one of the municipalities or the EDC.

There being no further business, Commissioner Jones moved to adjourn the meeting. Commissioner Massie seconded the Motion. Motion carried and the meeting adjourned at 9:20 p.m.

Attest:

Evelyn B. Baker, Clerk

Approved:

Brian Thomas McMahan, Chairman