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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 5, 2008**

The Jackson County Board of Commissioners met in a Regular Meeting on May 5, 2008, at 6:00 p.m., 401 Grindstaff Cove Road, Room A201, Sylva, North Carolina.

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

Chairman McMahan called the meeting to order.

**AGENDA:** Chairman McMahan added Minutes of the April 30, 2008 Work Session and Adoptions Opportunities Grant. Commissioner Massie added a Resolution to the General Assembly requesting a review of the tax structure. Commissioner Massie moved to approve the amended Agenda. Commissioner Jones seconded the Motion. Motion carried.

**MINUTES:** Commissioner Cowan moved to approve the Minutes of the Special Meeting of April 21, 2008, Minutes of a Public Hearing of April 21, 2008, Minutes of a Regular Meeting of April 21, 2008, and Minutes of a Work Session of April 30, 2008. Commissioner Shelton seconded the Motion. Motion carried.

**INFORMAL COMMENTS BY THE PUBLIC:** John McCarthy stated that a visitor survey was done by Appalachian State University which shows that the top three visitor activities in the mountains of this area are: Blue Ridge Parkway 64%, Natural & Scenic attractions 42% and Historic downtowns 42%. No gated communities or golf courses were mentioned.

**(1) CHAIRMAN'S REPORT:** Chairman McMahan reported that he sent a letter to the Army Corps of Engineers on behalf of the residents of the Tuckaseigee Community requesting a public hearing concerning the development in and around Webster Creek by Legasus of North Carolina, LLC. The Army Corps of Engineers responded by a letter dated April 24, 2008 and stated "...it is our determination that there is no valid interest to be served by holding a public hearing on this matter". He stated that determination could change.

**(2) COMMISSIONERS REPORTS:** Commissioner Massie reported that at the recent NCACC District Meeting, Commissioners were informed that House Bill 1889 “Present Use Value System Modifications” could provide property tax relief to citizens who are currently under the present use value system. He has sent letters to Senator John Snow and Senator Joe Sam Queen requesting support in the Senate for passage of House Bill 1889 as a means for providing property tax relief for Jackson County

**(3) COUNTY MANAGER REPORT:** Mr. Westmoreland reported that Linda Cable, Planning Director, received a letter and outline from Legasus dated May 2, 2008 indicating that a proposed River Rock Development Agreement will be forthcoming.

**(4) FINANCE & TAX COLLECTOR REPORTS FOR APRIL 2008 and BUDGET AMENDMENTS:** Carry over.

**(5) SCATTERED SITE HOUSING PROGRAM QUARTERLY REPORT (January- March 2008):** Joan Stillwell, Community Development Director, reported that work in progress during the quarter was for completion of construction on a relocation project in Cullowhee; however, it should be complete within the next week or so. Work in progress also includes preparing for grant closeout, site visits and accepting new applications for the 2009 program. One rehabilitation project was removed due to a lack of funding and the death of the property owner. Expenditures for the quarter were \$561.01 administration funds and \$6,954.85 project funds.

She is still awaiting closeout procedures for the CHAF Program.

**(6) VOLUNTARY/ENHANCED VOLUNTARY AGRICULTURAL DISTRICT ORDINANCE (O08-03):** A public hearing was held at 5:00 p.m. on May 5, 2008. The Planning Board recommended adoption of the ordinance.

Commissioner Shelton stated that it is a good ordinance and the key word is that it is “voluntary”. He referred to Article 7 *Certification and Qualification of Farmland* and stated that the threshold to qualify for farms (5 acres for nurseries, 10 acres for farming and 20 acres for forestland) cannot be lowered pursuant to the Machinery Act. He asked that the Legislature be requested to consider reducing the acreage requirements. He recommended amending the ordinance as follows:

Section 5.8 Funding” by adding: “If funding is requested, the Advisory Board must submit a budget”.

Section 13.2 Signage by changing the word “shall” to “should”.

Commissioner Massie responded to some of the questions raised during the Public Hearing concerning the need for the ordinance. He stated the ordinance is one in a series of steps to provide assistance to the citizens of Jackson County inasmuch as possible so they can continue farming by working within the state government system on property tax values. The ordinance enhances the livability for the traditional uses within the county and at the same time have access to state monies through the North Carolina Farmland Preservation Trust which is \$8 million this year and should increase over the

next decade or so as it becomes more important and provides the county a tool to help with property taxes as much as possible.

Carry Over.

**(7) SECONDARY ROADS PROGRAM RESOLUTION (R08-08):** Chairman McMahan stated the NC General Assembly passed house Bill 1513 which allows counties to voluntarily participate in the costs of transportation projects. Jackson County opposes the transfer of the Secondary Roads Program funding to any other program that will reduce funding for secondary road construction, improvements and maintenance. The county does not want to be responsible for secondary road improvements. Chairman McMahan suspended the rules and Commissioner Shelton moved to adopt the resolution. Commissioner Jones seconded the Motion. Motion carried by unanimous vote.

**(8) ADOPTION OPPORTUNITIES GRANT APPLICATION:** Bob Cochran, DSS Director, stated there are 57 children in foster care in Jackson County and his department needs more foster homes. For several years, a non-profit organization has been working on a project entitled “Under One Sky” which is a camp for older teenagers who are cleared for adoption. The organization has inquired if the county would be interested in working with “Under One Sky” on a federal grant which requires that either a state or county make the application. “Under One Sky” cannot apply as a 501(c)3 organization. The application would be for a \$2 million grant funded at \$400,000 per year over a period of five years. It would be a model or demonstration grant and would help address a lot of local needs. The county would be compensated for its role for indirect costs (approximately \$56,000/yr. plus an additional \$11,000 for grant administration).

He introduced Diane Dellafield who works for the non-profit organization based out of Asheville. She stated that the organization has worked with 32 counties in North Carolina by helping find adoptive families for teenagers. The Adoption Opportunities Grant is to recruit adoptive/foster families. The Public Institute, a non-profit evaluation organization, is writing the grant which must be based on evidence of practices and/or strategies. This is an opportunity and honor for Jackson (medium), Burke (small) and Buncombe (large) Counties to be a part of a national model. Only 1-9 grants will be awarded throughout the entire country.

Commissioner Cowan inquired what will happen to the program when the grant expires. Ms. Dellafield responded that hopefully another grant will be available and thus continue the program with the same DSS staff. The county would be applying to the Administration for Children and Families through the Children’s Bureau, a federal agency. Mr. Cochran stated that at the end of the project, states and local social services would pick up a substantial amount of the costs to continue the program. Mr. Westmoreland stated that no county funds would be involved in the initial grant.

Commissioner Massie moved that Jackson County be an applicant for the “Under the Sky” grant. Commissioner Shelton seconded the Motion. Motion carried by unanimous vote.

**(9) RESOLUTION –PROPERTY TAX REVALUATION (R08-09):**

Commissioner Massie stated that the Machinery Act, which governs tax administration, needs to be reviewed because of the requirement that properties be valued based on market value. The resolution requests that the General Assembly establish a joint committee of the House and Senate to work with the Dept. of Revenue and others to study the state’s property tax structure and analyze the impact on owner occupied residential properties, the effectiveness of the current homestead exemption program and replacement alternatives to property taxation. A copy of the resolution will be sent to the NCACC, local legislative delegation and House and Senate leadership requesting their support. Chairman McMahan suspended the rules and Commissioner Shelton moved to adopt the Resolution. Commissioner Jones seconded the Motion. Motion carried by unanimous vote.

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)(5) Real Property (Jackson Plaza Property Lease Arrangement). 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.

There being no further business, Commissioner Cowan moved to adjourn the meeting. Commissioner Jones seconded the Motion. Motion carried and the meeting adjourned at 7:45 p.m.

Attest:

Approved:

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Evelyn B. Baker, Clerk

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Brian Thomas McMahan, Chairman

