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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
JULY 7, 2008**

The Jackson County Board of Commissioners met in a Regular Meeting on July 7, 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	W. Paul Holt, Jr., County Attorney
	William Shelton, Commissioner	
	Mark Jones, Commissioner	

Chairman McMahan called the meeting to order.

AGENDA: Chairman McMahan added HonorAir Trip for WWII Veterans and Macon County Appointment to SCC Board of Trustees. Commissioner Jones moved to approve the amended Agenda. Commissioner Shelton seconded the Motion. Motion carried.

MINUTES: Commissioner Massie moved to approve the Minutes of the Regular Meeting of June 16, 2008, Public Hearing of June 16, 2008 and Reconvened Regular Meeting of June 16, 2008. Commissioner Jones seconded the Motion. Motion carried.

INFORMAL COMMENTS BY THE PUBLIC: Carl Iobst of Cullowhee stated the county should not allow the U. S. Army Corps of Engineers to deny a public hearing concerning environmental disasters to “Webster Ridge” and “Riverrock” by Legasus Corp. since the N.C. Division of Water Quality has declared the Tuckasee River “impaired” which means it is polluted. He stated Balsam Mountain Preserve re-engineered its golf course and consequently constructed an illegal dam, pursuant to the Army Corps of Engineers and U. S. Fish & Wildlife Service, which caused harm to the citizens of Jackson County.

(1) CHAIRMAN’S REPORT: Chairman McMahan rescheduled the next board on August 7. He requested that a summary of county owned property rentals be available at the next meeting.

(2) COMMISSIONER REPORTS: Commissioner Shelton requested a review of the less than one-half acre \$25 erosion and sediment control fee. Mr. Westmoreland stated that the one-half acre or less primarily involves single-family residences and 450 permits were issued last year the equivalent of approximately \$12,000 in revenue. The work involved in the issuance of the permit is a visit to the site to determine if slope,

watershed or floodplain issues are involved. Two field visits are required to determine the accuracy of the permit request and if any site work is involved, then a follow up visit to ascertain that it is done correctly. No charge is made if no ground disturbance is involved, i.e., replacing HVAC systems, construction of a deck, etc. This fee issue will be placed on the August 7 Agenda.

(3) COUNTY MANAGER'S REPORT: Mr. Westmoreland stated that the budget includes funds to support an EDC Director position this fiscal year and advertising for the position will begin next week and the interview process should start around August 1. The Community Development Office will be relocated to the Hahn Building in order to create space for the director. The director will be a county employee with a principal responsibility to economic development; however, if the economic development workload is found not to be fulltime, the director can be assigned additional work by the county manager.

(4) FINANCE & TAX COLLECTOR REPORTS FOR JUNE 2008:

Darlene Fox, Finance Director, presented the following highlights:

<u>General Fund Revenues Collected to Date</u>	<u>\$ 43,773,700.00</u>
<u>General Fund Expenditures to Date</u>	<u>\$ 45,134,917.00</u>
<u>Ad Valorem Tax Collected</u>	<u>\$ 23,343,798.00</u>
<u>Motor Vehicle Tax Collected</u>	<u>\$ 916,723.00</u>
<u>Sales & Use Tax for April 2008</u>	<u>\$ 925,839.71</u>
<u>Solid Waste Disposal Fees</u>	<u>\$ 1,549,875.00</u>
<u>Payment in Lieu of Taxes</u>	<u>\$ 114,447.00</u>
<u>Contingency Balance</u>	<u>\$ 206,092.24</u>

Commissioner Shelton moved to approve the Finance and Tax Collector's reports for June 2008. Commissioner Cowan seconded the Motion. Motion carried by unanimous vote.

(5) WWII VETERANS: Scott Baker, President of Sylva Rotary, requested that the county appropriate funds to assist with the "Honor Air Project" which is for WWII Veterans to go to Washington, D.C. to visit the memorial dedicated in their honor. The cost is \$500 per veteran plus one guardian (\$200 each) for every three veterans. At present, 12 veterans have signed up for the trip and it is anticipated a few more will be added. Rotary has raised funds for eight veterans and two guardians. Plans include the purchase of commemorative hats for the veterans and identity shirts for the guardians. The first scheduled flight is November 1, 2008 and a second flight will be in April 2009. He requested \$3,500. Carry over to the August 7 meeting.

(6) R.O.A.P. PROGRAM APPLICATION: A public hearing was held on July 7, 2008 at 5:45 p.m. and no public comments were made. Commissioner Cowan moved to approve the program application. Commissioner Shelton seconded the Motion. Motion carried by unanimous vote.

(7) AGING DEPT.: Helen Bryson, Director, reported that the senior center has received a "Center of Excellence" status certification from the state which is the highest rank a center can obtain through the Division of Aging and the only center west of Asheville to achieve this status. She stated the center is a community facility which

provides services, activities and information to help seniors maintain their independence. The programs include: Senior Nutrition, Project C.A.R.E., Project F.I.R.E., Caring Hands In-Home Respite, Alzheimer's Support Group, Adult Day Care, and Senior Health Insurance Information & Medicare Part D.

(8) NCACC ANNUAL CONFERENCE VOTING DELEGATE:

Commissioner Massie moved to appoint Chairman McMahan as the voting delegate at the 101st Annual Conference. Commissioner Shelton seconded the Motion. Motion carried by unanimous vote.

(9) DOT – RESOLUTION (R08-13): NCDOT requested that the Board adopt a resolution supporting the use of DOT economic development funds to improve an existing median crossover and construct a “jug handle” on US 74/441 near the Gateway Flea Market and Starlight Motel. Commissioner Massie moved to adopt the Resolution. Commissioner Cowan seconded the Motion. Motion carried by unanimous vote.

(10) AGRICULTURAL ADVISORY BOARD APPOINTMENTS: Chairman McMahan moved to appoint Chet Stephens to a 1-year term as an at-large member. Commissioner Jones seconded the Motion. Motion carried by unanimous vote.

(11) PLANNING BOARD CHAIR AND VICE-CHAIR: Kim Cowan has agreed to serve as Chair and Richard Wilson has agreed to serve as Vice-Chair. Commissioner Massie moved to appoint Kim Cowan as Chair and Richard Wilson as Vice-Chair of the Planning Board, each to serve a one-year term. Commissioner Jones seconded the Motion. Motion carried by unanimous vote.

(12) REGION A AGING ADVISORY BOARD: Bob Cochran, DSS Director, recommended that Kelli Walkingstick, Adult Services Social Worker, be appointed. Commissioner Shelton moved to appoint Kelli Walkingstick to a 3-year term as an alternate on the Region A Aging Advisory Board. Commissioner Jones seconded the Motion. Motion carried by unanimous vote.

(13) SCC APPOINTMENT: The Macon County Board of Commissioners recommended that Bob Simpson be reappointed to the SCC Board of Trustees. Commissioner Cowan moved to approve the recommendation. Commissioner Jones seconded the Motion. Motion carried by unanimous vote.

(14) AIRPORT – EXECUTIVE SUMMARY: W. K. Dickson engineers presented an executive summary of the airport study. David Peeler, President/CEO, stated the challenges were to review the history of the airport and determine what has taken place since it was originally built in the late 1970's, if there were issues with stabilizing slopes and storm water run-off, what are the options to minimize those impacts with the intent to stabilize and create a safe environment for the airport to exist into the future, and budget estimates if improvements are to be made. The engineers recommended a monitoring plan for assurance that if certain things should occur, they will know what to do. The focus was to make sure there are no acute issues under the airport.

Ed Hearn, geotechnology, stated he evaluated the stability of the slopes to ascertain if there were any issues which represented a threat to the public. The airport had a slope failure in 1976 which took part of the runway, encroached to the edge of the runway and moved to the centerline, but had not progressed very much during the last thirty years. There was another slide during the last 5-10 years on the south end of the runway, above property owned by WCU, but was the same type slide that occurred on the actual runway. It is a slow moving slide, does not present a threat to the public and may continue to encroach back to the access road and may never require any remedial work or impact the operation of the airport. The access road does show signs of distress at present and will need to be repaired at some point – six months or twenty years. He stated there are no areas under the airport which neither represents a threat to the public nor requires additional evaluation at this time.

Ken Carper, stormwater management, stated he evaluated the storm water run-off and inspected the surface to determine what would occur before and after construction of the airport in terms of similar events. He stated there are 13 watersheds on the mountain, some have decreased and some have decreased in volume and rate. He recommended a monitoring plan which includes a gauge to measure the amount of rainfall. He stated there are three immediate and five long-term needs concerning storm water run off.

Sharon Alexander, Attorney, recommended that the written study by W. K. Dickson not be released to the public until there is some resolution in the pending litigation.

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

Chairman McMahan called the open session back to order and reported the only action taken in closed session was a legal directive to counsel pertaining to the pending lawsuits.

(15) AIRPORT – ENGINEERING STUDY REPORT: W. K. Dickson engineers reported that the report/study consists of the evaluation of slope stability, drainage and geotechnical considerations associated with an airfield. The recommended detention basins would be placed in flat areas at the top of the mountain. The engineers recommended the following immediate needs, and estimated costs, in priority order:

<u>1. Watershed #5 detention</u>	<u>\$ 90,272</u>
<u>2. Watershed #3 detention</u>	<u>\$ 222,292</u>
<u>3. Watershed #13 detention</u>	<u>\$ 289,212</u>
<u>4. Watershed #12 detention</u>	<u>\$ 319,242</u>

The long-term needs, and estimated costs, in priority order are:

<u>5. Scarp B Improvements</u>	<u>\$ 0.38 - \$1.5 mil</u>
<u>6. Watershed #5 ditch lining</u>	<u>\$ 158,000</u>
<u>7. Watershed #1 detention</u>	<u>\$ 151,200</u>
<u>8. Watershed #2 detention (underground)</u>	<u>\$ 1.22 million</u>

The detentions should be built in a manner for easy maintenance. The engineer stated there was no reason to do anything on slope stability because there are no issues

from the geo-technical side. The second step of the study was to develop a monitoring program and recommended that on the slope stability issue that a monitoring program be set up that establishes location points for scarp A and scarp B and monitor them over a period of time. These will be vertical and horizontal controls so any movement can be documented. From a storm water standpoint, it was recommended that a rain bucket gauge with telemetry be used which means it will uniquely measure rainfall events at the airport and can be monitored from off site. The storm water concerns would be addressed with the construction of the first three priority items.

Bill Maselic, NC DOT Aviation Division, stated that the \$150,000 per year appropriation from the federal government has been funded through 2008. He recommended that the county fund at least the matching money through 2007 which is \$49,225 and approximately \$65,000 for 2008. These funds could be used for the first three "immediate needs" as recommended by the engineers.

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

Chairman McMahan called the open session back to order and reported no action was taken in the second closed session.

There being no further business, Commissioner Shelton moved to adjourn the meeting. Commissioner Cowan seconded the Motion. Motion carried and the meeting adjourned at 9:35 p.m.

Attest:

Approved:

Evelyn B. Baker, Clerk to Board

Brian Thomas McMahan, Chairman