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Posted By: Evelyn Baker
Witness: _____

**MINUTES OF THE REGULAR MEETING
OF THE JACKSON COUNTY
BOARD OF COMMISSIONERS
HELD ON
MARCH 7, 2005**

The Jackson County Board of Commissioners met in Regular Session on Monday, March 7, 2005, at 6:00 p.m., 399 Grindstaff Cove Road, Room A201, Sylva, North Carolina.

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

Vice Chair Crawford called the meeting to order and read a “Final Letter of Resignation” from K. Stacy Buchanan, Chairman, a copy of which is attached hereto as Attachment “A”.

AGENDA: Vice Chair Crawford added Resolution – Macon County Airport and Appointments to Cemetery Board. Commissioner Madden moved to approve the amended Agenda. Commissioner McMahan seconded the Motion. Motion carried by unanimous vote.

MINUTES: Commissioner McMahan moved to approve the Minutes of the Budget Retreat of February 15, 2005, Minutes of the Work Session of February 15, 2005, Minutes of the Public Hearing of February 15, 2005, Minutes of the Regular Meeting of February 15, 2005, and Minutes of the Special Meeting of February 28, 2005. Commissioner Madden seconded the Motion. Motion carried by unanimous vote.

INFORMAL COMMENTS BY THE PUBLIC:

(1) Louis Spagna stated that his property adjoins the proposed shooting range site in Cullowhee. He stated that the site is totally inappropriate for a shooting range and urged the Board to adopt a Moratorium.

(2) Mark Melrose stated he lives on Tilley Creek Road. He recommended that the Board consider adopting a Moratorium concerning shooting ranges. There are competing interests in dispute which are not equal and the role of local government is to act for the common good. Whenever there is a conflict between human rights and property rights, human rights must prevail. This is not a case of government infringing upon personal property rights, this is a request by the governed to get their government to help them when they cannot help themselves.

(3) Kristen Compton stated she lives in Asheville; however, her mother inherited property located on Tilley Creek which borders the proposed shooting range site. Ms. Compton

stated she is considering building a house on her family's property. Property values in the area will decrease if a shooting club is constructed. She urged the Board to adopt a Moratorium.

(4) Burt Kornegay stated he lives on Caney Fork. He stated he was not opposed to gun ownership, gun clubs and shooting ranges; however, he is opposed to a gun club moving into an established community and building a shooting range. The noise alone will disturb the peaceful enjoyment of Tilley Creek residents. A Moratorium should be adopted and a Shooting Range Ordinance should be adopted that will protect the entire county.

(5) Cindy Anthony stated that her ancestors were the former owners of the farm being considered as the location of a shooting club. She requested that a Moratorium be adopted until the affect of shooting ranges can be assessed. This particular property is not an acceptable location for a shooting club. The farm has great historic and cultural value as verified by Ted Alexander, Field Agent for Preservation North Carolina. The house is being considered for nomination with the US Park Service National Register of Historic Places. The group of buildings located on the farm represents the self sufficient lifestyle our ancestors lived in from 1850 to the mid-1990's. She is working to restore these buildings.

(6) Vera Holland Guise, President of Appalachian Homestead Farm & Preserve, Inc. and Adjunct Professor of WCU, stated she grew up on Tilley Creek. Appalachian Homestead Farm & Preserve is a nonprofit organization focused on the preservation of the mountain farm through education, advocacy, and research. She was able to secure a major gift from a NC donor this year to buy back a 52 acre tract on Tilley Creek. In partnership with Catch the Spirit of Appalachia, she plans to establish a folk school on the farm to foster the development of job skills compatible with heritage tourism and agri-tourism. She urged the Board to place a one year Moratorium on gun clubs, adopt a gun club ordinance, adopt land-use plans, and adopt a county economic plan that encourages heritage tourism and agri-tourism.

(7) Roger Turner stated he lives on Pumpkin Town Road, but understands the concerns of the residents of Tilley Creek about a shooting club. He works for the WNC Alliance. He presented the Board with an executive summary of "Lead Pollution at Outdoor Firing Ranges" published by the Environmental Working Group of Washington, D.C. WNC Alliance supports a countywide Moratorium and recommended that the county enlist the services of North Carolina environmental agencies to study the impact on the land by shooting ranges.

CONSENT AGENDA

(1) FINANCE & TAX COLLECTOR REPORTS FOR FEBRUARY 2005:

Darlene Fox, Finance Director, gave the following highlights:

<u>General Fund Revenues Collected to Date</u>	<u>\$ 28,431,054.37</u>
<u>General Fund Expenditures to Date</u>	<u>\$ 25,365,394.24</u>
<u>Ad Valorem Tax Collected</u>	<u>\$ 18,200,390.99</u>
<u>Motor Vehicle Tax Collected</u>	<u>\$ 650,273.07</u>
<u>Prior Year Tax Collected</u>	<u>\$ 486,898.32</u>
<u>Sales & Use Tax for Dec 2004</u>	<u>\$ 757,197.90</u>
<u>Landfill Disposal Fees Collected</u>	<u>\$ 1,041,918.03</u>
<u>Prior year Landfill Disposal Fees Collected</u>	<u>\$ 34,581.86</u>
<u>Contingency Fund Balance</u>	<u>\$ 145,203.00</u>

(2) BUDGET AMENDMENTS:

<u>Fed. State Crisis Intervention, NPL- Energy</u>	<u>\$ 19,581.69</u>
<u>Library</u>	<u>\$ 40,000.00</u>
<u>Grounds Dept.</u>	<u>\$ 63,998.00</u>

ADMINISTRATIVE REPORTS

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

(4) **COMMISSIONERS' REPORT:** Commissioner McMahan reported that he was in Raleigh on February 22nd and, on behalf of the county, accepted a Rural Center grant in the amount of \$120,000 to be used for the beneficial gas project. Also, as a member of the TWSA Board, he accepted a \$400,000 grant for use in constructing a waterline along the Asheville Highway and a \$40,000 grant to be used for studies to improve existing sewer capacities.

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

(6) **PLANNING DEPT. REPORT:** Linda Cable reported that the Cashiers Community Planning Council & Design Review board is continuing discussions on the lighting standards. The Animal Control Task Force has completed a draft ordinance which has been referred to the Board of Health. Final considerations are being made for selecting an Erosion Control Officer. She has met with the Solid Waste Board concerning combining the Solid Waste Ordinances.

(7) **CRIMINAL JUSTICE PARTNERSHIP PROGRAM:** Ann Melton, Clerk of Court, presented an Application for Continuation of Implementation Funding for the Criminal Justice Partnership Program and requested that the Board take action at this meeting so that it can be timely filed. The total grant amount is \$49,916.00 for Substance Abuse Treatment. Commissioner Madden moved to suspend the rules and approve the application. Commissioner McMahan seconded the Motion. Motion carried by unanimous vote.

(8) **CULLOWHEE VALLEY SCHOOL:** The Board of Education sent a letter which stated that it voted at its January 24, 2005 meeting to accept the \$23,500 bid from Upstate Roofing & Sheet Metal, Inc. to repair the roof at the Cullowhee Valley School. The Board of Education requested the Board of Commissioners to approve the bid using ADM funds.

(9) **CANADA PARK PLAN:** Mr. Westmoreland presented a Conceptual Master Plan for the Canada Park as designed by Lofquist & Associates. The site consists of approximately 4 ½ acres. There will be a walking trail around the entire perimeter of the park, playground equipment, picnic shelter and an amphitheatre. The county received an \$181,000 matching grant for a total of \$360,000 for development of the park.

(10) **WEBSTER COMPLEX MASTER PLAN REVISION:** Mr. Westmoreland reported a revision was necessary due to wetlands and soil issues on the live stream and meeting permitting requirements. The senior housing site must be moved. The alternative plan is for the live stream to be used for storm water retention for the entire complex. The plan calls for a multi-use facility which includes a commercial kitchen, dining hall and meeting room. Future development includes Dept. on Aging facility, Jackson County

Mission Center. Sites are reserved for new facilities for Transit, Emergency Management, Highway Patrol, and the Dept. of Motor Vehicles. There will be two entrances into the complex. The new plan provides for expanded parking for DSS. The plan also provides for walking trails around the entire perimeter of the development.

(11) **HEALTH DEPT. RENOVATION:** Mr. Westmoreland reported \$40,000 was allocated in the present budget to pay for a needs assessment and design by a professional architect and engineer. It will not be necessary to go through the bidding process because this request is simply for professional services.

(12) **STREAM BANK RESTORATION:** Mr. Westmoreland reported that Altamont Environmental and CH2M HILL, Inc. submitted a proposal for Technical and Administrative Assistance for Natural Resource Conservation Service (NRCS) Emergency Watershed Protection (EWP) Projects. The county has signed an agreement with the U. S. Dept. of Agriculture for implementation of EWP repair measures to remove or reduce hazards created by tropical storms Frances and Ivan. Construction costs will be 100% reimbursed by NRCS; however, the county is required to commit to an additional 25% match that will be fully reimbursed by the state. Altamont will provide the Project Coordinator. Altamont/CH2M HILL fees will be 19% of the cumulative construction cost which is 100% reimbursable.

(13) **SHERIFF'S OFFICE BUDGET FY05-06:** Sheriff Ashe will make a presentation at the March 21st meeting.

(14) **SCHOOLS' BUDGET FY05-06:** A presentation will be made at the March 21st meeting.

(15) **RESOLUTION – SILVER RUN ROAD:** Woodard McKee and The Nature Conservancy submitted a Petition for the Abandonment of a Portion of Silver Run Road from the state's maintenance system. He stated there was an agreement with DOT for a turn-around for school buses. A Petition for Abandonment will be published the weeks of March 10 and 17. A public hearing is scheduled on March 21, 2005 at 6:00 p.m.

(16) **RESOLUTION – HALL TOWN ROAD:** Doug Cody submitted a Petition for the Abandonment of a Portion of Hall Town Road from the state's maintenance system. A Petition for Abandonment will be published the weeks of March 10 and 17. A public hearing is scheduled on March 21, 2005 at 6:15 p.m.

(17) **SHOOTING RANGE MORATORIUM:** Perry Eury of Cullowhee stated that he is opposed to a shooting range on Tilley Creek. He presented a Petition in opposition to the shooting range containing in excess of 280 names. He stated that shooting ranges are intrusive, noisy, pose many potential safety problems, and would be detrimental to the quality of life the residents now enjoy. Further, a shooting range would diminish property values in the area which could cause a serious erosion of the tax base. He requested the Board to draft a Shooting Range Ordinance and in the interim adopt a Moratorium regulating shooting ranges.

(17A) RESOLUTION – MACON COUNTY AIRPORT: Macon County has requested that Jackson County adopt a resolution supporting the extension of Macon County’s airport runway to 5,000 feet.

(18) CRIMINAL JUSTICE ADVISORY BOARD APPOINTMENTS: Ann Melton, Chairman, recommended that Johnny Hollifield, DARE Officer, and Pam Smith, District Attorney, be appointed to the Board. Ms. Smith would replace Judge Monica Leslie and Officer Hollifield would be a new member. Ms. Melton requested that action be taken at this meeting. Commissioner McMahan moved to suspend the rules and appoint Johnny Hollifield and Pam Smith to the Criminal Justice Advisory Board. Commissioner Madden seconded the Motion. Motion carried by unanimous vote.

(19) LIBRARY BOARD APPOINTMENT: Michael Cartwright, Library Manager, recommended that Mary Otto Selzer, Chris Behre, or Dr. Michael C. Jorge be appointed to fill the unexpired term of Deborah Bardo.

(20) EQUALIZATION & REVIEW BOARD APPOINTMENTS: Bobby McMahan, Tax Administrator, by letter, reported that Richard Wilson, Rogers Shelton, Gail Cooper, Arlie Moss, and Richard Robson, have agreed to serve another one year term on the Equalization & Review Board.

(21) TRANSPORTATION BOARD APPOINTMENTS: Appointments are needed from Districts 1, 2 and 3.

(22) COUNCIL ON AGING BOARD APPOINTMENTS: Helen Bryson, Director, recommended, by letter, that Jane Brown, Evelyn Austin and Martha White be re-appointed and that Martha Chovan and John Ray West be appointed to 3-year terms on the Council on Aging Board of Directors.

(23) CEMETERY BOARD APPOINTMENTS: Alvin Frady, Chairman of the Cemetery Board, stated by letter that Joe Rhinehart has agreed to serve as the representative from the Historical Society. Vice Chair Crawford nominated William “Bill” Crawford. Commissioner Madden nominated Marion Jones. Commissioner McMahan will contact the Genealogy Society for a recommendation.

Vice Chair Crawford 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)(6) Personnel. Commissioner Madden seconded the Motion. Motion carried by unanimous vote.

Vice Chair Crawford called the Open Session back to order and reported no action or votes were taken in Closed Session.

There being no further business, Commissioner Madden moved that the meeting be adjourned. Commissioner McMahan seconded the Motion. Motion carried and the meeting adjourned at 9:10 p.m.

Attested By:

Approved:

Evelyn B. Baker
Clerk to the Board

Roberta Crawford, Vice Chair