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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
JUNE 16, 2008**

The Jackson County Board of Commissioners met in a Regular Meeting on June 16, 2008 at 6:00 p.m., 401 Grindstaff Cove Road, Room A201, Sylva, North Carolina.

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

Chairman McMahan called the meeting to order.

AGENDA: Commissioner Shelton 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 June 2, 2008, Budget Work Session of June 3, 2008, Budget Public Hearing of June 12, 2008 and Budget Work Session of June 12, 2008 Commissioner Cowan seconded the Motion. Motion carried.

INFORMAL COMMENTS BY THE PUBLIC: Rafael Rodriguez of the Whittier Community stated that a Magistrate issued a warrant and he was arrested, required to post a \$1,000 bond, because a neighbor accused him of allowing his small black cat to disturb other animals in violation of the Animal Control Ordinance. The proposed changes to the Animal Control Ordinance should eliminate such arrests in the future.

(1) COMMISSIONERS REPORTS: Commissioner Massie reported that he and Chairman McMahan attended the NCACC County Assembly Day on June 10. He talked with eight different Senators and House members, including the Chair of the Senate and House Appropriations Committees and specifically discussed HB1889, wildlife conservation land and present-use values and distributed copies of Resolutions adopted by the County and Region A requesting a review of the Machinery Act and encouraged everyone to stay in contact with legislators so a study committee will be appointed.

(2) COUNTY MANAGER'S REPORT: Mr. Westmoreland reported that the Southern Lumber property task force met about ten days ago and began discussions about using the property as a joint facility. It was agreed at that time to employ an architect to prepare a detailed schematic design which could be incorporated into a long-term contract between the two entities. It is anticipated that the design will be complete in July.

(3) FINANCE & TAX COLLECTOR REPORTS FOR MAY 2008:

Darlene Fox, Finance Director, presented the following highlights:

<u>General Fund Revenues Collected to Date</u>	\$ 41,969,327.00
<u>General Fund Expenditures to Date</u>	\$ 40,501,350.00
<u>Ad Valorem Tax Collected</u>	\$ 23,238,778.00
<u>Motor Vehicle Tax Collected</u>	\$ 882,741.00
<u>Sales & Use Tax for March 2008</u>	\$ 641,023.86
<u>Solid Waste Disposal Fees</u>	\$ 1,539,783.00
<u>Contingency Balance</u>	\$ 171,138.24

(4) BUDGET AMENDMENT:

<u>General Fund</u>	\$ 217,830.00
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Commissioner Shelton moved to approve the Finance and Tax Collector's reports for May 2008 and the Budget Amendments. Commissioner Jones seconded the Motion. Motion carried by unanimous vote.

(5) ANIMAL CONTROL ORDINANCE AMENDMENTS (O08-01): Section 16, Animal(s) Creating a Nuisance was amended to read as follows:

"It shall be unlawful for an owner to permit an animal to run at large if such animal is reported as creating a public nuisance as defined in Section 1 of this ordinance. Upon receipt of a written complaint signed by a resident of Jackson County, stating the nature of the complaint, the place and the date of the act, the apparent owner of the animal, the address of the said apparent owner, and a description of the animal doing the such act, the Animal Control Officer shall investigate the complaint to determine whether it violates this Ordinance. Should the Animal Control Officer find, after sufficient investigation, that an animal has created a nuisance as defined in Section 1 of this Ordinance, *Animal Control shall issue a declaration declaring the dog a nuisance and for the owner to keep such animal under restraint on his property at all times. A copy of the declaration declaring the dog a nuisance shall be given to the complainant or the aggrieved party and either may appear before the Magistrate with the declaration of nuisance and have the necessary papers issued for violation of an provision of the is ordinance without further assistance from Animal Control. Any aggrieved party may appear before a magistrate and have the necessary papers issued for violation of any provision of this Ordinance without an investigation by Animal Control.* Exemption from the nuisance: a dog used by a public law enforcement agency for law enforcement purposes (G. S. 67-4.1(b)(1))."

Commissioner Cowan moved to adopt the amendments to the Animal Control Ordinance. Commissioner Jones seconded the Motion. Motion carried by unanimous vote.

(6) AMERICAN RECYCLING, LLC CONTRACT: The county has been notified that FCR Recycling is selling its business to American Recycling, LLC. Two years remain on the county's FCR contract which American Recycling has agreed to honor the contract in its entirety. Mr. Westmoreland recommended the authorization of the transfer from FCR to American Recycling. Chairman McMahan moved to approve the transfer. Commissioner Cowan seconded the Motion. Motion carried by unanimous vote.

(7) RESOLUTION – NCDOT RESURFACING BARKERS CREEK ROAD (R08-10): NCDOT requested that the county adopt a resolution supporting a proposed contingency project – resurface SR1392, Barkers Creek Rd, from the bridge over the Tuckasegee River to SR 1393, Rockdale Road, at an estimated cost of \$130,000. Commissioner Massie moved to adopt the resolution. Commissioner Shelton seconded the Motion. Motion carried by unanimous vote.

(8) RESOLUTION – PROHIBIT SHINING OF LIGHTS IN DEER AREAS (R08-11): Carry over until after the public hearing scheduled on June 16 at 7:00 p.m.

(9) RESOLUTION – PROHIBIT DISCHARGE OF FIREARMS FROM STATE MAINTAINED RIGHTS-OF-WAY (R08-12): Carry over until after the public hearing scheduled on June 16 at 7:00 p.m.

(10) BUDGET ORDINANCE FY2008-09: Darlene Fox, Finance Director, stated that the budget ordinance includes a well permit fee increase from \$200 to \$300 because of a new state law that goes into effect July 1, decreased the contingency fund to \$169,063, transferred \$1 million from emergency telephone fund to capital reserve, and changes recommended at the work sessions.

Mr. Westmoreland stated that the county has been officially notified that the NC Dept. of Revenue will expect remittance of a \$2.00/ton solid waste fee for one-half of the fiscal year which will require a \$1.00 addition to the collection and MSW tipping fees. The Mercer Group, salary consultants, was submitted information concerning the Sheriff's staff attorney position for an indication of a salary range. This position would be classified as a special market rate, not grade and step, and the recommendation from Mercer was \$46,153 for an entry-level attorney. The Sheriff previously requested a starting salary of \$65,000 for the position. The Mercer recommendation will be discussed with the Sheriff.

Commissioner Massie moved to adopt the Budget Ordinance. Commissioner Shelton seconded the Motion. Commissioner Massie stated that this has been a difficult budget; however, it reflects necessary expenditures, postpones some services during this time of economic uncertainty, attempts to keep user fees affordable, sets aside funds in capital reserve, meets the needs of law enforcement and emergency services by having one paid fireman in every main station which cuts down response time, addresses the immediate needs of public schools for both capital improvements and current operations, provides for an economic development director position, funds future economic growth by an investiture to repair and renovate water and sewer capacities, helps the elderly and disadvantaged, provides a 2.9% COLA for county employees and a fair, updated salary schedule, while maintaining one of the lowest tax rates in the state. He recommended that the millage rate be reduced to 28-cents per \$100. Motion carried by unanimous vote.

(11) AGRICULTURAL ADVISORY BOARD APPOINTMENTS: Commissioner Jones nominated Charles Fowler, Christmas tree farmer, as the District Four representative. Commissioner Cowan nominated Brad Stillwell, farmer, as the District Three representative.

Commissioner Cowan moved to appoint Charles Fowler and Brad Stillwell to 3-year terms. Commissioner Jones seconded the Motion. Motion carried by unanimous vote.

(12) GREENWAYS COMMISSION APPOINTMENT: The Greenways Commission by-laws require the appointment of one Commissioner. Commissioner Jones moved to appoint Commissioner Massie to the Greenways Commission. Chairman McMahan 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)(4) Business Expansion. Commissioner Shelton seconded the Motion. Motion carried.

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

Chairman McMahan recessed the regular meeting until after the June 16, 2008, 7:00 p.m. Public Hearing concerning proposed resolutions concerning wildlife laws.

Attest:

Approved:

Evelyn B. Baker, Clerk to Board

Brian Thomas McMahan, Chairman