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Posted By: Evelyn Baker
Witness: _____

**MINUTES OF THE REGULAR MEETING
OF THE JACKSON COUNTY
BOARD OF COMMISSIONERS
HELD ON
APRIL 4, 2005**

The Jackson County Board of Commissioners met in Regular Session on Monday, April 4, 2005, at 6:00 p.m., 399 Grindstaff Cove Road, Room A201, Sylva, North Carolina.

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

Chairman McMahan called the meeting to order.

AGENDA: Chairman McMahan amended the Agenda by adding Official Recommendation of the Democrat Executive Committee to fill the District Two Vacancy, Swearing in of Conrad Burrell as Commissioner and #16B-CDBG Entrepreneurial Incubator Grant Application. Commissioner Madden moved to approve the amended Agenda. Commissioner Cowan seconded the Motion. Motion carried by unanimous vote.

DISTRICT TWO VACANCY: Nelson Bumgarner, Chairman of the Democrat Executive Committee, presented the Board with the official recommendation of Conrad Burrell to fill the vacancy as District Two Commissioner of the Jackson County Board of Commissioners. Commissioner Crawford moved to accept the recommendation. Commissioner Cowan seconded the Motion. Motion carried by unanimous vote. Ann Melton, Clerk of Court, administered the oath of office to the newly appointed District Two Commissioner, Conrad Burrell, to the Jackson County Board of Commissioners. Commissioner Burrell thanked everyone for their support and stated he looked forward to working with the Board of Commissioners and for the citizens of Jackson County.

MINUTES: Commissioner Cowan moved to approve Minutes of the Public Hearing of March 21, 2005, Regular Meeting of March 21, 2005 and Special Meeting of March 23, 2005. Commissioner Madden seconded the Motion. Motion carried by unanimous vote.

INFORMAL COMMENTS BY THE PUBLIC:

(1) Penny Bullock stated she has owned property on Tilley Creek since 1955. Tilley Creek Road is narrow and winding and allowing a shooting range in close proximity to the road presents safety issues.

(2) Homer Royals of Tilley Creek presented a written report concerning "Lead as an Environmental Hazard from Outdoor Shooting Ranges" and stated Tilley Creek does not match well with

any of the environmental factors which should be looked at when locating a trap and skeet shooting range. He urged the Board to adopt a moratorium

(3) Michelle Hopkins of Tilley Creek stated that her property adjoins the proposed shooting range site. She stated that noise, safety and lead contamination are their biggest concerns. A shooting range would affect her family's quiet enjoyment of their home. Further, there is already one shooting range on Tilley Creek Road and they do not need another one. She requested that the Board adopt a moratorium.

(4) Mike Clark of Cullowhee stated that an ordinance would affect everyone in the county, not just the Tilley Creek residents. He suggested that the two special interests groups should work out their differences.

(5) David Fox of Tilley Creek stated that his property is located one-fourth mile from the proposed shooting range site and he will hear the constant noise from gun shots. Tilley Creek is not a remote area, many families live there. He stated the Board has the responsibility and authority to make a decision between the Tilley Creek families and a shooting range.

(6) Barry Moore of Sapphire stated that Smoke Rise Field Club members will not hunt on the property and the shooting range only operates for very limited hours.

(7) Gerlinde Lindy of Caney Fork stated she respects the land, wildlife and her neighbors. Citizens should be afforded the right to enjoy peace and quiet in their homes. She supports the adoption of a moratorium and the development of an ordinance.

(8) Todd Mathis of Caney Fork stated that property owners should be allowed to do whatever they wish with their property. The county does not need more ordinances.

(9) Robert Lindsay of Dillsboro stated that property rights and privileges stop when the use thereof infringes on others because noise from a shooting range will affect adjoining property owners' rights and privileges. Tilley Creek Baptist Church is located near the proposed site and the noise could disturb church services. No one wants a shooting range in their backyard. He requested the Board to adopt a moratorium.

(10) Jane Brown of Caney Fork stated she is a member of the NRA. The Tilley Creek property owners are entitled to the peaceful enjoyment of their properties. A shooting range will cause their property values to diminish. She stated that everyone has the duty to respect the rights of others.

(11) Sheila Rodgers of Caney Fork stated that a shooting range should not be permitted in an established residential community. She stated there are remote properties available in the county for location of a shooting range. Noise is a stressor which affects not only people, but pets, wildlife and farm animals. She urged the Board to adopt a moratorium.

(12) John Bunn of Sylva urged the Board to take a sufficient amount of time to thoroughly study this issue before making a decision concerning an ordinance.

(13) David Fox, Jr. of Tilley Creek stated there are two conflicts of interest – the people who live there and the shooting range club which is a corporation/social club. A shooting range is an encroachment of a commercial entity into a residential area.

(14) Raymond Bunn of Sylva stated that another ordinance is not needed.

(15) Steve Buchanan of Tilley Creek stated that his property adjoins the proposed shooting range site. He stated that an ordinance is not needed; however, Tilley Creek is not the appropriate site for a shooting range.

(16) Steve Webb of Tilley Creek stated that his property adjoins the proposed shooting range site and does not know what impact the noise will have on him, but does not want to be bothered by anyone.

(17) Dale Hall of Sylva stated recommended that the Board take a long term approach to what type of rules should be in place for a long period of time. The county needs a plan, not "brush fire management".

(18) Mark Jamison of Cullowhee suggested that the Tilley Creek residents and the prospective buyers mediate their differences. Local government must protect the health and safety of all citizens; however, Smoke Rise Field Club also has legitimate rights. He requested that the Board adopt a 90-day moratorium which would give the planning board sufficient time to draft an appropriate ordinance.

(1) FINANCE & TAX COLLECTOR REPORTS FOR MARCH 2005: Carry over to 4/18/05.

(2) BUDGET AMENDMENT:

Fund Balance \$ 1,251,250.00

(3) CHAIRMAN'S REPORT: Chairman McMahan reported that on March 28 he attended a Southwestern Commission Region A planning meeting. The Southwestern Commission is searching for property so it can move its offices back to Jackson County.

(4) COMMISSIONERS REPORT: None.

(5) COUNTY MANAGER'S REPORT: None.

(6) PLANNING DEPT. REPORT: Linda Cable, Planning Coordinator, reported that the Cashiers Community Planning Council and Design Review Board had reviewed four new projects and approved three. The following permits were issued in March: 2 Cashiers Sign Permits, 3 Cashiers New Const/Reno and 1 Off Premise Sign. The Planning Dept. has received applications for two new cell towers (Cherokee/Whittier on Sheep Rock Nose Rd., and Cullowhee off University Heights Rd.).

(7) SHOOTING RANGE MORATORIUM: Commissioner Cowan moved to adopt a moratorium. Motion failed for lack of a second.

(8) SHERIFF'S OFFICE FY05-06 BUDGET REQUEST:

(a) **NEW PERSONNEL:** Sheriff Ashe stated that his request for the FY2005-06 budget reflects the professional assessment concerning the needs of his office against the backdrop of emerging crime patterns, preventative measures and detention requirements. His three-year "needs projection" requires an increase in personnel. He requested that implementation be part of a phased-in process commencing with FY2005-06 with the addition of two patrol officers, one narcotics detective, one detention officer and one child support enforcement officer. The costs for Phase I (4 new personnel) commencing FY05-06 would be \$144,723. The costs for a child support enforcement officer could be from funds allocated to the county from DSS. He stated that his statistical review supports those requests.

(b) **THREE-YEAR PLAN:** Add 14 patrol officers, 4 detention officers, 1 narcotics officer, 1 secretary, and 1 civil process officer.

(c) **CASHIERS SUB-STATION:** Sheriff Ashe requested that the sub-station in Cashiers be relocated to the basement of the Freeman House.

(d) **FEDERAL INMATES:** The Sheriff's Office is in the process of negotiating a contract with the U. S. Marshal Service for housing federal inmates. Housing rates vary from \$45 - \$109 per day which will increase inmate housing revenues, but will require increased staffing. There is the need to expand the detention facility. The county is now paying to house some female inmates out-of-county. If the contract is finalized, the U. S. Marshal Service will agree, if they are given a long term contract such as 8-12 years for federal inmate bed space, to pay a portion of the funds needed for expansion of the detention facility in addition to the daily housing rates.

(e) **INMATE WORKING PROGRAM:** Sheriff Ashe plans on initiating a full-time working inmate program which would save taxpayer dollars where inmate labor can be used; however, expansion of the working inmate program will require additional personnel.

(f) **GOALS:** Reduce the crime rate, reduce officer response time to calls, increase officer safety, win the war against crystal meth in the county, implement a Chaplain's Program in the detention center, establish citizen advisory boards, operate sub-stations in the North and South Districts to include IT connectivity, and achieve national accreditation for the Sheriff's Office and detention center.

(9) COMMUNITY DEVELOPMENT BLOCK GRANT & BUDGET AMENDMENT: Joan Stillwell, Community Development Director, requested that the \$200,000 supplemental funds grant budget be amended because the county cannot provide rehabilitation assistance to any home with this funding due to the severity of the structures. The plans are for three relocations. Ms. Stillwell introduced John Quick, N.C.

Division of Community Assistance Grants Management & Compliance Representative, who commended the county for having the staff in place to administer the program. He reported that today was his second monitoring visit and he has always found all documentation and procedures in order. A Public Hearing concerning this change was held April 4, 2005 at 6:00 p.m. and no objections were made. Chairman McMahan suspended the rules and Commissioner Burrell moved to approve the grant application and budget amendment. Commissioner Crawford seconded the Motion. Motion carried by unanimous vote. Ms. Stillwell reminded the Board of the Open House at 3657 Pumpkintown Road, Sylva, on April 5th at 10:00 a.m.

(10) NCDOT ENHANCEMENT CONTRACT & RESOLUTION: Carry over to 4/18/05.

(11) PUBLIC HOUSING AGENCY: John Ashe, Housing Director, reported that due to HUD funding cuts over the past two years, he is proposing two changes to the administrative plan that will reduce the average housing assistance payment and enable the agency to assist more families with the reduced amount of monies that his office receives. The first proposal would establish a \$50 minimum rent which would not affect the amount of rent assistance to families; it would only affect the amount of assistance for utilities. The second change would be an elderly, disabled or handicapped preference. This change would give a preference to a family on the waiting list whose head of household or the spouse of the head of household is elderly, disabled or handicapped. These changes will lower the average housing assistance payments and allow his office to assist more families with the money HUD provides.

(12) WADE HAMPTON GOLF CLUB, INC.: By letter, Wade Hampton Golf Club, Inc. requested permission to exhibit a fireworks display at the Wade Hampton Golf Club on July 4, 2005 at approximately 9:00 p.m. The letter states the fireworks display will be handled by Melrose Pyrotechnics, Inc.

(13) LIBRARY COMMITTEE REPORT: Howard Allman, Chairman of the Library Board, presented a summary of committee work accomplished by the Design and Fundraising Committees for the new public library.

(a) The Design Committee has met with leaders of the Macon County Library Board and Friends of the Library, developed a request for qualifications for a library consultant, established a timeline for hiring a library consultant, evaluated the site for building possibilities, developed a website, elected committee leadership, and established a regular meeting schedule.

(b) The Fundraising Committee has discussed strategies for organizing the community, examined money management ideas from other libraries and local capital campaign ideas, had informal discussions with local school representatives on joint fund raising activities, elected committee leadership, and established a regular meeting schedule.

(c) Budget: Design Committee -	\$ 4,100
Fundraising Committee -	<u>\$ 2,200</u>
Total	\$ 6,300

(d) He recommended that the Commissioners proceed with plans for a 30,000 sq. ft. library at a cost of \$4.2 million plus \$1.8 million for equipment, furniture and fixtures, for a total cost of \$6 million. Their research reveals that without a significant commitment from local government, the grant writers cannot effectively seek grants. He stated that public fund raising usually comes at the end of the project and amounts to approximately 10% of the project costs. He reported that to date approximately \$350.00 for the new library has been donated.

(14) RURAL OPERATING & ASSISTANCE PROGRAM: Chuck Norris, Transit Director, reported that the total allocation for Jackson County in FY05-06 will be \$87,438 which includes \$42,232 for the Elderly & Disabled, \$40,645 for the Rural General Public, and \$4,561 in Work First Funds. The RGP funds require up to a 10% match that can be provided from fares, local funds or a combination of the two. The RGP fares collected during the year cover the required match. A Public Hearing on these proposed changes is scheduled on April 18, 2005 at 6:00 p.m.

(15) PROPOSED FY2005-2006 BUDGET: Mr. Westmoreland distributed copies of the FY2005-2006 Proposed Budget and Executive Summary. A Public Hearing was scheduled for April 18, 2005 at 6:10 p.m.

(16) BENEFICIAL GAS PROJECT – DILLSBORO LANDFILL: Mr. Westmoreland reported that all funding sources are in place for the project. The collection system is being installed and should be completed by August or September. It is time to select an architect to design a Master Plan for the facility which will include four greenhouses, artisan shop area with kiln and glass-blowing operations, and meeting spaces for craft shows. Odell Thompson of Sylva has expressed an interest and has submitted a proposal for designing the Master Plan.

(17) ENTREPRENEURIAL INCUBATOR GRANT: Sandy Frazier of REACH of Jackson County reported CDBG funds are currently available through competitive \$400,000 grants to areas not currently served by incubator facilities. He proposes that a collaborative from Jackson County made up of Jackson County, Town of Sylva, REACH of Jackson County, Mountain Microenterprise Fund and Webster Enterprises join in partnership with the Swain County group to pursue funding of two sites in the area. One site will be the old Almond School in Swain County and the old Ashley Company site located on Harold St. in Sylva. The sites will be used by entrepreneurs in the region who need access to small business development services such as incubators to assure they have the greatest possible opportunity for success. Mr. Frazier stated that the proposal is not a commitment by Jackson County, it is just an initial proposal to the N. C. Rural Center for a grant.

(18) PROCLAMATION – HONORING WCU FACULTY & STAFF (R05-10): At the request of WCU, Chairman McMahan suspended the rules and Commissioner Crawford moved to approve the Proclamation. Commissioner Burrell seconded the Motion. Motion carried by unanimous vote.

(19) RESOLUTION of INTENT (R05-07): Mr. Holt reported that he had been furnished a copy of a 1923 plat of a subdivision of the old Love Farm with a designated public road. The county has been requested to permanently close that road. Kimberly Lay (representing the Heirs of Scott Cooper) submitted a letter outlining the history of the “old, undeveloped street or alley” which is believed to be the common line separating the Town of Sylva and County of Jackson. The 20 foot roadway, dedicated by plat but never accepted, is recorded in Plat Cabinet 2, Page 9 of the Jackson County Registry. Pursuant to G. S. 160A-299, “When a city proposes to permanently close any street or public alley, the council shall first adopt a resolution declaring its intent to close the street or alley and calling a public hearing on the question”. Chairman McMahan suspended the rules and Commissioner Madden moved to adopt the Resolution. Commissioner Crawford seconded the Motion. Motion carried by unanimous vote. A Public Hearing was scheduled for May 2, 2005 at 6:00 p.m.

(20) RESOLUTION – NC PUBLIC LIBRARY DIRECTOR’S ASSOC. (R05-08): Michael Cartwright, County Librarian, requested that the Board adopt a Resolution in support of the State Aid to Public Libraries program, its rules, and an increase from \$14.7 million to \$19.4 million, to meet the growing educational, literacy and quality of life needs for the citizens of North Carolina.

(21) TRANSPORTATION BOARD APPOINTMENT: Commissioner Crawford nominated Wade Wilson from District 1 to a three year term on the Transportation Board.

(22) CEMETERY BOARD APPOINTMENTS: Carry over to April 18th.

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

Attested By:

Approved:

Evelyn B. Baker
Clerk to the Board

Brian Thomas McMahan, Chairman

