

**MINUTES OF THE REGULAR MEETING  
OF THE JACKSON COUNTY  
BOARD OF COMMISSIONERS  
HELD ON  
MARCH 11, 2003**

The Jackson County Board of Commissioners met in a Regular Session on Tuesday, March 11, 2003, at 6:00 p.m. in the Boardroom, Justice & Administration Building, 401 Grindstaff Cove Road, 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 amending the Agenda by tabling item #10 Smoky Mountain Mental Health, adding item #21(A) Jackson Travel & Tourism Board Appointments, item #21(B) Cashiers Travel & Tourism Board Appointments, item #21(C) Cashiers Commercial District Task Force Appointment. Commissioner Crawford moved to approve the Agenda as amended. Commissioner Cowan seconded the Motion. Motion carried by unanimous vote.

**MINUTES:** Commissioner Madden moved to approve the Minutes of the Regular Meeting of February 18, 2003. Commissioner McMahan seconded the Motion. Motion carried by unanimous vote.

**INFORMAL COMMENTS BY THE PUBLIC:** Amy Garza requested that the Historic Courthouse be used as a museum and the Greening Up the Mountains Festival is scheduled for April 26th. Irene Hooper requested that a Noise Ordinance be revised so that everyone could live in peace and quiet. She stated that excessive noise is a problem in the Forest Hills area in Cullowhee.

**CONSENT AGENDA**

**(1) FINANCE REPORT FOR JANUARY 2003.** The January 2003 Finance Report was submitted for approval.

**(2) TAX COLLECTOR'S REPORT FOR JANUARY 2003:** The January 2003 Tax Collector's Report was submitted for approval. Delinquent tax collections have increased.

**(3) BUDGET AMENDMENTS:** Five budget amendments were submitted for approval.

### **ADMINISTRATIVE REPORTS**

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

**(5) COMMISSIONERS' REPORT:** Commissioner Crawford reported that the Historic Courthouse Use Committee will be meeting on March 17<sup>th</sup>, 6:00 p.m. at the Justice Center. Commissioners' Madden, Crawford, Cowan and McMahan attended the Commissioners' School the last week of February.

**(6) COUNTY MANAGER'S REPORT:** (a) Personnel action since the last meeting: Michael Bumgarner transferred from Housekeeping to the Grounds Dept. and Steve Ogle replaced Bumgarner. (b) Two permit applications have been received for cell towers in the Balsam community (one for a co-location and the other a new structure); (c) Three county employees have been called to active military duty; therefore, the military leave policy needs to be amended at the next meeting.

**(7) APPOINTMENTS TO SPECIAL BOARD OF EQUALIZATION AND REVIEW:** Commissioner Madden recommended that Richard Robson of Cashiers be appointed to fill the vacancy on the Special Board of Equalization & Review. Arlie Moss is currently serving as Chairman and Richard Wilson as Vice Chairman of that Board. Both are doing a commendable job in those positions.

**(8) SHERIFF'S OFFICE PERSONNEL PLACEMENT & REORGANIZATION:** Sheriff Ashe requested that salary adjustments be made throughout his office. He requested the approval of an Administrative Assistant position. Two fulltime personnel have been called to active military duty. He requested authorization to hire temporary fulltime employees to fill those two vacancies during their absence. In the event he is unable to find qualified officers, it may be necessary to contract for these services. He stated that the new jail is still not ready for occupancy. Mr. Westmoreland reported that a meeting with the architect and contractor is scheduled for March 12.

**(9) AGING DEPT. LONG-RANGE PLANS:** The Aging Department presented long- range plans that advocate the needs for the senior population. The needs included larger facilities. Statistical information was presented which reflects the increase in senior population throughout the nation and county.

**(10) SMOKY MOUNTAIN MENTAL HEALTH LOCAL BUSINESS PLAN:** Tabled until April 8, 2003.

**(11) WEBSTER ENTERPRISES:** David Heitz, President of the Board of Directors, Webster Enterprises, reported that changes have been made in management. The firm wants to get out of the recycling business and continue with its rehabilitation program. The firm wants to offer the county a right of first refusal to purchase all of Webster Enterprises' property in Dillsboro.

The Dillsboro Staffed Recycling Center is located on the property. Chairman Buchanan recommended that the county immediately purchase the SRC site, approximately 2 acres, for the sum of \$50,000 after a new survey is completed. Funding would be appropriated from the contingency fund. Commissioner Crawford moved to approve the purchase. Commissioner McMahan seconded the Motion. Motion carried by unanimous vote.

**(12) R & B LANDFILL, HOMER, GEORGIA, RATIFICATION OF LANDFILL DISPOSAL AGREEMENT:** Mr. Westmoreland recommended that the county continue to contract with Waste Management, Homer, Georgia, for the disposal of construction and demolition waste. The present contract expires May 22, 2003; however, if the county agrees to enact a rate change and new contract prior to May 22, 2003, it would result in savings of \$4,122.50 this fiscal year and approximately \$17,000 over the next two years.

**(13) SOCIAL SERVICES FACILITY PROPERTY ACQUISITION DISCUSSION:** Mr. Westmoreland recommended that this matter be moved to Closed Session.

**(14) ECONOMIC DEVELOPMENT COMMISSION – MEMORANDUM OF AGREEMENT FOR OPERATION & SUPPORT:** This agreement recommends a full-time staff person be assigned to EDC rather than as a part of the planning department. The present Planning and Development Coordinator would be transferred and assigned to full-time economic development activities with the title of Economic Development Coordinator. The county would continue all support currently provided to the EDC for the balance of Fiscal Year 2002-03, including personnel, office space, services, and operations expenses. This position will be appointed and report to the County Manager, but will be assigned to EDC support activities exclusively. EDC has other revenue sources other than the county.

Tom McClure, Chairman of the EDC Board, recommended that the agreement be amended as follows: (a) first paragraph, last sentence: change to "*Economic Development Commission of Jackson County (EDC)*"; (b) paragraph six, first sentence: delete "*through its own revenue sources*"; (c) paragraph eight, second line change to: "*...balance of the current fiscal year (2002-2003) and each subsequent fiscal year thereafter*". A revised agreement to reflect these changes will be presented at the March 18, 2003 meeting.

**(15) COUNTY HEALTH BENEFITS PLAN:** The County Manager requested that the Board approve an insurance consultant, Mark III Brokerage, Inc., to assist in the procurement and review process due to overwhelming inquiries from vendors and the technicalities in the various plans. The fee would be \$8,000.00. He also recommended

that an Employee Benefits Advisory Committee be appointed to work with the consultant. He recommended Patsy Lovedahl (Human Resource Technician), Randall Turpin (Health Director), Janice Short (Detention Facility Nurse), Margaret Wallace (DSS Income Maint.), Marc Hawk (Housekeeping Supervisor), Kathy Buchanan (Recreation Secretary), Ken Westmoreland (County Manager), and two Commissioners. Commissioner McMahan, Chairman of the Personnel Committee and Commissioner Crawford volunteered to serve.

**(16) SELECT FIRM FOR OUTSIDE AUDITING SERVICES:** Pursuant to the Board's authorization, requests for proposals for auditing services were solicited. Only two firms responded: Crisp, Hughes, Evans and Hughes-Hughes & Co. of Asheville. Crisp, Hughes, Evans has done the audits for the past 6-8 years and has done excellent work; however, it was recommended that different firms be used every four years. Chairman Buchanan recommended that Hughes-Hughes & Co. be contracted to perform the audit.

**(17) PUBLIC LIBRARY BOARD OF TRUSTEES APPOINTMENT:** Michael Cartwright, County Librarian, submitted a letter recommending that Dr. Gene Couch be appointed to fill a vacancy.

**(18) REGION A AGING ADVISORY COUNCIL APPOINTMENTS:** Helen Bryson, Director, Dept. on Aging submitted a letter recommending Jane Brown for member and Rev. Ron Allen, James Keeble and Dr. Davia Allen as alternates to fill the vacancies. However, only two alternates are needed.

**(19) HEALTH BOARD APPOINTMENT:** Randall Turpin, Director, Health Department, submitted a letter recommending that Kim Cowan be appointed to fill a vacancy.

**(20) SMART GROWTH TASK FORCE APPOINTMENTS:** Appointment of this 7-member at large task force is required under the "2003 Plan of Action" that was adopted on February 11, 2003. Each Commissioner, including the Chairman, will make one appointment and recommend two names for the remaining two at-large members. The Board will vote on the recommendations for the two at-large members.

**(21) APPOINTMENT TO ECONOMIC DEVELOPMENT COMMISSION:** Tom McClure, Chairman of the Economic Development Commission, submitted a letter advising the board of a vacancy to the three appointments the county has to the EDC Board. Commissioner Madden recommended that Marty Jones be appointed.

**(21-A) APPOINTMENT TO JACKSON COUNTY TRAVEL & TOURISM BOARD OF DIRECTORS:** Julie Spiro, Executive Director, submitted a letter recommending Mike Williams, Lumpy Lambert, Mary Beth Druzbeck and Betty Westmoreland to fill the four vacancies.

**(21-B) APPOINTMENTS TO CASHIERS TRAVEL & TOURISM BOARD OF DIRECTORS:** The Cashiers Travel & Tourism Board submitted a letter recommending that Linda Rogers and Judy Gray be appointed to fill the two vacancies.

**(21C) APPOINTMENT TO CASHIERS COMMERCIAL DISTRICT TASK FORCE:** Commissioner Madden's original appointee, Marlene Fowler, is unable to serve on the task force. Commissioner Madden recommended that Lester Freeman be appointed in her place.

**(22) McCALL ROAD RESOLUTION:** A resolution was submitted requesting that the Board request the Department of Transportation to add McCall Road (SR1101) to its maintenance system. A petition signed by the affected property owners should be available for review at the March 18, 2003 meeting.

**(23) RESOLUTION – DESIGNATION OF APPLICANT'S AGENT:** A resolution was presented for the designation of an agent for a mitigation-planning grant.

**(24) RESOLUTION – LLOYD HOOPER ROAD:** A petition and resolution were submitted requesting that the Board request the Department of Transportation to abandon a portion of Lloyd Hooper Road (SR1154) from its maintenance system. Mr. Lupas has reviewed this proposal with Mr. Gibbs of the Dept. of Transportation. Mr. Lupas understands that he will probably be required to build a turn-around for buses pursuant to DOT specifications. Harry Babb, adjoining property owner, has no objections to the abandonment.

**(25) CASHIERS INCORPORATION REFERENDUM RESOLUTION:** A resolution was submitted requesting that the board support legislation to allow the people of the Cashiers community the right to vote on the issue of incorporation. Attorney Holt recommended that the resolution be amended to reflect that the Commissioners do not endorse or oppose the incorporation of the Cashiers area, that four services required for incorporation be stated, and that the incorporated area cannot exercise extra-territorial jurisdiction. A revised resolution will be submitted for the March 18, 2003 meeting. A copy of the Petition sent to the Legislature was presented. Mary White read a Petition opposing the incorporation.

Chairman Buchanan moved that the Board go into Closed Session pursuant to G.S. 143-318.11(a) (5) Real Property Acquisition. Commissioner Madden 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.

Commissioner Crawford moved that the meeting be adjourned. Commissioner McMahan seconded the Motion. Motion carried by unanimous vote 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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Stacy Buchanan, Chairman