

Posted: August 21, 2003  
Time Posted: \_\_\_\_\_  
Posted By: Evelyn Baker  
Witnessed By: \_\_\_\_\_

**MINUTES OF THE REGULAR MEETING  
OF THE JACKSON COUNTY  
BOARD OF COMMISSIONERS  
HELD ON  
AUGUST 19, 2003**

The Jackson County Board of Commissioners met in a Regular Session on Tuesday, August 19, 2003, at 6:00 p.m., 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**: Commissioner Crawford moved to approve the Agenda.  
Commissioner Madden seconded the Motion. Motion carried by unanimous vote.

**MINUTES**: Commissioner McMahan moved to approve the Minutes of the Special Meeting of August 12, 2003 and Regular Meeting of August 12, 2003.  
Commissioner Crawford seconded the Motion. Motion carried by unanimous vote.

**INFORMAL COMMENTS BY THE PUBLIC:**

Ethan Staat, retired physician and resident of Cashiers, stated that the Cashiers Community has had significant growth and with expansion of sewer services, the growth could double. The community needs some type of control in order to maintain its unique character. He urged the Board to adopt the Commercial Area Ordinance.

Al Balestiere, 27-year resident of Cashiers, stated he supported the Commercial Area Ordinance and requested the Board to adopt it rather than relying on the state and federal government.

Ed Henson, attorney in Cashiers and a member of the task force that drafted the Commercial Area Ordinance, requested the Board to adopt it. He stated there was an immediate need to manage growth. It was his opinion that the vote against incorporation was not in opposition to the proposed Ordinance. The Ordinance affects future commercial development only, present businesses would be "grand-fathered" in and it would not affect residential properties in any manner.

Bob Ginn of Sylva requested the Board to vote against the proposed Ordinance. It was his opinion that it is community based zoning and the citizens of Cashiers should be permitted to vote on the issue.

Conrad McCall, age 72, stated he did not live in the commercial area, but some of his relatives do. He recommended that the citizens of Cashiers should be given the right to vote on the issue.

Ann Austin of Cashiers urged the Board to vote in favor of the proposed Ordinance.

Will McKee of Cashiers stated that he owns property in the proposed commercial area and supports the Ordinance. He stated he voted against the incorporation issue because it would have placed a hardship on many local residents by increasing taxes. Commercial growth issues should be addressed and commercial businesses should be located on a site that would not harm or be detrimental to other property owners.

Gary Buchanan of Sylva stated his biggest concern was that the zoning Ordinance would have a domino affect and recommended that the issue should be voted on by the citizens.

Mike Varner stated he had been a realtor in Cashiers for 20 years and it was his opinion "if you fail to plan, plan to fail".

James Bryson of Cashiers requested the Board to adopt the Ordinance.

Larry Moss of Cashiers reminded the Commissioners of his recollection of promises made during the election that they would not vote for any type of zoning without a referendum.

Elaine Stiwinter stated she lived in the proposed commercial area and urged the Board to oppose the Ordinance.

Eddie Stewart of Cashiers requested the Board to oppose the Ordinance.

### **CONSENT AGENDA**

**(1) (2) (3) (4) FINANCE REPORT FOR JUNE 2003, TAX COLLECTOR'S REPORT FOR MAY 2003, TAX SETTLEMENT REPORT FOR FY2002-2003 and BUDGET AMENDMENTS:** Commissioner Madden moved to approve the reports and budget amendments. Commissioner Crawford seconded the Motion. Motion carried by unanimous vote.

### **ADMINISTRATIVE REPORTS**

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

**(6) COMMISSIONERS' REPORT:** Commissioner Cowan reported that his appointee to the Library Task Force was moving out of the county and he would like to appoint a replacement at the next meeting. Commissioner McMahan reported that the Balsam Fire Dept. fundraiser on August 16<sup>th</sup> was a success.

**(7) COUNTY MANAGER'S REPORT:** Mr. Westmoreland reported that the state jail inspectors were on site last Thursday. The smoke evacuation system passed inspection; however, there were several minor deficiencies noted and after these are

corrected and acknowledged in writing by the architect and county manager, a permit will be issued.

**OLD BUSINESS:**

(8) **ELGAR GROUP, INC.:** This issue to be placed on the September 9, 2003 Agenda.

(9) **CASHIERS LIBRARY:** Commissioner Madden moved to approve the site and floor plans as presented to the Board on August 12, 2003. Commissioner Cowan seconded the Motion. Commissioner McMahan stated that the plan showed the need for additional property and was that cost budgeted. Mr. Westmoreland responded that it would need to be secured. Motion carried by unanimous vote.

**NEW BUSINESS**

(10) **HEALTH SERVICES DELIVERY:** Mark Leonard reported that WestCare had approved the plan. Commissioner Crawford moved to enter into a collaborative venture with WestCare to authorize the N.C. Office of Rural Health to perform a study on health care in the county. Commissioner McMahan seconded the Motion. Motion carried by a vote of 4 –1 with Commissioner Cowan voting “nay”.

(11) **ROTARY CLUB:** Commissioner Cowan moved to appropriate \$15,000 from the contingency fund for landscaping at Smoky Mountain High School. Commissioner Madden seconded the Motion. Motion carried by unanimous vote.

(12) **TRANSIT BUILDING – BIDS FOR NEW ROOF:** Commissioner McMahan moved to award the bid to the Brickey Co. in the amount of \$13,902.00. Commissioner Crawford seconded the Motion. Motion carried by unanimous vote.

(13) **CANEY FORK CDC & FIRE SUBSTATION:** Richard Frady, Fire Chief, Cullowhee Fire Department, stated that the most suitable site for a substation is Site #2 as shown on the map presented by Ron Stephens at the last board meeting. He recommended using a holding tank rather than a septic system. Additional planning is needed to secure the property and work on road improvements with DOT.

(14) **REVALUATION SCHEDULE OF VALUES:** No action required. Mr. Stan Duncan, formerly with the WNC Department of Revenue, will address the Board at a Work Session on September 9, 2003, 5:00 p.m. to answer tax revaluation questions. A Public Hearing on the proposed “Schedule of Values” is scheduled on September 9, 2003 at 5:30 p.m.

(15) **SMART GROWTH UPDATE:** Bill Gibson, Southwestern Commission stated that the welfare of every citizen is tied to positive growth. Population and growth cannot be sustained indefinitely and the county needs to proceed with sensible growth management. Paul Carlson, Land Trust for the Little Tennessee, addressed the Board and

stated that the mountains buffer some growth; however, the county must plan how to handle the infrastructure along with planning how to maintain farm and forest lands. His research revealed that Jackson County has the cleanest water in the western region.

Drew Jones, Sustainability Institute, presented a power point presentation entitled “Voluntary, Non-regulatory Approaches to Smart Growth in Jackson County”. The three main points were: (a) recent trends are threatening what many people love about Jackson County; (b) too much dependence on home development as an economic engine can be expensive; (c) there are viable, non-regulatory alternatives.

The US Census Report reflects: (a) a 37% growth in housing units and projects the growth to continue at the same rate; (b) farmland acres in the county are declining; (c) most county leaders agree that the region will subdivide most all of its private forestlands; (c) as a result there was a 38% increase in daily driving in the county.

Some of the primary concerns are: (a) preserving traditional mountain cove communities; (b) keeping many mountainsides and ridgetops in healthy forests; (c) loss of access to the mountains for sportsmen.

Voluntary/Non-regulatory tools are conservation easements, agricultural districts, present use value taxation, and supporting markets for good forestry.

He recommended three proposals: (a) run the numbers for Jackson County and check to see if the “high cost of development to county” findings in Macon County are similar in Jackson County; (b) support, protect, and possibly expand existing non-regulatory efforts (present use valuation for forestry, voluntary agriculture districts, forest management for timber); (c) create partnerships to promote appropriate use of conservation easements.

**(16) SCATTERED HOUSING SITE GRANT “RECIPIENT’S PLAN TO FURTHER FAIR HOUSING”**: Approved by action on August 12, 2003.

**(17) QUALLA FIRE DEPT.**: Carry over to September 9, 2003.

**(18) COTT SYSTEMS LEASE AGREEMENT –REGISTER OF DEEDS**: Joe Hamilton, Register of Deeds, recommended that the agreement be approved. Commissioner Crawford moved to approve the Lease Agreement. Commissioner McMahan seconded the Motion. Motion carried by unanimous vote.

**(19) SOLID WASTE DEPT. REORGINATION RECOMMENDATIONS**: Commissioner Madden moved to approve the recommendations. Commissioner McMahan seconded the Motion. Motion carried by unanimous vote.

**(20) HOMELAND SECURITY GRANT PROGRAM**: Commissioner Cowan moved to approve the program. Commissioner Madden seconded the Motion. Motion carried by unanimous vote.

**(21) BANKING SERVICES PROPOSALS**: Mr. Westmoreland recommended that the county continue with Wachovia for one year and put the banking services proposal out for bid next year. Commissioner Crawford moved to approve Mr. Westmoreland's recommendation. Commissioner Cowan seconded the Motion. Motion carried by unanimous vote.

**(22) ATHLETIC HALL OF FAME PLAQUES**: Commissioner Crawford reported that she had not had an opportunity to talk with the Athletic Hall of Fame committee.

**(23) SMOKY MOUNTAIN HIGH SCHOOL**: Carry over to a later date.

**(24) JACKSON COUNTY ORDINANCE AUTHORIZING A PLANNING BOARD**: Commissioner Crawford moved to adopt the Jackson County Ordinance Authorizing a Planning Board (No. O03-03). Commissioner McMahan seconded the Motion. Motion carried by unanimous vote.

**(25) CASHIERS COMMERCIAL AREA LAND DEVELOPMENT ORDINANCE (R003-04)**: Commissioner Cowan moved that the proposed Ordinance as recommended by the task force be approved for a period of one year and at the end of one year, the Ordinance shall be evaluated by the Board of Commissioners and re-authorized, modified or discontinued. Commissioner Madden seconded the Motion.

Commissioner McMahan stated that the proposed Ordinance, Article III, Sec.3-2 "Jackson County Planning Board" appears to be in direct conflict with the Ordinance Authorizing a Planning Board. He stated the plan is a zoning ordinance and the authority to zone is pursuant to General Statutes 153A-344, which states that a zoning ordinance must be prepared by a planning board. On February 11, 2003 the Commissioners abolished the Planning Board and appointed a task force. In his opinion it was never the intent for the task force to be a planning board. He further contended that G.S. 153A-341 requires that zoning must be "in accordance with a comprehensive plan". Commissioner Cowan responded that the Board voted to make the Ordinance a part of the comprehensive plan and Mr. Gerald Green was hired as a consultant. Commissioner McMahan stated that since the incorporation issue failed, it is a clear statement what the citizens of Cashiers want – no zoning.

Gerald Green addressed the board and stated that the task force is not required to be termed a "planning board" to do the work. The task force was instructed to develop a plan to manage commercial growth in the Cashiers community. The task force was in fact a planning agency. He stated the task force complied with the statutes.

Attorney Holt recommended that Article III, Sec. 3-2 "Jackson County Planning Board" be deleted from the Ordinance.

Commissioner Crawford stated that the Ordinance appears to be developed for Buncombe County rather than rural Jackson County and "is zoning, plain and simple".

Commissioner Cowan amended his motion by adding, "Article III, Sec. 3-2 should be deleted". Commissioner Madden seconded the amended motion.

Chairman Buchanan stated he was opposed to countywide zoning. The proposed Ordinance is nothing more than a set of guidelines and standards for new commercial development.

Commissioner Madden stated that Cashiers was a great place to live, work, raise a family, and retire. However, everyone must agree that things are changing. With the sewer expansion, Cashiers will undoubtedly change forever. The plan is a unique opportunity for shaping the future of Cashiers. Single family properties are exempt from the Ordinance and existing businesses would be grand-fathered in. The bottom line is that this plan would go virtually unnoticed except for when it counts. It will count for any new commercial construction that exceeds 2,500 sq. ft. in size and particularly when that new commercial construction is immediately adjacent to a residential neighbor. The plan is designed to protect everyone that owns a business, home or property within the defined boundaries. The plan is pro-business and pro-community and does not prohibit anyone from making a living or getting a job in Cashiers. The plan insures that commercial developers who want to do business in Cashiers respect the many attributes Cashiers has to offer.

Motion passed by a vote of 3-2 with Commissioners Crawford and McMahan voting “nay”

**(26) AIRPORT HAZARD ZONING REGULATIONS**: Ms. Judith Elder-Lincke, Senior Project/Environmental Planner of Talbert & Wright, Engineering and Planning Consultants, presented a proposed Airport Hazard Zoning Regulations Ordinance. The Ordinance is necessary in order for the airport to continue to receive federal and state monies, protects the airport and is a safety issue. Funding is not in jeopardy for 2003, but, without adoption of the Ordinance, it could possibly be affected in allocations for 2004. Discussion was had concerning the necessity of a public hearing. Attorney Holt was instructed to advise the Board on this technicality. Chairman Buchanan recommended that the Planning Board should present this Ordinance since it will be the enforcement entity.

**(27) IMPACT FEES**: Carried over to September 9, 2003.

**(28) SCATTERED HOUSING SITE GRANT “Section 504 Compliance Officer Grievance Procedure”**. Commissioner McMahan moved to approve the plan. Commissioner Cowan seconded the Motion. Motion carried by unanimous vote.

**(29) APPOINTMENT OF VOTING DELEGATE TO NCACC CONFERENCE**: No action taken.

Chairman Buchanan moved that the Board go into Closed Session pursuant to 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.

Commissioner Crawford moved that the meeting be adjourned. Commissioner Cowan seconded the Motion. Motion carried by unanimous vote and the meeting adjourned at 8:40 p.m.

Attested By:

Approved:

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Evelyn B. Baker  
Clerk to the Board

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Stacy Buchanan, Chairman