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

**MINUTES OF THE REGULAR MEETING  
OF THE JACKSON COUNTY  
BOARD OF COMMISSIONERS  
HELD ON  
NOVEMBER 7, 2005**

The Jackson County Board of Commissioners met in Regular Session on November 7, 2005, at 6:00 p.m., 401 Grindstaff Cove Road, Room A201, Sylva, North Carolina.

Present: Brian T. McMahan, Chairman  
Roberta Crawford, Vice Chair  
Joe Cowan, Commissioner  
Conrad Burrell, Commissioner  
Eddie Madden, 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 and reminded the Board that action will be taken at this meeting because it is the only meeting scheduled in November.

**AGENDA:** Commissioner Crawford moved to approve the Agenda. Commissioner Madden seconded the Motion. Motion carried.

**MINUTES:** Commissioner Cowan moved to approve the Minutes of the Public Hearing of October 17, 2005 and Regular Meeting of October 17, 2005. Commissioner Burrell seconded the Motion. Motion carried.

**INFORMAL COMMENTS BY THE PUBLIC:** None.

**(1) FINANCE & TAX COLLECTOR REPORTS FOR OCTOBER 2005:**

Darlene Fox, Finance Director, presented the following highlights:

<u>General Fund Revenues Collected to Date</u>	<u>\$ 10,531,026.42</u>
<u>General Fund Expenditures to Date</u>	<u>\$ 13,086,091.93</u>
<u>Ad Valorem Tax Collected</u>	<u>\$ 7,010,325.59</u>
<u>Motor Vehicle Tax Collected</u>	<u>\$ 303,935.87</u>
<u>Sales &amp; Use Tax for August 2005</u>	<u>\$ 895,122.38</u>
<u>Landfill Disposal Fees Collected</u>	<u>\$ 373,187.36</u>
<u>Contingency Balance</u>	<u>\$ 178,966.57</u>

21 on-line tax payments have been received.

**(2) BUDGET AMENDMENTS:**

<u>Community Development (CHAF Fund)</u>	<u>\$ 30,455.00</u>
<u>General Fund (Workmen's Comp)</u>	<u>\$ 3,000.00</u>

**(3) GRANT ORDINANCE:** The following amounts are appropriated for the Crisis Housing Assistance Funds Program (CHAF):

Repair/Rehabilitation	\$ 26,950.00
Replacement	\$ 107,250.00
Administration	\$ 54,500.00
	\$ 188,700.00

Commissioner Crawford moved to approve the Finance & Tax Collector's Report for October 2005, Budget Amendments and Grant Ordinance. Commissioner Burrell seconded the Motion. Motion carried by unanimous vote.

**(4) CHAIRMAN'S REPORT:** Chairman McMahan reported:

- (a) He recently attended the WNC Assoc. of Fire Fighters at Kings Mountain.
- (b) A symposium entitled "Move Over" sponsored by WestCare EMS is scheduled on November 10<sup>th</sup>, 7:00 pm, at the Justice Center.
- (c) A Veteran's Day Ceremony is scheduled on November 11<sup>th</sup>, 12 noon at the fountain.
- (d) Southwestern Commission Region A Planning Council is scheduled to meet on November 28<sup>th</sup>, 6:00 pm at the Cherokee Holiday Inn.
- (e) The Christmas Parade is scheduled for November 29<sup>th</sup>. The Commissioners are to meet at the Community Services Building at 6:00 pm.
- (f) Due to a conflict with holidays, the January 2006 meeting dates are changed to Thursday, January 12<sup>th</sup> and Thursday, January 19<sup>th</sup>.

**(5) COMMISSIONERS REPORT:** Commissioner Madden reported that the Board is invited to the Cashiers Chamber of Commerce Annual Banquet on November 8<sup>th</sup>, 6:00 pm at High Hampton Inn. The Mountain Heritage Award will be presented.

**(6) COUNTY MANAGER'S REPORT:** None.

**(7) PLANNING DEPT. REPORT:** Linda Cable, Planning Coordinator, submitted a written report which stated that the Jackson County Land Development Committee plans on having a rough draft of the plan read for review by mid-November.

Four Erosion Control Permits were issued during the month of October. Six cell tower permits are under review. Three new erosion violations have been issued.

Her research reveals that within the past five years 29 new subdivisions were developed: 7 contain 200-675 lots; 5 contain 100-199 lots; 11 contain 31-99 lots; 3 contain 30 or less lots. She has been informed that a developer is considering several tracts for new subdivisions that will contain approximately 2,000 lots. Most of the developers are not local residents.

**(8) WATERLINE AGREEMENT W/TWSA ACROSS LIBRARY PROPERTY, SYLVA:** Carry over.

**(9) HOOPER RIGHT OF WAY AGREEMENT, SCC CASHIERS:** Carry over.

**(10) COOPERATIVE EXTENSION ANNUAL REPORT:** The Cooperative Extension Office submitted a written report for the period of January – August 2005 outlining educational programs and events arranged by Jeff Seiler, County Extension

Director, Christy Bredekamp, Horticulture Agent, Heather Gordon, Extension Agent/4-H Youth Development, and Cheryl Beck, Family & Consumer Sciences Agent.

Cooperative Extension's education programs focus upon: (a) enhancing agricultural, forest and food systems; (b) strengthening and sustaining families; (c) developing responsible youth; (d) building quality communities; and, (e) conserving and improving the environment and natural resources. The Cooperative Extension office gives county residents easy access to the resources and expertise of NC State University and NC A&T State University. Through educational programs, publications, and events, Cooperative Extension agents deliver unbiased, research-based information to county citizens.

Cheryl Beck stated that her emphasis has been on promoting healthy eating, physical activity among children and adults, helping to prevent the risks of chronic illnesses, preventing food borne illnesses, providing parent education and child development training for child care providers, developing leadership among volunteers, and helping families manage their resources. Some of the highlights of her work include: conducting 15 programs in the area of nutrition, presented an interactive program on the importance of hand washing to kindergarten students; SERVSAFE training for food service employees, concluded series on Women's Health Issues, food preservation workshops, assisted in conducting a wellness series with teachers in all public schools, food safety booth at the Senior Games Health Fair, visits to senior nutrition sites to present programs, and 4-H baby sitting training.

**(11) NOISE ORDINANCE:** Marti Senterfit of Cashiers requested that the Noise Ordinance be amended to limit construction noise to 7:00 am - 6:00 pm on non-holiday week days, no Saturdays or Sundays, no holidays. She previously submitted petitions containing approximately 150 names. She would like to have a balance between the construction that needs to occur during normal business hours and the ability of homeowners to enjoy quiet evenings and weekends. Construction noise consists of blasting, earth moving machinery, and gravel trucks.

Commissioner Burrell asked if construction noise actually occurs from 6:00 a.m. to 11:00 p.m. Ms. Senterfit responded that the Mountaintop Development's contractors, during the summer, work from about 6:00 am until around 7:30 pm, 6 and sometimes 7 days per week. He stated that contractors have a small window of time to work due to weather and suggested that this issue be given to the Planning Board for assessment and consultation with construction people in the area and see if a solution can be reached. He stated it would be difficult to inform a construction worker who is trying to earn a living to stop work at a certain time.

Commissioner Crawford stated that heavy equipment is very expensive and workers deserve the right to work to pay for their equipment without limitations.

Chairman McMahan stated he was not in favor of requesting the Planning Board to review the Noise Ordinance. The ordinance was reviewed and amended approximately one year ago. An ordinance should not limit people's ability to earn a living. He stated he sympathized with Ms. Senterfit; however, he did not think that Sunday work is the norm but an exception and the two main reasons he was opposed to amending the Noise Ordinance are: (a) the Planning Board recently reviewed the ordinance, and (2) how would "construction noise" be defined.

Commissioner Burrell suggested that the Planning Board could investigate this issue with some contractors and ascertain the “normal” working hours they operate. He stated he was not in favor of restricting contractors; however, he was of the opinion that the issue should be investigated, on behalf of the people who signed the petition, to ascertain if there is excessive construction noise.

**MOTION:** Commissioner Burrell moved that the Planning Board be directed to review the Noise Ordinance and investigate construction noise in the Cashiers area and make a report/recommendation to the Commissioners. Commissioner Cowan seconded the Motion.

Commissioner Madden stated he agrees with Chairman McMahan and Commissioner Crawford. Grading contractors have time limits within which to disturb property, April 15 – October 15. The EPA prohibits developers from being permitted to disturb very little land outside that time frame. 2005 has been an unusual year weather-wise and contractors face penalties if they do not finish projects in a timely manner and Mountaintop Development is an 800-acre tract. His investigation revealed that the developers currently in Cashiers have their own restrictions for construction, i.e., 7:00 am – 7:00 pm. However, Mountaintop Development is in the construction phase of building a golf course. He does not want to discourage local men from earning a living. Hopefully this issue will give developers notice that they could be more accommodating in the future.

Commissioner Burrell asked how, if the ordinance is amended as requested, would it be enforced and by whom.

**VOTE:** Motion failed by a vote of 2 – 3 with Chairman McMahan, Commissioners Madden and Crawford voting “no”.

**(12) AUDIT REPORT for FISCAL YEAR ENDING 6/30/05:** Mitch Crisp of Dixon Hughes PPLC presented the audit report for fiscal year ending June 30, 2005. He stated the report contains an unqualified opinion. The county is in compliance with all federal and state regulations. The tax collection rate continues to improve and was 96.50% (statewide average is 97.37%) this audit year.

**(13) CASHIERS SRC IMPROVEMENT BIDS:** Mr. Westmoreland reported that only two bids were received. Because the bid threshold is in excess of \$300,000, the project must be re-advertised in order to solicit a third bid; however, if only two bids are received at that time, then a recommendation can be made at the December 5<sup>th</sup> meeting.

**(14) MUNICIPAL GRANTS:** Review of the municipal grant applications will be on the December 5<sup>th</sup> Agenda.

**(15) COMMUNITY TRANSPORTATION GRANT APPLICATION:** A Public Hearing was scheduled on December 5, 2005 at 5:45 pm.

**(16) HISTORIC COURTHOUSE CHRISTMAS DECORATIONS:** Chairman McMahan stated he serves on the Christmas Decorating Committee for the Downtown Sylva Assoc. This year the request is to focus on the Historic Courthouse and the committee has been requested to add more decorations to the courthouse including lights

on the trees. He recommended that the county approve new Christmas decorations for the Historic Courthouse and grounds.

Commissioner Burrell moved to authorize Chairman McMahan and the Christmas Decorating Committee to decorate the Historic Courthouse and grounds in their discretion. Commissioner Madden seconded the Motion. Motion carried by a vote of 4 - 0 with Chairman McMahan abstaining.

**(17) PILOT KNOB RD.:** Thomas Turner submitted a Petition to Abandon a portion, 330 feet, of Pilot Knob Road (SR1130) from the state maintenance system. The Petition was signed by all property owners adjoining the 330 feet abandonment section. A Public Hearing on this request was scheduled for 5:30 p.m. on December 5, 1005.

**(18) APPOINTMENTS TO LIBRARY BOARD:** Michael Cartwright, Librarian, recommended that Howard Allman be reappointed and Sandra Burbank be appointed to the Library Board. Commissioner Burrell moved that Howard Allman and Sandra Jorge be appointed to four year terms on the Library Board. Commissioner Cowan seconded the Motion. Motion carried by unanimous vote.

**(19) APPOINTMENTS TO CASHIERS DESIGN REVIEW BOARD:** Carry over.

**(20) APPOINTMENTS TO CASHIERS PLANNING COUNCIL:** Carry over.

Commissioner Crawford moved that the Board go into Closed Session pursuant to G. S. 143-318.11(a)(5) Real Property. Commissioner Madden seconded the Motion. Motion carried.

Chairman McMahan called the Open Session back to order and reported no action or votes were taken in Closed Session.

There being no further business, Commissioner Burrell moved that the meeting be adjourned. Commissioner Crawford seconded the Motion. Motion carried and the meeting adjourned at 7:45 p.m.

Attested By:

Approved:

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Evelyn B. Baker  
Clerk to the Board

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Brian Thomas McMahan, Chairman

