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Time Posted: \_\_\_\_\_  
Posted By: Evelyn Baker  
Witnessed By: \_\_\_\_\_

**MINUTES OF THE REGULAR MEETING  
OF THE JACKSON COUNTY  
BOARD OF COMMISSIONERS  
HELD ON  
AUGUST 6, 2007**

The Jackson County Board of Commissioners met in Regular Session on August 6, 2007, at 6:00 p.m., 401 Grindstaff Cove Road, Room A201, Sylva, North Carolina.

Present: Brian T. McMahan, Chairman  
Joe Cowan, Vice Chair  
Tom Massie, Commissioner  
William Shelton, Commissioner  
Mark Jones, Commissioner  
Kenneth L. Westmoreland, County Manager  
W. Paul Holt, County Attorney  
Evelyn B. Baker, Clerk to the Board

Chairman McMahan called the meeting to order.

**AGENDA:** Chairman McMahan amended the Agenda by adding “Statement of the Commissioners Regarding the Consistency of the Ordinances with the Land Development Plan”. Commissioner Massie moved to approve the amended Agenda. Commissioner Shelton seconded the Motion. Motion carried.

**MINUTES:** Commissioner Jones moved to approve the Minutes of the Regular Meeting of July 23, 2007. Commissioner Cowan seconded the Motion. Motion carried.

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

**(1) CHAIRMAN’S REPORT:** Chairman McMahan reported:

- (a) A Work Session with the EDC Board is scheduled on August 13, 6:00 pm, Room 246.
- (b) NCACC Annual Conference is scheduled on August 16-18 in Fayetteville.
- (c) Region A Annual Meeting is scheduled on August 21, 6:00 pm, Cherokee Holiday Inn.
- (d) Lacy H. Thornburg Highway dedication ceremony is August 29, 10:30 am at SCC.
- (e) The first meeting in September is rescheduled to Tuesday, September 4.

**(2) COMMISSIONERS REPORTS:** Commissioner Massie requested that a written response be made to Sheriff Ashe’s April 4 letter concerning personnel issues. Chairman McMahan stated that this is the third request on the same issue, even though the prior Personnel Committee reviewed the original requests and made written responses. The Personnel Committee will schedule a meeting with the Sheriff and employees and resolve the issue before the next regular Board meeting.

Commissioner Jones requested that the County Manager make a formal request to DOT requesting a feasibility study concerning a turn lane at Hwy. 107 and Frank Allen Road in Cashiers. Mr. Westmoreland stated he has already requested DOT to review the

situation and the preliminary report is insufficient rights-of-way on both roads; however, he will request a formal response from DOT.

**(3) COUNTY MANAGER'S REPORT:** Mr. Westmoreland reported that Senator Burr has invited the Commissioners to join in a tour of the Green Energy Park on August 21, 10:30 a.m. The Cashiers Transfer Station is in operation. Without a firm decision by the Board, the Cashiers and Mineral Springs SRC's will commence operating on Sundays beginning August 5. One additional site can be selected by the Board at a future date and switch the Mineral Springs SRC to another site. Request for Qualifications are being solicited for two projects: (a) Solid Waste Transfer Station, and (b) A 441 Corridor Development Area consulting firm to work with the planning board and Commissioners.

**(4) FINANCE & TAX COLLECTOR REPORTS FOR JULY 2007 and BUDGET AMENDMENTS:** Carry over.

**(5) 2006 TAX SETTLEMENT:** Carry over.

**(6) STATEMENT OF THE BOARD OF COMMISSIONERS CONCERNING THE SUBDIVISION ORDINANCE AND MOUNTAIN & HILLSIDE DEVELOPMENT ORDINANCE:** Chairman McMahan read the following statement for consideration by the Board:

*The Board of Commissioners is considering adopting a Subdivision Ordinance and a Mountain & Hillside Development Ordinance (MHDO). Prior to adopting or rejecting such ordinances, the Board makes the following statement with regard to the consistency of said ordinances with the Jackson County Land Development Plan (LDP).*

*(1) On 17 May 2007 the Jackson County Planning Board recommended that the Board of Commissioners enact a draft Subdivision Ordinance and a draft Mountain & Hillside Development Ordinance.*

*(2) On 11 June 2007 the Jackson County Board of Commissioners conducted the first of several public hearings and work sessions concerning these two proposed ordinances.*

*(3) Adoption of these ordinances by the Board of Commissioners would be consistent with the Jackson County Land Development Plan and, in particular, with the following provisions thereof:*

*(a) One of the goals of the LDP is the promotion of safe and efficient transportation system. In particulars, the LDP notes the importance of ensuring that roads are compatible with the mountain topography and beauty of Jackson County. The road standards contained in Appendix A of the Subdivision Ordinance and in Section 15 of the MHDO help to promote this goal of the LDP.*

*(b) Another goal of the LDP is the preservation of the County's rural character while protecting private property rights. The two draft ordinances provide a balanced approach to addressing this goal. The Subdivision Ordinance gives developers a choice between conservation design and estate lot subdivisions while the MHDO limits density in steep slope environments, thereby encouraging development to occur on lower slopes.*

*(c) The MHDO specifically responds to the following objectives in the LPD: (1) protect the safety and welfare of county residents when development occurs on steep slopes; and (2) develop guidelines for building on steep terrain and ridgetops.*

*(d) Finally, the LDP notes that pasture lands are disappearing, once uninhabited mountain slopes and ridgetops are being developed, and that tourism revenues have leveled off in recent years, and concludes that this trend will worsen if the County's character is negatively impacted by new growth and development. Both draft ordinances seek to address the quality of new growth, and the MHDO addresses the development of mountain slopes and ridgetops.*

(4) *The Board of Commissioners believes these actions would be in the public interest in that they provide a means for guiding growth and for protecting natural resources which are vital to the continuing vitality and well-being of the County and its residents.*

(5) *The Board of Commissioners believes these actions would be reasonable in that they provide a means for guiding growth and for protecting natural resources without undue burden on property rights and existing development rights.*

Commissioner Massie moved to adopt the statement. Commissioner Cowan seconded the Motion. Motion carried by a vote of 4 to 1 with Chairman McMahan voting “nay”. The Planning Board adopted a similar statement on August 6, 2007.

**(7) SUBDIVISION ORDINANCE:** A public hearing was held on August 6, 2007 at 5:30 p.m. Commissioner Massie moved to adopt the Subdivision Ordinance as presented. Commissioner Jones seconded the Motion.

Commissioner Massie stated the ordinances meet the needs of the county and make development more comprehensive and prevent some of the problems encountered in the past. The ordinances protect the public safety, future consumers and natural resources. The ordinances are not perfect and will be revisited in one year.

Commissioner Shelton stated that he does not believe that growth, development and building will be stopped by adoption of the ordinances and it is vital that the Board set the groundwork for the long-term benefit of the county.

Commissioner Jones stated that for the past 30-years, attempts have been made to give guidance for future growth and development and now is the time to take action.

Commissioner Cowan stated that the ordinances are good beginning documents and modifications will be made as the Board deems appropriate

Chairman McMahan stated he supports the basic concepts of the ordinances such as making sure that buildings lots are stable to protect homeowners, keeping sediment out of streams, doing the very best to protect the waters, protection of the environment and buffer zones, and adequate road widths for emergency vehicles, but he cannot support setting aside 25% of property for non-use, limiting the number of buildable lots, regulating aesthetics, 50% screening, or attempting to regulate the view sheds. The ordinances are too restrictive as presently written.

Motion carried by a vote of 4 to 1 with Chairman McMahan voting “nay”.

**(8) MOUNTAIN & HILLSIDE DEVELOPMENT ORDINANCE:** Linda Cable, Planning Director, recommended the following amendments:

Page 11, line 16: change contour lines from “5 feet” to “10 feet”.

Page 18, line 5: Change sentence to read: “Average slope shall be a weighted average of Sa or Sb based on ratio of drainage travel lengths rounded off to the nearest one percent.”

Page 19, line 13: change “building inspector” to “planning office”.

Page 19, line 14: add the following sentence after “approval by the director:”

*“The plot plan for a single home site lot can be prepared using the Jackson County GIS Mapping system without the assistance of professionals provided sufficient accuracy of detail is maintained.”*

A public hearing was held on August 6, 2007 at 5:30 p.m. Commissioner Shelton moved to adopt the Mountain & Hillside Development Ordinance as amended. Commissioner Massie seconded the Motion. Motion carried by a vote of 4 to 1 with Chairman McMahan voting “nay”.

**(9) BOARD OF ADJUSTMENT ORDINANCE:** Linda Cable, Planning Director, recommended the following amendment: Change “*acting as clerk*” to “*serving as clerk*” throughout the ordinance.

A public hearing was held on August 6, 2007 at 5:30 p.m. Commissioner Massie moved to adopt a Board of Adjustment Ordinance as amended. Commissioner Jones seconded the Motion. Motion carried by unanimous vote.

**(10) SUBDIVISION MORATORIUM:** Commissioner Cowan moved to amend the Agenda by adding “Termination of Subdivision Moratorium”. Commissioner Shelton seconded the Motion. Motion carried.

Commissioner Cowan moved to immediately terminate the Subdivision Moratorium. Commissioner Massie seconded the Motion. Motion carried by unanimous vote.

**(11) SCHOOLS - ADM FUNDS:** The Board of Education has requested the release of ADM funds for the following capital projects:

- (a) Upgrade school infrastructure and purchase classroom equipment
- (b) Gym floor replacement at the School of Alternatives
- (c) Gym floor repair at Smokey Mountain Elementary
- (d) Gym floor repair at Cullowhee Valley

Chairman McMahan suspended the rules and Commissioner Massie moved to approve release of ADM funds as requested. Commissioner Shelton seconded the Motion. Motion carried by unanimous vote.

Commissioner Shelton moved that the Board go into closed session pursuant to G. S. 143-318(a)(3) Legal and G. S. 143-318(a)(5) Real Property. Commissioner Jones seconded the Motion. Motion carried.

Chairman McMahan called the open session back to order.

There being no further business, Commissioner Jones moved to adjourn the meeting. Commissioner Shelton seconded the Motion. Motion carried and the meeting adjourned at 8:45 p.m.

Attest:

\_\_\_\_\_  
Evelyn B. Baker, Clerk

Approved:

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Brian Thomas McMahan, Chairman

