

Posted: 10-27-03
Time Posted: _____
Posted By: Evelyn Baker
Witnessed By: _____

**MINUTES OF THE REGULAR MEETING
OF THE JACKSON COUNTY
BOARD OF COMMISSIONERS
HELD ON
OCTOBER 21, 2003**

The Jackson County Board of Commissioners met in a Regular Session on Tuesday, October 21, 2003, at 6:00 p.m., 401 Grindstaff Cove Road, Room 203, Sylva, North Carolina.

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

Chairman Buchanan called the meeting to order.

AGENDA: Chairman Buchanan recommended that the Agenda be changed by moving #15 “Resolution-Comprehensive Traffic Study & Plan for NC 107” as the first item under Old Business. Commissioner Crawford moved to approve the change. Commissioner Cowan seconded the Motion. Motion carried by unanimous vote.

MINUTES: Commissioner Crawford moved to approve the Minutes of the Joint Meeting With Municipalities of October 7, 2003, Public Hearing of October 14, 2003, and Regular Meeting of October 14, 2003. Commissioner Madden seconded the Motion. Motion carried by unanimous vote.

INFORMAL COMMENTS BY THE PUBLIC: Tom Massey stated he opposed the abandonment of Knob Creek Road (SR1148) because it has been a public transportation system for the past 60 years. In the summer the road is heavily used for recreational purposes. The public needs sufficient time to address and comment on the Resolution. He suggested that a legal ad be published in the local newspapers when a Petition is presented for abandonment of state roads. He urged the Board to reject the abandonment request.

Lydia Aydlott, Facilitator for Smart Roads Alliance, stated they were adamantly opposed to the proposed bypass. Citizens are very concerned about their homes, businesses, and environment if a bypass is constructed. They are not just concerned about their backyard, but the entire county. A bypass will not alleviate traffic problems on Hwy. 107. She recommended that the following be included in the proposed Resolution:

Paragraph 5 (add at beginning): “Be it further resolved, that the Board of Commissioners will initiate a comprehensive transportation study... .”

Paragraph 6(add at beginning): “The Board further requests that all activity related to the planning, design, and acquisition for a bypass be terminated and the bypass not be included in the Transportation Improvement Program until such time that a community based comprehensive plan can be developed.”

She suggested that another paragraph be added: “Be it further resolved that the Board of Commissioners will initiate a comprehensive transportation study and plan for the Dillsboro-Sylva-Cullowhee area and this plan will identify future traffic volumes and issues along the corridor and make suggestions and recommendations as to how the entire transportation system needs to be improved, modified or changed”. Community input should be on equal footing with DOT.

Paragraph 7 (add at beginning): As part of this request it is recommended that instead of a NCDOT led process, a community led task force work cooperatively on transportation issues. The task force should include the Statewide Planning Unit, the Jackson County Transportation Board, Southwestern Commission Transportation Planner . . . and work cooperatively to resolve the traffic issues in Jackson County. This new entity will determine its own composition and set its own agenda”. The smart roads group sees the need for true community input on traffic and transportation issues in the county and they are committed to working towards a resolution for Hwy. 107.

Roger Turner, Smart Roads Alliance, the role of the task force needs to be expanded to include additional business interests, conservation experts, youth, people with disabilities, parks and recreation people, etc. Experts are also available through WCU and SCC.

Susan Leveille stated that the bypass would rob the county of many of its assets. The county will suffer tremendous losses that cannot be regained. A bypass will cause the loss of homes, businesses, farmland, and most importantly, the loss of the quality of life. A bypass means the loss of approximately 13,000 acres. She stated that a bypass would only save 3 – 5 minutes in travel time.

Judy Bumgarner stated that her family cemetery would have to be moved if a bypass is built.

Tom Bennett stated that the idea of building a bypass around Sylva is ridiculous. If the Zoning Administrator for the Town of Sylva can come up with a plan, surely DOT with all of its funds could come up with a better plan. He suggested that the Resolution be amended to change “southern loop be terminated” to “any bypass be terminated”.

Marcella Huguelet, Fairview, stated that apparently DOT has not considered the impact on the environment, watershed, springs and wells.

Mary Mason, owns property in Fairview area, stated that a bypass would be devastating to her property.

Joan Booth stated that a bypass would cause irreparable damage to the county.

Malcolm MacNeill, Webster, stated that over 900 families would be affected by the proposed Southern Bypass and would ruin their peaceful neighborhoods. The main traffic on a bypass is 18-wheel trucks. DOT has not stated that the bypass would take one car off of Hwy. 107. He expressed his appreciation to the Board for taking this matter under advisement.

Jeanette Evans stated that the Smart Roads Alliance is committed to helping alleviate the traffic issues in the county. They are willing to look at alternatives, variables and take growth into consideration. WCU is a part of the community and it should be accommodated, but not with a bypass. A bypass around Sylva should be removed from highway plans.

Gracia Slater stated that when citizens work together to make a better community, wonderful ideas are developed and solutions are reached.

Tom Hooper, Dillsboro, stated that a bypass would ruin businesses in Dillsboro and Sylva.

Bill McCue stated he plans on retiring to Jackson County and a bypass around small towns destroys them.

Jennifer Holtz stated that the old roads can be fixed and building a new road just causes new problems.

Glenda Ridgeway stated that if a bypass is built, she would be able to see guardrails and big trucks from her property. There are healthier ways to solve the traffic problems rather than building a bypass.

Carolyn Diamond stated there was no need to justify taking families' property for a bypass.

Betty McCue stated she was new to this beautiful area. One can go anywhere and see big highways – a new bypass will not attract new people.

Harold Messer stated that any decision the Board makes would be something that the citizens will have to live with for the next 25 years. What impact will a bypass make on our way of life and take into consideration the impact on homes, not just houses.

Alan Grant stated he lives on North River Road. He is firmly opposed to a bypass.

Rick Stillwell stated he had lived on Cope Creek all of his life. He does not want his family's property ruined with a bypass. DOT should also take into consideration the impact on wildlife in the proposed bypass areas.

Cora Lee Shuler stated she opposed the bypass because it would take the only home she has ever had.

CONSENT AGENDA

(1) FINANCE REPORT FOR AUGUST 2003, (2) TAX COLLECTOR'S REPORT FOR AUGUST 2003, (3) BUDGET AMENDMENT: Commissioner Madden moved to approve the Consent Agenda. Commissioner McMahan seconded the Motion. Motion carried by unanimous vote.

ADMINISTRATIVE REPORTS

(4) CHAIRMAN'S REPORT: Chairman Buchanan thanked Mr. Massey for bringing the process about road closures to the Board's attention. The November Regular Meetings have been changed to November 18 and 25 due to Veterans Day on November 11.

(5) COMMISSIONERS' REPORT: Commissioner McMahan reported that he attended the public hearing this past Monday at the Balsam Fire Dept concerning financing of the new fire station. He also announced that the annual Cullowhee Fire

Department Barbecue is scheduled for Saturday, October 25, 2003, and invited everyone to attend.

Commissioner Madden reported that he toured the REACH facilities this afternoon and was very impressed. He urged the Commissioners to tour the facilities.

(6) **COUNTY MANAGER'S REPORT**: Mr. Westmoreland reported that the Airport Ordinance needs to be considered before the end of this calendar year so that the Airport Authority Board can pursue grant funding. The Planning Board will need to review the ordinance and then present it to the Board of Commissioners.

OLD BUSINESS:

(7) **RECREATION MASTER PLAN CONTRACT**: Action taken on 10/14/03

(8) **VOLUNTARY, NON-REGULATORY APPROACHES TO SMART GROWTH**: This project will be given to the new Planning Board for review.

NEW BUSINESS

(9) **TELECOMMUNICATION TOWER APPLICATION FOR PERMIT by CELLCO/d.b.a. VERIZON**: Commissioner McMahan moved to approve the application and granting a variance because of the steep terrain from .25 acres to .36 acres. Commissioner Crawford seconded the Motion. Motion carried by unanimous vote.

(10) **JACKSON COUNTY MISSION CENTER**: This request will be considered after a master plan is developed for the Webster property.

(11) **SMOKY MOUNTAIN MENTAL HEALTH DISTRICT PLAN**: A Resolution will be presented at the regular meeting in November.

(12) **HAULING SERVICE AGREEMENT FOR MSW & RECYCLING**: Commissioner Crawford moved to approve the contract with Kinsland Trucking, Inc. Commissioner Cowan seconded the Motion. Motion carried by unanimous vote.

(13) **DSS SITE MASTER PLAN**: Mr. Westmoreland requested authorization to move forward with the selection of a firm to develop the plan. There are some local firms available. The cost would be approximately \$25,000 - \$30,000. Commissioner Cowan moved to authorize Mr. Westmoreland to proceed. Commissioner Crawford seconded the Motion. Motion carried by unanimous vote.

(14) **RESOLUTION – ABANDONMENT OF KNOB CREEK ROAD (SR1148)**: Chairman Buchanan recommended that a policy be drafted for consideration at the next meeting concerning legal advertisement when road abandonment is submitted. The policy should require that the petitioning party(s) pay for the legal advertisement. A legal ad will be placed in the newspapers for the Knob Creek Road petition at the expense

of the county. Commissioner Cowan moved to table action on this Resolution. Commissioner Crawford seconded the Motion. Motion carried by unanimous vote.

(15) RESOLUTION – COMPREHENSIVE TRAFFIC STUDY & PLAN FOR NC 107: Chairman Buchanan stated that he had talked with DOT officials and this Board needs to assume the leadership role on this issue. A study will be very time consuming and expensive. Costs would include maps, etc. He suggested using various agencies that could help offset the costs. He urged the inclusion of citizen volunteers from the Smart Road Alliance. The public must be kept informed concerning the study and plan. Chairman Buchanan moved to adopt the Resolution.

Commissioner Cowan stated that he had three different versions of the Resolution and it should be tabled until a later date. Commissioner Crawford stated that a Resolution should be drafted that the entire Board could support.

Chairman Buchanan rescinded his Motion and suggested that the Commissioners redraft a Resolution. This matter was tabled.

(16) RESOLUTION – CULLOWHEE GREENWAY CONNECTOR AND ENHANCEMENT AGREEMENT: Commissioner Cowan moved to adopt the Resolution (R03-26). Commissioner McMahan seconded the Motion. Motion carried by unanimous vote.

(17) SCATTERED SITE HOUSING SUPPLEMENTAL GRANT APPLICATION: Action taken on 10/14/03.

(18) APPOINTMENTS TO CASHIERS AREA COMMUNITY PLANNING COUNCIL: Commissioner Cowan appointed Tammy Bryson, Commissioner Crawford appointed Brent Buchanan, Commissioner Madden appointed Ed Henson, Commissioner McMahan appointed Arnold Nicholson, Chairman Buchanan appointed Lester Freeman.

Charles Ward, Ray Crawford, Adrian Fowler, Jr., Wilena Stiwinter and Bill McNeely were recommended for the two alternate members. After tabulating the votes, the Clerk announced that Charles Ward and Adrian Fowler, Jr. received the most votes. Mr. Ward and Mr. Fowler will serve as alternates.

(19) APPOINTMENTS TO CASHIERS AREA DESIGN REVIEW BOARD: Commissioner McMahan appointed Lloyd Rice, Commissioner Madden appointed Dearl Stewart, Commissioner Crawford appointed Bill McNeely, Commissioner Cowan appointed Johnny Hooper, and Chairman Buchanan appointed Sharon Holt.

(20) APPOINTMENTS TO RECREATION & PARKS ADVISORY BOARD: Commissioner Crawford moved to appoint Mark Melrose, Terry Wilson, Ben Tholkes and Steve Jones to the Recreation/Parks Department Advisory Board. Commissioner Cowan seconded the Motion. Motion carried by unanimous vote.

(21) RETIRED EMPLOYEES DENTAL INSURANCE: Commissioner Crawford moved to provide dental insurance for retired employees commencing November 1, 2003 and continuing beyond the age of 65. Commissioner Cowan seconded the Motion. Motion carried by unanimous vote.

(22) JAIL FACILITY: Chairman Buchanan reported that pursuant to the Board's request at the last meeting, he sent a letter to Sheriff Ashe concerning moving the inmates to the new facility. Due to the shooting incident over the weekend and law enforcement requirements, four deputies have been placed on administrative leave and other deputies being used at a hospital in Asheville to guard the suspect, Sheriff Ashe has requested a grace period until he gets all his officers back on duty. Commissioner McMahan stated that as soon as the SBI releases the four officers on administrative leave, he expects the inmates moved.

(23) CULLOWHEE FIRE DEPT. CANEY FORK SUBSTATION: Mr. Westmoreland presented a Capital Improvement Budget for the project. The total cost will be \$161,500 which includes a building, site work, drilled well, septic system, and paving. Revenues: \$21,752 budget allocation, \$116,500 fire dept. capital budget and \$23,248 general fund contingency. Commissioner Madden moved to approve the allocations. Commissioner McMahan seconded the Motion. Motion carried by unanimous vote.

Chairman Buchanan moved that the Board go into Closed Session pursuant to G.S. 143-318.11(a)(6) Personnel and G.S. 143-318.11(a) (5) Real Property. Commissioner Crawford seconded the Motion. Motion carried by unanimous vote.

Chairman Buchanan called the Open Session back to order and reported no action or votes were taken in Closed Session.

(24) PLANNING/ORDINANCE ADMINISTRATOR: Chairman Buchanan moved to correct the new planning/ordinance administrator's salary - \$48,000 as advertised. Commissioner Crawford seconded the Motion. Motion carried by unanimous vote.

Commissioner Cowan moved that the meeting be adjourned. Commissioner Madden seconded the Motion. Motion carried by unanimous vote and the meeting adjourned at 8:30 p.m.

Attested By:

Approved:

Evelyn B. Baker
Clerk to the Board

Stacy Buchanan, Chairman