

Posted: June 19, 2003  
Time Posted: 11:00 am  
Posted By: Evelyn Baker  
Witnessed By: \_\_\_\_\_

**MINUTES OF THE REGULAR MEETING  
OF THE JACKSON COUNTY  
BOARD OF COMMISSIONERS  
HELD ON  
JUNE 17, 2003**

The Jackson County Board of Commissioners met in a Regular Session on Tuesday, June 17, 2003, at 6:00 p.m. in Room 203, Justice & Administration Building, 401 Grindstaff Cove Road, Sylva, North Carolina.

Present: Stacy Buchanan, Chairman  
Roberta Crawford, Vice Chairman  
Commissioner Joe Cowan  
Eddie Madden, Commissioner  
Brian McMahan, Commissioner  
Kenneth L. Westmoreland, County Manager  
Evelyn B. Baker, Clerk to the Board  
Absent: W. Paul Holt, Jr., County Attorney

Chairman Buchanan called the meeting to order.

**AGENDA**: Commissioner Madden moved to approve the Agenda. Commissioner Crawford seconded the Motion. Motion carried by unanimous vote.

**MINUTES**: Commissioner Madden moved to approve the Minutes of the Public Hearing (*Budget*), Public Hearing (*Solid Waste 3-Year Update Plan*), and Regular Meeting, all of June 10, 2003. Commissioner McMahan seconded the Motion. Motion carried by unanimous vote.

**INFORMAL COMMENTS BY THE PUBLIC**: Phyllis Foxx, on behalf of “Keep Our Library Downtown” (KOLD) Committee, requested that \$7,500 be allocated from the \$50,000 library feasibility study budget to fund a visioning session for the future of the Jackson County Public Library. Further, that a mutually agreeable facilitator would lead the session and include all library stakeholders.

T. J. Walker, owner of the Dillsboro Inn, stated that the proposed funding and mitigation from Duke Power for removing the Dillsboro Dam is unacceptable. If the dam is removed the area will be turned into a swamp. The area below the dam is a trout wintering area. The dam is not only valuable to the Town of Dillsboro, but to the entire County. Duke Power should be required to establish a trust fund for mitigation damages in the event the dam is removed.

**CONSENT AGENDA**

**(1) (2) (3) FINANCE REPORT FOR APRIL 2003, TAX COLLECTOR'S REPORT FOR APRIL 2003, and BUDGET AMENDMENTS**: Commissioner Crawford moved to approve the Consent Agenda. Commissioner McMahan seconded the Motion. Motion carried by unanimous vote.

**ADMINISTRATIVE REPORTS**

**(4) CHAIRMAN'S REPORT**: None

**(5) COMMISSIONERS' REPORT**: Commissioner Crawford reported that she had received several calls concerning paving the Cullowhee SRC road. Mr. Westmoreland stated that funds for this purpose have been budgeted and bids are being accepted.

**(6) COUNTY MANAGER'S REPORT**: None

**OLD BUSINESS:**

**(7) DISPOSITION PLAN FOR SURPLUS COUNTY REAL PROPERTY**: Commissioner Cowan moved to adopt a Resolution Establishing a Policy and Procedure for the Disposal of Real Property. Commissioner McMahan seconded the Motion. Motion carried by unanimous vote.

**NEW BUSINESS**

**(8) LOCAL ECONOMIC BENEFIT FOR LOW AND VERY LOW INCOME PERSONS PLAN 2003 CDBG PROGRAM**: Commissioner Crawford moved to approve the plan. Commissioner Cowan seconded the Motion. Motion carried by unanimous vote.

**(9) EQUAL EMPLOYMENT AND PROCUREMENT PLAN**: Commissioner Crawford moved to approve the plan. Commissioner Madden seconded the Motion. Motion carried by unanimous vote.

**(10) BIDS:**

- (a) **MSW RECYCLING BIDS**: Commissioner McMahan moved to award the bid, Fiber \$12.50/ton (FCR pays), Non-Fiber \$12.50/ton (FCR charges) to FCR, Inc. of Charlotte, NC. Commissioner Madden seconded the Motion. Motion carried by unanimous vote.
- (b) **WHITE GOODS RECYCLING BIDS**: Commissioner Cowan moved to award the bid, 25% of gross receipts payable to Jackson County, to DeSota Trail Construction. Commissioner McMahan seconded the Motion. Motion carried by unanimous vote.
- (c) **TIRE RECYCLING**: Commissioner Madden moved to award the bid in the amount of \$91.00/ton to U. S. Tire Recycling. Commissioner Cowan seconded the Motion. Motion carried by unanimous vote.

(d) RECYCLING STORAGE PAD: Commissioner Crawford moved to award the bid in the amount of \$9, 800 to Western Builders. Commissioner McMahan seconded the Motion. Motion carried by unanimous vote.

(e) WHITE GOODS STORAGE PAD: Commissioner McMahan moved to award the bid in the amount of \$98,400 to Western Builders. Commissioner Cowan seconded the Motion. Motion carried by unanimous vote.

(f) RECREATION STORAGE BUILDING: Commissioner Crawford moved to award the bid in the amount of \$36,528 to Morton Buildings, Inc. Commissioner Madden seconded the Motion. Motion carried by unanimous vote.

(g) MSW TIPPING FEES: Commissioner Crawford moved to award the bid in the amount of \$20.15/ton to Waste Management. Commissioner McMahan seconded the Motion. Motion carried by unanimous vote.

**(11) GROUP INSURANCE PLANS – CONTRACT APPROVAL:**

Commissioner Cowan moved to approve the contracts for (a) The Canada Life Assurance Company, (b) MetLife (c) Flexible Benefits, (d) HCC Life Insurance Co. and (e) JSL Administrators. Commissioner Crawford seconded the Motion. Motion carried by unanimous vote.

**(12) SOCIAL SERVICES BUILDING FINAL SITE PLAN**: Commissioner Madden moved to approve Schematic Site Plan “B” as the final site plan. Commissioner Crawford seconded the Motion. Motion carried by unanimous vote.

**(13) FIREWORKS DISPLAY FOR JULY 4<sup>TH</sup>**: Commissioner Crawford moved to approve the Recreation & Parks Department request to use the Historic Courthouse lawn for the annual 4<sup>th</sup> of July fireworks show. Commissioner Cowan seconded the Motion. Motion carried by unanimous vote.

**(14) CASHIERS COMMERCIAL DISTRICT TASK FORCE**: Ed Henson, task force member, addressed the Board and gave an overview of the Cashiers Development Standards Citizens Guide. The proposed Land Development Ordinance for the Cashiers Commercial Area establishes basic requirements for new commercial development and redevelopment in the Cashiers Commercial Area. A map was presented showing the proposed commercial area. Residential development will not be regulated by the development standards. The goal of these standards is to manage the commercial development in the Cashiers Commercial Area with basic, enforceable standards in order to preserve the character of the community and to ensure the long-term economic viability of Cashiers. Changes to the development standards and the commercial area map must be recommended by a Planning Council and approved by the Board of Commissioners. The development standards divide the commercial area into two districts, Village Center and General Commercial Districts. The Village Center District is designed to encourage denser, more pedestrian oriented development with smaller buildings grouped close together. The General Commercial District would be the US 64 and NC 107 corridors and could be developed with larger, more automobile oriented uses and establishes appropriate standards for that type of development.

Mr. Henson reported that 813 surveys were mailed to property/business owners in the proposed commercial area, 155 responded of which 74% supported enforceable commercial development in the Cashiers area. He submitted letters supporting the proposed Ordinance from the Cashiers Area Chamber of Commerce, Cashiers Travel and Tourism Authority, and the Cashiers Community Center. Mr. Henson encouraged the Board to adopt the Ordinance that would preserve the character of Cashiers.

Gerald Green, Consultant, addressed the Board and stated that administration of the standards in the proposed ordinance would be by the Jackson County Planning Department. The Cashiers Area Planning Council must be residents or owners of commercial property in the proposed area. He explained the basic development standards, parking, landscaping, lighting and signage.

Chairman Buchanan thanked the task force for its diligent work and recommended that the Board schedule a public information meeting in the Cashiers area on July 1, 2003, 6:00 p.m. followed by a Public Hearing at 7:00 p.m. and then place the Ordinance on the July 8, 2003 Regular Meeting Agenda.

**(15) WNC INVESTMENT PROPERTIES, APPEAL OF SEDIMENTATION ORDINANCE PENALTY:** Commissioner Crawford moved that the appeal be denied and that WNC Investment Properties be assessed the penalty. Commissioner Madden seconded the Motion. The property owner has had more than one year to get in compliance. Motion carried by unanimous vote.

**(16) DUKE POWER RELICENSING AGREEMENT:** Mr. Westmoreland reported that only four agencies, N.C. Wildlife Resource Commission, U.S. Fish & Wildlife Services, U.S. Forest Service, N.C. Division of Water Resources, have relicensing veto authority. Duke has made adequate proposals to those four voting entities. However, the Federal Energy Regulatory Commission will consider local governments' positions. Since the relicensing is for 40 years, he emphasized the requirement that Duke establish a trust fund for any contingencies that may occur to lakes and streams during that period. Commissioner Crawford moved that Mr. Westmoreland continue with negotiations and recommendations he submitted on June 10, 2003. Chairman Buchanan seconded the Motion. Motion carried by unanimous vote.

**(17) APPOINTMENT TO JURY COMMISSION:** Tabled.

**(18) APPOINTMENT TO NURSING & ADULT CARE HOME COMMITTEE:** Commissioner Crawford moved that Charlotte Cowan be appointed and Irene Hooper be re-appointed to the Nursing & Adult Care Home Committee. Commissioner McMahan seconded the Motion. Motion carried by unanimous vote.

**(19) APPOINTMENT TO SOUTHWESTERN COMMUNITY COLLEGE BOARD OF TRUSTEES:** Commissioner Crawford moved that Ed Madden, Sr. be re-appointed to the SCC Board of Trustees. Commissioner Cowan seconded the Motion. Motion carried by unanimous vote.

**(20) APPOINTMENT TO PUBLIC LIBRARY BOARD:** Commissioner Madden moved that that Jacqueline L. Van Vliet be appointed the Public Library Board. Commissioner Crawford seconded the Motion. Motion carried by unanimous vote.

**(21) APPOINTMENT TO SOLID WASTE BOARD:** Commissioner Crawford moved that Dennis Wilkey be appointed to the Solid Waste Advisory Board. Mr. Wilkey would replace George Stanley. Commissioner Cowan seconded the Motion. Motion carried by unanimous vote.

**(22) RESOLUTION – SOLID WASTE MANAGEMENT PLAN, 3-YEAR UPDATE:** Commissioner Cowan moved to adopt the Resolution. Commissioner Crawford seconded the Motion. Motion carried by unanimous vote.

**(23) RESOLUTION – ADD ELK ROAD TO STATE MAINTENANCE:** Commissioner Madden moved to adopt the Resolution. Commissioner Crawford seconded the Motion. Motion carried by unanimous vote.

**(24) RESOLUTION – ADD TURTLE CREEK ROAD TO STATE MAINTENANCE:** Commissioner Cowan moved to adopt the Resolution. Commissioner Crawford seconded the Motion. Motion carried by unanimous vote.

**(25) RESOLUTION – ADD DANDELION DRIVE TO STATE MAINTENANCE:** Commissioner McMahan moved to adopt the Resolution. Commissioner Madden seconded the Motion. Motion carried by unanimous vote.

**(26) RESOLUTION – ANNUAL PARTICIPATION AGREEMENT – WORKERS COMPENSATION INSURANCE:** Commissioner Cowan moved to adopt the Resolution. Commissioner McMahan seconded the Motion. Motion carried by unanimous vote.

**(27) SHERIFF'S BUDGET:** Action taken on June 10, 2003

**(28) RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION FOR APPROVAL OF A FINANCING AGREEMENT AUTHORIZED BY N.C.G.S. 160A-10:** Action taken on June 10, 2003

**(29) BUDGET CHANGES:** See #32.

**(30) REACH OF JACKSON COUNTY BUDGET REQUEST:** No action taken for additional funding to REACH.

**(31) BUDGET ORDINANCE AMENDMENT:** Action taken on June 10, 2003

**(32) FY2003-2004 BUDGET ORDINANCE:** Commissioner Cowan moved to adopt the FY2003-2004 Budget Ordinance. Commissioner McMahan seconded the Motion. Motion carried by unanimous vote. The Board commended Mr. Westmoreland for submitting a balanced budget that increased services without raising taxes.

**(33) TRI-LIBRARY SERVICE AREA (S) PROPOSAL:** Commissioner Crawford moved that the county proceed with the library feasibility study at Southwestern Community College. Commissioner McMahan seconded the Motion. The county is obligated for capital improvements, including a library, at SCC whether or not it is a joint venture. Chairman Buchanan recommended that the feasibility study move forward and a 5-member task force, one from each district and one at-large, be appointed in July. This community task force would be charged with addressing the ideas, concerns, and issues with consultants, engineers, and architects, and work with the existing library committee, to determine the needs for a library at SCC, but also ascertain if the joint venture is feasible. It is anticipated that the task force would make a recommendation to the Board in March or April 2004. Once the Board has the task force's recommendations, then it would move forward working with the Town of Sylva and the various groups interested in keeping the library downtown. Should the task force find that the joint venture is not feasible, the scope of the Sylva Library would change. Chairman Buchanan recommended that Michael Cartwright oversee this task force, locate a consultant, and work with Mrs. Findley and Dr. Groves concerning an architect. Motion carried by unanimous vote.

**(34) SMOKY MOUNTAIN HIGH CHANGE ORDERS FOR CAFETERIA AND LOBBY:** Western Builders, Inc. estimated that the cost for the change order for the cafeteria and lobby would be \$1,293,500 plus \$2,750 if the same plumbing, mechanical and electrical contractors were used. Based upon Mr. Westmoreland's recommendation, Chairman Buchanan moved to approve the change order. Commissioner Cowan seconded the Motion. Motion carried by unanimous vote.

**(35) MACON COUNTY SOLID WASTE CONTRACT:** Chairman Buchanan recommended that a certified letter be sent to Macon County specifying that August 17, 2003 is the last date Jackson County solid waste will be taken to the Macon County Landfill. Commissioner McMahan moved that the letter be sent. Commissioner Madden seconded the Motion. A consultant has been hired to examine the landfill agreement and come up with a fair price for Jackson to pay Macon. Macon County has threatened litigation. Motion carried by unanimous vote.

**(36) RESOLUTION APPROVING FINANCING TERMS for SMH PHASE II, DSS FACILITY, COUNTY ADMINISTRATION PROJECT:** The Resolution states that the amount financed shall not exceed \$9,175,000, the annual interest rate (in the absence of default or change in tax status) shall not exceed 3.49% and the financing term shall not exceed twelve years from closing. Commissioner Crawford moved to adopt the Resolution. Commissioner McMahan seconded the Motion. Motion carried by unanimous vote.

**(37) SMART GROWTH UPDATE:** Mark Jamison, Chairman of the Smart Growth Task Force, gave an update as follows:

(a) Recreation Master Plan: Had good participation in a facilitated meeting on June 10<sup>th</sup>. The participants included representatives from the Health Dept., SCC, Aging Dept., Cashiers Community, schools, DEHNR, greenways, and Mr. Westmoreland. They were requested to identify, by June 30<sup>th</sup>, programs and facilities they would like included in a master plan.

(b) Erosion Control: Several large developments are being built throughout the county. The task force working on amendments to the Sediment Ordinance should look into the feasibility of including the hiring of a third party engineer to oversee the larger developments. The county could derive funding for the engineer from contractors performance bonds. The big sites need to be monitored more than we are presently capable of doing. It was the consensus of the Commissioners that Mr. Westmoreland will relay this recommendation to the Sediment task force. There may also be the need to hire additional county employees and purchase 4-wheel drive vehicles for inspection purposes.

(c) Impact on County Services. The task force suggested that directors of departments who will be directly involved in providing services, Inspections, Mapping, Tax Assessor, Health Dept., etc., meet and attempt to place a dollar figure on the cost of services.

(d) Planning Board: The task force sees the need to appoint a Planning Board especially in view of the requirements in proposed Land Development Ordinance for the Cashiers Commercial Area.

(e) Subdivision Ordinance: The task force is continuing to work on the ordinance.

Commissioner McMahan moved that the meeting be adjourned. Commissioner Cowan seconded the Motion. Motion carried by unanimous vote and the meeting adjourned at 9:00 p.m.

Attested By:

Approved:

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Evelyn B. Baker  
Clerk to the Board

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Stacy Buchanan, Chairman