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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
FEBRUARY 18, 2008**

The Jackson County Board of Commissioners met in Regular Meeting on February 18, 2008, at 5:00 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: Commissioner Massie moved to approve the amended Agenda. Commissioner Shelton seconded the Motion. Motion carried.

MINUTES: Commissioner Cowan moved to approve the Minutes of the Reconvened Meeting of February 4, 2008, Regular Meeting of February 4, 2008 and Budget Work Session of February 11, 2008. Commissioner Jones seconded the Motion. Motion carried.

INFORMAL COMMENTS BY THE PUBLIC: Jim McCarthy stated he sent a letter dated February 2, 2008 to the county manager requesting copies of January 7, 2008 closed session minutes, and read a letter dated February 18, 2008 requesting the same information, but has not received a response. He stated there has been media coverage reflecting that the Chairman, on several occasions, opened up some information that had not been exposed in public session.

(1) **CHAIRMAN'S REPORT:** None.

(2) **COMMISSIONERS REPORTS:** Commissioner Massie stated he received a letter from J. D. McRorie which states he has had to replace his street sign on several occasions and suggested wording for an ordinance addressing road and street signs. The maintenance department spends \$8,000 - \$10,000 per annum replacing street signs for both public and private roads. Private street/road signs are paid for by property owner(s).

(3) **COUNTY MANAGER'S REPORT:** None.

(4) RESOLUTION SUPPORTING PROHIBITING HUNTING FROM PUBLIC RIGHT-OF-WAYS (R08-02): A Public Hearing was held on February 18, 2008. Sgt. Tim Lominac, Wildlife Resources Commission, stated the definition of “to hunt” (take wild animals or wild birds) also refers to the definition of “to take” which is: *“All operations during, immediately preparatory and immediately subsequent to an attempt, whether successful or not, to capture, kill, pursue, hunt or otherwise harm or reduce to possession any fisheries resource or wildlife resource”*.

Commissioner Massie suggested the following revision: *“Section 1. It is unlawful to kill any wild animal or wild bird with the use of firearms, or to discharge a firearm from, on, or across the right-of-way of a state maintained road, street, road or highway or other public vehicular area in Jackson County”*. Sgt. Lominac stated this revision would allow dog hunters to take bear, boar or raccoon in the traditional method.

Commissioner McMahan suggested the following revision: *“An Act to Prohibit the Discharge of a Firearm from the Right-of-Way of State Maintained Roads With One Exception”*. The only act considered to be “hunting” is the discharge of a firearm from a state maintained road.

A revised Resolution will be publicly circulated via the internet or upon request and another public hearing to be scheduled at a later date.

(5) RESOLUTION SUPPORTING LEGISLATION PROHIBITING SHINING OF LIGHTS IN DEER AREAS (R08-03): A Public Hearing was held on February 18, 2008. Sgt. Lominac stated the proposed resolution pertains to harassing wildlife and makes shining of lights a public nuisance. The Resolution does not require local legislation, it is simply a request to the Wildlife Commission to hold a public hearing and make a determination. Carry over.

(6) FINANCE & TAX COLLECTOR REPORTS FOR JANUARY 2008:

Darlene Fox, Finance Director, presented the following highlights:

General Fund Revenues Collected to Date	\$ 33,144,734.00
General Fund Expenditures to Date	\$ 26,556,592.00
Ad Valorem Tax Collected	\$ 22,291,703.00
Motor Vehicle Tax Collected	\$ 560,732.00
Sales & Use Tax for November 2007	\$ 945,608.78
Solid Waste Disposal Fees	\$ 1,450,531.00
Contingency Balance	\$ 6,147.32

Smoky Mountain Center Quarterly Report ending December 31, 2007:

Total Operating budget	\$ 34,905,056
Total Actual revenues	\$ 17,136,140
Total Actual expenditures	\$ 14,689,812
Revenues in excess of expenditures	\$ 2,446,328

(7) BUDGET AMENDMENTS:

Health Dept	\$ 73,823.00
Sheriff's Dept (ins. settlement)	\$ 13,686.58
Cooperative Forestry Program	\$ 7,700.00
Capital Projects Fund	\$ 397,500.00
Southern Lumber property	\$ 397,500.00

Commissioner Shelton moved to approve the Finance & Tax Collector's reports for January 2008 and the Budget Amendments. Commissioner Jones seconded the Motion. Motion carried by unanimous vote.

(8) WIRELESS TELECOMMUNICATION FACILITIES ORDINANCE:
Commissioner Massie moved to adopt the ordinance. Commissioner Shelton seconded the Motion. Motion carried by unanimous vote.

(9) GREENWAYS-TRANSPORTATION TASK FORCE APPOINTMENT:
The Greenways Commission recommended that Allan Grant be appointed. Commissioner Jones moved to appoint Allan Grant as the Greenways Commission representative on the Transportation Task Force. Commissioner Shelton seconded the Motion. Motion carried by unanimous vote.

(10) CRIMINAL JUSTICE PARTNERSHIP PROGRAM APPOINTMENTS:
Judge Letts will address the Board at a later date to provide additional information about the direction of the program.

(11) GREENWAYS COMMISSION: Commissioner Cowan stated the Board needs to be made aware of the Greenways Commission's goals and what assistance is needed to accomplish those goals. A Greenway Coordinator will be discussed during budget work sessions.

(12) ELECTIONS BOARD: Bob Ray, Chairman, Board of Elections, requested changing the classification from "contracted help" to "temporary part-time election clerk". The change of title will require the part-time clerk to be responsible for any contracted help and assist them in the duties required by law. Mr. Westmoreland stated that the classification change creates two new positions, but does not involve any additional funds, just a transfer from "contracted services". Chairman McMahan moved to approve the request. Commissioner Cowan seconded the Motion. Motion carried by unanimous vote.

(13) ECONOMIC DEVELOPMENT COMMISSION: The following options were recommended by the task force, and one option by the EDC Board.

(a) *Option One.* The EDC become a stand-alone body and would receive at least \$1.00 per capita contribution from the county and municipalities. The EDC would have the authority to hire a director who would work solely for and answerable only to the EDC Board. The county Finance Director would continue as the Treasurer to allow for the incorporation of the EDC in the county audits.

(b) *Option Two.* Dissolve the EDC in its current configuration and reestablish it in an advisory capacity only. The county could then consider creating an EDC Department, hiring a director who would be a county employee and answerable to the Jackson County Board of Commissioners. The municipalities would pay per capita contributions directly to the county to help offset the costs.

(c) *Option Three.* The EDC Board suggested that the current arrangement remain and the county pay up to the amount that it determines an individual is qualified to receive under the county's grade and step system; however, if the EDC Board determines the individual's salary should be higher, then EDC would supplement the salary from its other sources of revenue. The individual would be a county employee, but answerable only to the EDC.

Mayor Oliver stated that the Town of Sylva Board prefers Option Three.
Mayor Davis stated the Village of Forest Hills prefers Option Three.
Mayor Gray stated the Town of Webster prefers Option Three.
Mayor Hartbarger stated the Town of Dillsboro prefers Option Three.

Chairman McMahan stated that it is understood, if Option Three is selected by the county, the Executive Director would be a county employee who would be subject to the county's personnel policies and subject to disciplinary measures, with or without the EDC Board's approval. The county will not pay any more than allowed through its grade/step policy. The county would be funding a position in addition to the per capita contribution.

Commissioner Jones requested that a list of inquiries to the EDC over the past year be provided. Mayor Oliver stated she would provide the information for the year prior to last July.

Commissioner Shelton stated the potential for conflict under Option Three could be dispelled by outlining that the director would be responsible to the EDC for directives and answerable to the county in terms of policy, grade/step, etc.

Commissioner Massie recommended that if Option Three is selected and the bylaws are not amended, then a formal Memorandum of Understanding should be approved by all the entities which will state that the county's per capita contributions will not be allocated to supplement salaries. He stated the county is considering making a large financial commitment in next year's budget for TWSA to assist with improvements so it will have the building blocks necessary to attract economic development to the county. Jackson County's economy is based on travel and tourism. At this time, TWSA cannot add a house or commercial business to its present sewer system. He challenged the municipalities to help achieve that goal.

Chairman McMahan read Article 6 from the bylaws:

Executive Director. 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 Directors. Responsibilities for the Executive Director will include, but not be limited to, the development of contacts with prospective industries and new businesses seeking to locate within the county, the development of business opportunities, the recruitment of industry, the development of marketing strategies, and the compilation of demographic information about Jackson County. He/she is also responsible for budget preparation and oversight for the EDC. The EDC shall from time to time modify the duties of Executive Director and staff as needed. The support staff shall work under the supervision of the Executive Director.

Commissioner Cowan requested that the position be evaluated and reviewed in one year to ascertain if it is justified and set objective criteria to evaluate whether goals are met. Further, rebuilding the infrastructure is what is needed and development will follow.

Commissioner Jones stated that the Cashiers area is in dire need of a sewer system.

Commissioner Maurice Moody, Town of Sylva, stated he had no problem with the salary structure.

Mayor Davis, Village of Forest Hills, stated it is not unreasonable for the county to have control over grade/step, workload, and the county's per capita contribution should not be used for a salary supplement.

Mayor Hartbarger, Town of Dillsboro, recommended that the word "only" be removed from Option Three.

Mayor Gray, Town of Webster, stated that a Memorandum of Understanding should be entered into.

Chairman McMahan moved to endorse Option Three contingent upon the municipalities executing a Memorandum of Understanding as follows:

- (1) the county will make modifications to the job description to clarify that the employee would be an employee of Jackson County;
- (2) the employee must adhere to all county personnel and operating policies;
- (3) the county manager will have the authority to assign additional duties in addition the employee's economic development responsibilities;
- (4) the salary will be determined based upon the county's wage and classification policies;
- (5) any salary supplement would be allocated from other sources of EDC income and will not be paid from the county's per capita contribution;

Commissioner Cowan seconded the Motion. Chairman McMahan stated that the reason the EDC Board was not requested to be present, is because the EDC Bylaws are a product of the local governments and that Board works collectively for the entities. Motion carried by unanimous vote.

No objections were raised by the municipalities.

(14) SOUTHERN LUMBER PROPERTY: The county has entered into a contract for the purchase of the Southern Lumber property.

There being no further business, Commissioner Jones moved to adjourn the meeting. Commissioner Cowan seconded the Motion. Motion carried and the meeting adjourned at 8:30 p.m.

Attest:

Approved:

Evelyn B. Baker, Clerk

Brian Thomas McMahan, Chairman

