

Posted July 9, 2003  
Time Posted: \_\_\_\_\_  
Posted By: Evelyn Baker  
Witnessed By: \_\_\_\_\_

**MINUTES OF THE REGULAR MEETING  
OF THE JACKSON COUNTY  
BOARD OF COMMISSIONERS  
HELD ON  
JULY 8, 2003**

The Jackson County Board of Commissioners met in a Regular Session on Tuesday, July 8, 2003, at 6:00 p.m. in the Justice & Administration Building, Room 203, 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 that the Agenda be amended by adding the following: #19-Jail Doctor Contract, #20-Caring Hands Respite Program Lease and #21-Good Pickin' Software Contract. Commissioner Cowan moved to approve the amended Agenda. Commissioner McMahan seconded the Motion. Motion carried by unanimous vote.

**MINUTES**: Commissioner Crawford moved to approve the Minutes of the Public Hearing of June 17, 2003 and Regular Meeting of June 17, 2003. Commissioner Cowan seconded the Motion. Motion carried by unanimous vote.

**INFORMAL COMMENTS BY THE PUBLIC**: Page Bernstein thanked the Board for meeting with citizens in Cashiers on July 7<sup>th</sup>.

**CONSENT AGENDA**

**(1) FINANCE REPORT FOR MAY 2003**: Highlights:

<u>General Fund Revenue to date</u>	\$ 29,459,207.13
<u>General Fund Expenditures to date</u>	\$ 26,956,489.72
<u>Ad Valorem Tax collected</u>	\$ 15,380,870.01
<u>Motor Vehicle Tax collected</u>	\$ 1,019,887.97
<u>Prior Year Tax collected</u>	\$ 679,680.97
<u>Landfill Disposal Fees collected</u>	\$ 1,018,866.63
<u>Prior Year Landfill Disposal Fees collected</u>	\$ 56,624.21
<u>General Fund Contingency Balance</u>	\$ 96,403.98

(2) **TAX COLLECTOR'S REPORT FOR MAY 2003**: The Tax Collector's report was submitted for approval.

(3) **BUDGET AMENDMENT**: An amendment to the Emergency Telephone Fund in the amount of \$3,494.00 was submitted for approval.

### **ADMINISTRATIVE REPORTS**

(4) **CHAIRMAN'S REPORT**: Chairman Buchanan reported that a proposed Ordinance for Authorizing a Planning Board would be placed on the August 12, 2003 Agenda.

(5) **COMMISSIONERS' REPORT**: None

(6) **COUNTY MANAGER'S REPORT**: Mr. Westmoreland reported that the final 2003 values have been received from the Tax Assessor. The values reflected \$45,103,368 in extra value that equates to \$215,000 above what was budgeted for ad valorem taxes. He recommended that the 2003-04 Budget not be amended to reflect the increase at this time in the event the State withholds funds later this year.

The Sheriff's Office has moved into the administrative section of the new jail. The smoke evacuation system has failed a second time and appears to be a manufacturer's design flaw. The manufacturer is coming to the site to analyze the problem. That problem should be corrected within a couple of weeks.

Personnel: (a) Hired Randy Cabe, Grounds Maintenance II; (b) Transferred Dallas Stephens from Grounds Dept. to the new Maintenance Mechanic I position; (c) Promoted Mickey Bumgarner to Grounds Maintenance II; (d) Hired Greg Dills and David Wheatley for Grounds Maintenance I positions.

### **OLD BUSINESS:**

(7) **APPOINTMENT TO JURY COMMISSION**: Earl Hooper has agreed to serve on the Jury Commission if re-appointed. Commissioner Crawford moved to approve the re-appointment. Commissioner Madden seconded the Motion. Motion carried by unanimous vote.

### **NEW BUSINESS**

(8) **DONATION OF RIGHT OF WAY FOR HIGHWAY IMPROVEMENTS AT SMOKY MOUNTAIN HIGH SCHOOL**: The N.C. Department of Transportation has requested an 808 sq. ft. parcel of property located at the intersection of Fairview Road and Hwy 107 as part of improvements for that intersection. Mr. Westmoreland met with Mr. Riddle of DOT at the site and determined that the Fairview Elementary School sign would not be adversely impacted.

**(9) CULLOWHEE SRC - BIDS FOR PAVING:** Three bids for paving the Cullowhee SRC were received:

HMC Paving	\$ 8,865
William Smith Paving	\$ 13,200
Parker Paving	\$15,600

Mr. Westmoreland stated that all bids were under budget. Due to the paving problems by HMC Paving at the Cashiers SRC, he recommended the bid be awarded to William Smith Paving.

**(10) C & D TRANSFER STATION SKID STEER BIDS:** A skid steer is a front-end loader, which will be used at the C & D Transfer Station to assist in the conversion of recycling. This equipment is 100% funded by DEHNR. Two bids were received:

Van Lott, Inc.	\$ 20,832.00
Carolina Tractor	\$ 27,453.26

Mr. Westmoreland recommended the bid be awarded to Van Lott, Inc.

**(11) ELGAR GROUP, INC. PROPOSAL:** Elgar Group, Inc. is a North Carolina corporation specializing in the identification of public and private grants and financial support possibilities including preparation and submission of formal proposals. The cost for this service would be a \$1,000 per month retainer plus 7.5% for receipt of awards up to \$100,000 and 5% for any portion above \$100,000 in addition to reimbursement for reasonable expenses for copying, postage, etc. Mr. Holt will review the proposal and advise the Board at the next meeting.

**(12) APPOINTMENTS TO GRIEVANCE COMMITTEE:** There are two vacancies, one county employee and one citizen, on the Grievance Committee.

**(13) APPOINTMENTS TO SOLID WASTE BOARD:** Jean Hartbarger, Mayor of Dillsboro, has resigned from the Solid Waste Board and recommended that Emma Wertenberger be appointed as the Town of Dillsboro representative.

**(14) APPOINTMENTS TO LIBRARY TASK FORCE:** Commissioner Madden recommended Don Williamson, Commissioner McMahan recommended John Bunn, and Chairman Buchanan recommended Jo Anne Caruso. Commissioners Crawford and Cowan will make recommendations at the next meeting.

**(15) APPOINTMENT TO WATERSHED REVIEW BOARD:** Rick Bennett, Jim Mincey, Ray Trine, Linda Rogers, Randy Lanier, Ed Norton, and Neal Dawson have volunteered to serve on the Watershed Review Board. These appointments would be for a 3-year term.

**(16) AMENDMENT TO SOLID WASTE ORDINANCE:** Maurice Moody, Chairman of the Solid Waste Board, stated that the amendment is a “fairness” issue for citizens who are helping neighbors by hauling their trash at no cost. He recommended that Article III, Section 301 K be amended as follows:

*“K. Private Hauler means any Person charging a fee for transporting Solid Waste for another Person including maintenance services in which their duties include hauling residential solid waste. Individuals having five (5) or less rental units may haul the renters’ garbage to the SRC without being classified as a Private Hauler.”*

A Work Session will be scheduled on September 16, 2003, at 5:00 p.m. to discuss other projects for the Solid Waste Board.

**(17) RESOLUTION – SYLVA POOL OPERATING COSTS:** This Resolution states that of the Town of Sylva and Jackson County shall jointly share the responsibilities of the operation of the Sylva swimming pool.

**(18) LAND DEVELOPMENT ORDINANCE FOR THE CASHIERS COMMUNITY AREA:** A Work Session and Public Hearing was held at the Blue Ridge School on July 7, 2003. Discussion was had on reasons for voting or not voting on the Ordinance prior to the August 12<sup>th</sup> incorporation vote.

Chairman Buchanan reiterated his opinion as stated at the public hearing – he preferred not to vote on the Ordinance until after the incorporation vote because he did not want to sway anyone on that issue. He stated he did not view the Ordinance as a step toward countywide zoning.

Commissioner Madden reminded the Board that the task force was appointed in February and charged with having some type of plan before the Board within 120 days. At that time the incorporation issue was stalled in the State Legislature. He does not know of any citizen who is in favor of incorporation but opposed to the Ordinance. He stated that only two business/property owners in the commercial area spoke at the public hearing in opposition to the Ordinance; however, several non-residents spoke in opposition to the Ordinance. He further stated he was opposed to countywide zoning, but Cashiers has a critical need especially if the incorporation issue fails. He stated he was convinced that the Ordinance is fundamentally sound, simple and, if anything, protects the local citizens. The Ordinance only affects new commercial development, not residential or existing businesses.

Commissioner Crawford stated that after the public hearing it appeared that the citizens do not want any type of zoning. She is opposed to zoning in any form.

Commissioner McMahan stated that it was his opinion that the citizens were under the impression that if this Ordinance is adopted, it is just a first step towards countywide zoning and he absolutely does not advocate zoning and the incorporation vote will determine the choice of the people.

Commissioner Cowan stated that the Board had previously voted to make this Ordinance a part of the county’s comprehensive plan, appointed a task force and budgeted for a consultant. He stated he did not support countywide zoning; however, if the citizens request it to manage growth the Board should not refuse their request.

If the Ordinance is voted on during at July 15<sup>th</sup> meeting and the vote is not unanimous, it would be placed on the August 12<sup>th</sup> Agenda for a second reading and vote.

**(19) JAIL DOCTOR CONTRACT:** The jail doctor contract with Dr. Steven P. Dewees for the next fiscal year is \$41,000 payable in bi-monthly installments of \$1,708.33 each.

**(20) CARING HANDS RESPITE PROGRAM LEASE:** The First Baptist Church has agreed to lease a room at the Church for a limited time each week for the Caring Hands Respite Program. The rent is \$1.00 per annum.

**(21) GOOD PICKIN':** The contract is for software support services for the Keystone tax billing, tax collections and land records software. The annual fee is \$21,000.

Chairman Buchanan moved that the Board go into Closed Session pursuant to G.S. 143-318.11(a)(6) Personnel, G.S. 143-318.11(a) (5) Real Property, and G.S. 143-318.11(a)(6) Personnel. 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.

Commissioner McMahan moved that the meeting be adjourned. Commissioner Madden seconded the Motion. Motion carried by unanimous vote and the meeting adjourned at 8:15 p.m.

Attested By:

Approved:

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Evelyn B. Baker  
Clerk to the Board

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Stacy Buchanan, Chairman