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Posted By: Evelyn Baker  
Witness: \_\_\_\_\_

**MINUTES OF THE REGULAR MEETING  
OF THE JACKSON COUNTY  
BOARD OF COMMISSIONERS  
HELD ON  
MARCH 21, 2005**

The Jackson County Board of Commissioners met in Regular Session on Monday, March 21, 2005, at 6:00 p.m., 399 Grindstaff Cove Road, Room A201, Sylva, North Carolina.

Present: Roberta Crawford, Vice Chair  
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

Vice Chair Crawford called the meeting to order.

**AGENDA:** Vice Chair Crawford amended the Agenda by moving the Shooting Range Moratorium as the first item under Old Business and holding the Resolution-Macon County Airport Runway Extension in abeyance until after the Closed Session. Commissioner Madden moved to approve the amended Agenda. Commissioner McMahan seconded the Motion. Motion carried by unanimous vote.

**MINUTES:** Commissioner Madden moved to approve Minutes of the Regular Meeting of March 7, 2005. Commissioner McMahan seconded the Motion. Motion carried by unanimous vote.

**INFORMAL COMMENTS BY THE PUBLIC:**

(1) Barry Moore, President & Secretary of Smoke Rise Field Club, Inc., stated that the club has voluntarily agreed not to allow shooting on the Tilley Creek range on Sundays. Safety will remain its main consideration, the noise will be at an acceptable level and lead is not an issue. Smoke Rise Field Club is a private non-profit club which currently has 120 members. He read a letter dated March 21, 2005 that he had sent to the Jackson County Planning Board which stated in part that: *“The Smoke Rise Field Club, Inc. does not plan to close on the purchase of this property on Tilley Creek for approximately ninety days from today’s date. Under no circumstances will our organization close in less than seventy-five days from today’s date. We will not use the property for any purpose whatsoever until such time as the transaction is complete. March 21, 2005. We reserve the right to have the property surveyed and to inspect the property for the use intended, but we will not use the property for the purpose of discharging any type of firearm during the seventy-five day period. We are in favor of a shooting range ordinance. . .”*

(2) Jim Reynolds of Whittier stated that Smoke Rise Field Club members use shotguns primarily and always with “target loads”. They only use targets and have no plans for hunting on the property. Rifles are not used. The low load target rounds that will have a maximum range of approximately 500 feet. Shooting will only be allowed on the

opposite side of the creek from the road and directed to the interior of the property away from all residences and the creek, thus preventing any contamination to the creek. It is possible that club members will use the property for fishing and social events.

(3) Raymond Bunn of Sylva stated that the shooting range issue appears to be more about property rights rather than the safe use of firearms in the county. The county does not need a moratorium and/or ordinance concerning shooting ranges.

(4) Mike Clark of Cullowhee stated that he was interested in basic property rights and does not want an ordinance because it will affect everyone's property rights. A shooting range ordinance appears to be another form of "zoning".

(5) Louis Spagna of Cullowhee stated that his property borders the proposed shooting range site. The noise will be totally unacceptable. The implementation of a moratorium would give experts time to investigate lead damage and other environmental issues. The Appalachian Homestead Farm & Preserve located on Tilley Creek will attract numerous visitors and buses. A shooting range located near a public road is a safety risk and there is insufficient space south of the creek to safely shoot at targets. The long term damage caused by constant shelling will drive wildlife and birds from the area. It was his opinion that the property in the area will decrease in value by at least 20%. He urged the Board to adopt a moratorium.

(6) D. L. Wilkey of Whittier stated that he has a degree in chemical engineering and pathology and lead toxicity on the shooting range will not cause environmental problems.

(7) Homer Ryals of Tilley Creek stated that an abundance of lead toxicity causes damage to wildlife, especially birds. A moratorium would give experts time to study the impact of shooting ranges on the environment, wildlife and birds. He has enlisted assistance from Dr. Jerry West, Fishery Biologist at WCU, and Dr. Jack Summers, Chemist at WCU, to investigate and test property where other gun clubs are located and ascertain what the accumulation of lead is in surrounding areas. Lead is a major environmental concern especially since the shooting range will be located close to a creek and based on the topography of the land.

(8) Perry Eury of Cullowhee submitted an additional petition containing 81 names of citizens opposed to the shooting range. A lady who lived one-half mile from Smoke Rise's range in Cashiers, sent him an email stating "The disturbance continued to be a nuisance until its recent termination. We and all our neighbors were thrilled that the club is gone". His research reveals that lead damage is terminal and Smoke Rise should withdraw its plans for a shooting range on Tilley Creek. He urged the Board to adopt a moratorium.

(9) Randy Deitz, Manager of Smoke Rise Field Club, Inc., stated that the county does not have the right to tell anyone what to do with their property. The club is considerate of its neighbors.

(10) John Bunn of Sylva stated that he was concerned that two separate issues have been fused into one issue. One issue is the concerns of the citizens of Tilley Creek and the Smoke Rise Club. The other issue is the development of specific laws concerning what may be used in the development of places where individual citizens might shoot in the county. If the people on Tilley Creek feel they are being treated unjustly, they should use the court system, and not the Board of Commissioners, to resolve the issue. He urged them not to let their problem flow over to other hunters in the county because restrictive

ordinances could potentially be put on record prohibiting one from test firing a gun on their property. He recommended that the Board delay action on a moratorium for one to two years so sufficient studies can be completed and reports submitted. Everyone is concerned about their individual rights, not just the Tilley Creek residents.

(11) Cindy Anthony stated that the majority of the Tilley Creek residents could not afford to hire an attorney to litigate this issue. The constant noise from the shotguns firing at intermittent levels will be disturbing and cause stress. The National Skeet Shooting Federation has guidelines for a successful skeet shooting range and lists site selection criteria and the Tilley Creek property has many negatives based on that site selection criteria. She read a letter from the N. C. Dept. of Cultural Resources which states that the old house and outbuildings located on the site should be preserved as historical resources and could possibly be good candidates for listing on the National Register of Historic Places. She urged the Board to adopt a moratorium.

(12) Adam Ray, 8<sup>th</sup> Grade at Cullowhee Valley School, stated that he did not want to hear the noise from shotguns 8-hours per day. A shooting range will ruin the beautiful scenery on Tilley Creek. The farm should become an historical landmark, not a shooting range. He requested that the Board adopt a moratorium.

(13) Mitch Mincey, 8<sup>th</sup> Grade at Cullowhee Valley School, submitted a Petition containing 28 names of citizens opposed to the shooting range. He stated that having a shooting range on Tilley Creek will cause property values to decrease 20%.

(14) Wendy Williams stated that she was concerned about the noise that will be caused by a shooting range and wanted to know how it was determined that the noise will be at an “acceptable level”.

**(1) FINANCE & TAX COLLECTOR REPORTS FOR FEBRUARY 2005 and BUDGET AMENDMENTS:** Commissioner Cowan moved to approve the Consent Agenda. Commissioner McMahan seconded the Motion. Motion carried by unanimous vote.

**(2) VICE CHAIR’S REPORT:** None.

**(3) COMMISSIONERS’ REPORT:** None.

**(4) COUNTY MANAGER’S REPORT:** None.

**(5) SHOOTING RANGE MORATORIUM:** Commissioner Cowan moved that this issue be carried over to the April 4<sup>th</sup> meeting when Linda Cable, Planning Coordinator, is present to discuss the proposed moratorium. Commissioner Madden seconded the Motion. Motion carried by unanimous vote.

**(6) CULLOWHEE VALLEY SCHOOL:** Commissioner Cowan moved to accept the \$23,500 bid from Upstate Roofing & Sheet Metal, Inc. to repair the roof at the Cullowhee Valley School using ADM funds. Commissioner McMahan seconded the Motion. Motion carried by unanimous vote.

(7) **CANADA PARK PLAN:** Commissioner Madden moved to approve the Lofquist & Associates’ plan as presented by Mr. Westmoreland at the March 7<sup>th</sup> meeting. Commissioner McMahan seconded the Motion. Motion carried by unanimous vote.

(8) **WEBSTER COMPLEX MASTER PLAN REVISION:** Commissioner Cowan moved to approve the Lofquist & Associates’ Master Plan Revision as presented by Mr. Westmoreland at the March 7<sup>th</sup> meeting. Commissioner McMahan seconded the Motion. Motion carried by unanimous vote.

(9) **HEALTH DEPT. RENOVATION:** Commissioner McMahan moved to authorize Mr. Westmoreland to contract for the services of a professional architect/engineer to prepare a needs study and design for renovations to the Health Dept. building. Commissioner Cowan seconded the Motion. Motion carried by unanimous vote.

(10) **STREAM BANK RESTORATION:** Commissioner Cowan moved to approve the Altamont Environmental and CH2M Hill, Inc. proposal. Commissioner Madden seconded the Motion. Motion carried by unanimous vote.

(11) **SHERIFF’S OFFICE BUDGET FY05-06:** At Sheriff Ashe’s request, this item will be carried over to the April 4<sup>th</sup> meeting.

(12) **SCHOOLS’ BUDGET FY05-06:** Sue Nations, Superintendent of Schools, addressed the Board. The School Board’s FY05-06 Local Planning Proposal requests that the county appropriate the following:

Current Operations	\$ 5,083,855
PILT	\$ 56,500
Maintenance	\$ 357,000
Teachers Supplements	\$ 270,442
Support Personnel	\$ 150,176
New Technology	\$ 300,000
Capital Outlay	\$ 650,000
<b>TOTAL</b>	<b>\$ 6,867,973 (5% increase from FY04-05)</b>

She also requested that the following additional expenses be considered:

One middle grade teacher to meet class size requirements	\$ 33,000
Health benefits for local employees	\$ 60,000
One custodian for new science bldg at SMH	\$ 20,000
Contracted psychological services	\$ 15,000
<b>TOTAL</b>	<b>\$ 128,000</b>
<b>TOTAL</b>	<b>\$ 6,995,973</b>

Further, the School Board also requested a timing consideration for capital projects and that construction of the kindergarten classrooms at Fairview be a top priority. She thanked the Board for its support of the schools.

Ms. Nations stated that the day care center at Fairview School will be self-sustaining and available for teachers throughout the county.

(13) **RESOLUTION (R05-03) SILVER RUN ROAD**: A Public Hearing was held at 6:00 p.m. on March 21<sup>st</sup> and no objections were raised. Commissioner Madden moved to adopt the Resolution. Commissioner Cowan seconded the Motion. Motion carried by unanimous vote.

(14) **RESOLUTION (R05-04) HALL TOWN ROAD**: A Public Hearing was held at 6:15 p.m. on March 21<sup>st</sup> and no objections were raised. Commissioner Cowan moved to adopt the Resolution. Commissioner McMahan seconded the Motion. Motion carried by unanimous vote.

(15) **LIBRARY BOARD APPOINTMENT**: Commissioner Cowan moved to appoint Michael C. Jorge to fill the unexpired term of Deborah Bardo. Commissioner McMahan seconded the Motion. Motion carried by unanimous vote.

(16) **EQUALIZATION & REVIEW BOARD APPOINTMENTS**: Commissioner McMahan moved to re-appoint Richard Wilson, Arlie Moss, Rogers Shelton, Gail Cooper, and Richard Robson, to one-year terms on the Board of Equalization & Review, with Richard Wilson as Chairman and Arlie Moss as Vice Chairman. Commissioner Cowan seconded the Motion. Motion carried by unanimous vote.

(17) **TRANSPORTATION BOARD APPOINTMENTS**: Commissioner McMahan recommended Dean Coward from District 2 and Commissioner Cowan recommended Howard Allman from District 3, to three year terms on the Transportation Board. Commissioner Cowan moved to appoint Dean Coward and Howard Allman. Commissioner McMahan seconded the Motion. Motion carried by unanimous vote.

(18) **COUNCIL ON AGING BOARD APPOINTMENTS**: Commissioner Cowan moved to appoint Jane Brown, Evelyn Austin, Martha White, Martha Chovan and John Ray West to three-year terms on the Council on Aging Board of Directors. Commissioner McMahan seconded the Motion. Motion carried by unanimous vote.

(19) **CEMETERY BOARD APPOINTMENTS**: Carry over to April 4<sup>th</sup>.

(20) **“WATR” PROJECT – GREENS CREEK/SAVANNAH**: Roger Clapp, Executive Director of the Watershed Association of the Tuckasegee, thanked the Board for its \$5,000 allocation last year. He requested the Board’s support in WATR’s grant application to the Clean Water Management Trust entitled “Watershed Action Planning for Greens and Savannah Creeks, Jackson County”. Commissioner Cowan moved to authorize the County Manager to write a letter in support of WATR’s grant application. Commissioner McMahan seconded the Motion. Motion carried by unanimous vote.

Commissioner Cowan moved that the Board go into Closed Session pursuant to G. S. 143-318.11(a)(3) Legal. 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.

Vice Chair Crawford moved to amend the Agenda by adding a “Resolution Requesting the General Assembly of North Carolina to Enact Legislation Enabling the Creation of the Macon-Jackson Regional Airport Authority”. Commissioner McMahan seconded the Motion. Motion carried.

**(21) RESOLUTION (R05-05) SUPPORTING THE EXTENSION OF THE MACON COUNTY AIRPORT RUNWAY TO 5000 FEET:** Commissioner McMahan moved to adopt the Resolution. Commissioner Cowan seconded the Motion. Motion carried by unanimous vote.

**(22) RESOLUTION (R05-06) REQUESTING THE GENERAL ASSEMBLY OF NORTH CAROLINA TO ENACT LEGISLATION ENABLING THE CREATION OF THE MACON-JACKSON REGIONAL AIRPORT AUTHORITY:** Commissioner Madden moved to adopt the Resolution. Commissioner Cowan seconded the Motion. Motion carried by unanimous vote.

There being no further business, Commissioner Cowan moved that the meeting be adjourned. Commissioner Madden seconded the Motion. Motion carried and the meeting adjourned at 9:15 p.m.

Attested By:

Approved:

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Evelyn B. Baker  
Clerk to the Board

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Roberta Crawford, Vice Chair

