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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  
OCTOBER 1, 2007**

The Jackson County Board of Commissioners met in Regular Session on October 1, 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 moved to amend the Agenda by adding RPO Planning Report. Commissioner Shelton seconded the Motion. Motion carried.

**MINUTES:** Commissioner Jones moved to approve the Minutes of a Public Hearing (Animal Control Ordinance) of September 17, 2007, Minutes of a Public Hearing (Prohibit Sex Offenders in Parks Ordinance) of September 17, 2007 and Regular Meeting of September 17, 2007. Commissioner Cowan seconded the Motion. Motion carried.

**INFORMAL COMMENTS BY THE PUBLIC:**

(a) Jason Kimenker of Sylva, business owner, stated that the Smart Roads Committee originally requested a feasibility study because DOT's original intent was to build a southern loop around Sylva and Dillsboro to relieve traffic on Hwy. 107. It is now 7 years later and DOT has still not investigated other options nor presented the study. His research reveals that nationally, construction costs to build new highways is \$41 million per mile and the 9-mile southern loop will cost North Carolina \$360 million. By 2013, construction estimates and right-of-way acquisition may cost as much as \$500 million. Roads can be improved, paved, widened and/or straightened to connect Hwy. 107 to US 23/74 without destroying farms, homes, mountains, and countryside. DOT has chosen to ignore resolutions adopted by the county, Dillsboro, Webster and Sylva requesting that the project be removed from the planning phase.

(b) Roger Turner of Savannah Community and a member of the Smart Roads Alliance stated that now is the time to address transportation issues. It is clearly stated in RPO's mission is to help the county plan for local and regional long-range transportation issues. The Southwestern Planning Commission, in partnership with DOT, has placed the southern loop on a prioritized list of regional transportation projects and funding is now available for the loop including right-of-way acquisition. The question remains – why and how has funding been accelerated without any clear public mandate for the funding? In spite of the county's request for a separate Hwy. 107 corridor study, DOT now has funding to advance the southern loop plan. The county must preserve mountains from wide paved roads and should hire an independent consultant, who is DOT approved, but not a DOT employee. The county's Comprehensive Transportation Plan should be given equal consideration as a multi-modal approach to transportation including ways to

preserve the Tuckasegee River corridor between Dillsboro and Cullowhee as unique to Jackson County. The river corridor should be exempt from the type of sprawl that is spawned by multi-lane freeways as the southern loop is currently defined on the NCDOT website.

(c) Susan Leveille of Webster and member of the Transportation Task Force stated there has been very little public input about transportation issues. The first phase of the task force was and still is led and managed by a DOT Planner. The task force was not a group of citizens who pursued this issue in a manner they chose, but was mandated by DOT how to proceed. It would be better if an independent individual could assist in managing the task force with information that is fair and more representative of what the public wants. The same control consideration should be given to building more main roads as was given to other types of development in the county.

(d) Harold Messer of Sylva and owner of Messer Construction & Messer Maintenance, stated the southern loop issue is very serious and one that will impact the quality of our lives and the future of our homes. He stated he strongly objects to the composition of the three persons representing the county on this issue as decisions are made regarding the Technical Coordinating Committee, the Transportation Advisory Committee and the Task Force. The Board of Commissioners are elected officials and accountable to the electorate, not Ken Westmoreland. He recommended that Mr. Westmoreland be replaced by an elected official. He stated he would make the same request to the Town of Sylva to replace Jay Denton.

(e) Steve Fields of Cullowhee stated he supports the proposed Animal Control Ordinance with one exception, i.e. Section 15 A, "Dogs of a potentially dangerous breed are dogs which exhibit behavioral characteristics and/or traits including but not limited to Rottweilers and Pit Bulls" because referencing those two breeds makes a prejudiced feeling. He is the owner of a Rottweiler who is loyal, gentle and is not, just because he is a Rottweiler, inherently dangerous. He recommended that reference to any particular breed should be deleted from the ordinance because N.C. Statutes defines a "dangerous dog".

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

(a) He attended, along with emergency services personnel, a tabletop exercise sponsored by Duke Energy at WCU last week concerning a potential dam failure at Bear Lake.

(b) The UNC Tomorrow Commission is looking for ways to help promote the UNC University system and how can it better help communities. UNC President Erskine Bowles and the Governor's Chairman, Jim Phillips, will be holding a public forum at SCC Myers Auditorium on October 4, 4:00 – 7:00 pm. The public is invited.

(c) The joint meeting with municipalities is scheduled on October 9, 6:00 p.m.

**(2) COMMISSIONERS REPORTS:** Commissioner Shelton reported that he attended the Transportation Task Force meeting earlier today. The southern loop issue is highly contentious and emotional. The task force voted to put a Comprehensive Transportation Plan as its top priority.

**(3) COUNTY MANAGER'S REPORT:** Mr. Westmoreland reported that he received notice today that the Green Energy Park has received a \$32,000 grant from the Appalachian Regional Commission to teach 24 county high school youth about blacksmithing. They will learn about the history of blacksmithing which will be taught as an art form, and as an indispensable part of Appalachian culture.

**(4) FINANCE & TAX COLLECTOR REPORTS FOR SEPTEMBER 2007:**  
Carry over.

**(5) BUDGET AMENDMENTS:** Carry over.

**(6) ANIMAL CONTROL ORDINANCE:** A Work Session was scheduled for November 8, 2007 at 6:00 pm.

**(7) LIBRARY SITE SELECTION:** Commissioner Shelton moved that the Historic Courthouse area be selected as the site for a new library. Chairman McMahan seconded the Motion. Chairman McMahan stated that even though the architects have stated the courthouse is a potential site, the cost is more than budgeted. One of the greatest benefits for that site is restoration of the courthouse; however, he will vote for Jackson Plaza because it seems the most logical site from an expense standpoint since the preliminary estimate is \$6 million for a library at the courthouse, but can support the courthouse site for a new library.

Commissioner Shelton stated that the courthouse site is a better choice than Jackson Plaza since it is a viable solution to restoration and preservation of the courthouse. The \$6 million figure includes intangibles and restoration of the courthouse.

Commissioner Cowan stated he cannot support the courthouse site because there is no room for expansion, the proposed footprint does not fit the building, and the additional cost. He stated he supports a new library, just not the courthouse site.

Commissioner Massie stated that the county should be more attentive to renovating and using old structures and the courthouse is a valuable asset. The courthouse could be the center of civic and cultural activities as well as the center for continued learning and education about the county. Even though the cost is more than anticipated, the citizens have a right to quality facilities.

Commissioner Jones stated that the Board needs to move forward and hopefully the public will assist financially to the project.

Motion carried by a vote of 3 -2 with Chairman McMahan and Commissioner Cowan voting “nay”.

**(8) RURAL PLANNING ORGANIZATION (RPO) REPORT:** Ryan Sherby, RPO Planner, reported that the Comprehensive Transportation Plan (CTP) process has replaced the Thoroughfare Plan and is a long-range vision for the county. Upon completion, the plan will be presented to the county and municipalities for adoption followed by adoption by NCDOT. The State Transportation Improvement Program (STIP) is in the Year 1 portion of the process and a draft 2009-15 should be available by November or December 2007. He presented flow charts of the TIP Process – Year 1 and Year 2.

Chairman McMahan moved that the NCDOT list for improvements be prioritized as follows: (1) finalize the comprehensive plan, (2) Old Cullowhee Road to Hwy. 281, (3) Hwy. 116 along SCC campus to Hwy 107 connection, and (4) the Southern Loop. Commissioner Jones seconded the Motion. Motion carried by unanimous vote.

**(9) US 441 CORRIDOR STUDY CONSULTING CONTRACT:** Mr. Westmoreland reported that fee negotiations are ongoing. Carry over.

**(10) SOLID WASTE TRANSFER FACILITY AT MINERAL SPRINGS**

**EXPANSION STUDY:** Mr. Westmoreland reported that Municipal Engineering Services fees are: \$20,000 for Phase I (master plan for the present solid waste site), Phase II (engineering drawings & instruction) rate not to exceed \$80,000 and more than likely will be \$60,000, and likewise with Phase III (engineering administration). The cost for all three phases is less than budgeted. He recommended that Phase I of the study be awarded to Municipal Engineering Services. Chairman McMahan suspended the rules and Commissioner Massie moved to award the expansion study contract to Municipal Engineering Services for Phase I in the amount of \$20,000. Commissioner Shelton seconded the Motion. Motion carried by unanimous vote.

**(11) PERSONNEL POLICIES/CLASS & COMPENSATION STUDY:** Mr.

Westmoreland stated that the county needs to do several things regarding personnel matters: First, review the classification program and make sure that wages and salaries are competitive based on classification in the market area. Secondly, review all job descriptions for accuracy since there have been changes since the last comprehensive study, ascertain that all are in compliance with bona-fide occupational and fair labor standards requirements, and making sure the personnel policy is in compliance with the State Personnel Commission as well as federal guidelines. Thirdly, bring the county's policy up to a standard whereby it will achieve substantially the equivalent status with the State Personnel Commission. Several firms were considered. He recommended the proposal from The Mercer Group, Inc., a national personnel consultant firm, at a cost of \$25,000 with the work to be completed within 90 days. Chairman McMahan suspended the rules and Commissioner Cowan moved to award the study to The Mercer Group. Commissioner Massie seconded the Motion. Motion carried by unanimous vote.

**(12) SCHEDULE OF VALUES for 2008:**

A public hearing was held on October 1, 2007 at 5:30 p.m. and no public comments were made. Chairman McMahan suspended the rules and Commissioner Cowan moved to adopt the proposed Schedule of Values for 2008. Commissioner Shelton seconded the Motion. Motion carried by unanimous vote.

**(13) SCATTERED SITE HOUSING PROGRAM QUARTERLY REPORT**

**(July-September 2007):** Joan Stillwell, Community Development Director, reported three of the six projects are complete. Work in progress includes two relocation projects under construction and one new rehabilitation project has been added (bid opening 10/8/07). There have been no problems or delays. Expenditures for the quarter are \$809.76 administration funds and \$55,134.36 project funds.

**(14) SCATTERED SITE HOUSING PROGRAM COST ALLOCATION PLAN:**

Joan Stillwell, Community Development Director, submitted a cost allocation plan. The indirect cost rate based on actual cost for the year ending June 30, 2006 is as follows:

Total Community Development, Scattered Site Housing, Salaries/Wages . . .	\$ 18,861.00
Total Community Development Indirect Cost. . . . .	5,296.00 = 28.08%
Salary/Wage Base. . . . .	\$ 18,861.00

Chairman McMahan suspended the rules and Commissioner Massie moved to approve the plan. Commissioner Jones seconded the Motion. Motion carried by unanimous vote.

(15) **CHAF PROGRAM QUARTERLY REPORT**: Joan Stillwell, Community Development Director, reported that one house for replacement and one for repairs remain on the list. The program will remain active until final monitoring is performed on all 30 damaged properties.

(16) **ANIMAL SHELTER PROPERTY**: Mr. Westmoreland reported that a survey on the prospective property is underway. Carry over.

(17) **RESOLUTION-GOVERNOR'S HIGHWAY SAFETY PROGRAM (R07-15)**: Lt. Shannon Queen presented a Resolution authorizing the Sheriff's Dept. to file an application contract with the Governor's Highway Safety Program for federal funding in the amount of \$74,055.00. The county's appropriation would be \$24,689.00. The grant funds will be used for salaries and benefits for two fulltime traffic enforcement officers. Chairman McMahan suspended the rules and Commissioner Jones moved to adopt the Resolution. Commissioner Shelton seconded the Motion. Motion carried by unanimous vote.

(18) **RESOLUTION-GOVERNOR'S HIGHWAY SAFETY PROGRAM (R07-16)**: Lt. Shannon Queen presented a Resolution authorizing the Sheriff's Dept. to file an application contract with the Governor's Highway Safety Program for federal funding in the amount of \$10,000.00. No county funds are required. The grant funds are used for travel expenses and/or equipment. Chairman McMahan suspended the rules and Commissioner Massie moved to adopt the Resolution. Commissioner Jones seconded the Motion. Motion carried by unanimous vote.

(19) **SWAIN COUNTY – RESOLUTION IN SUPPORT OF LAKE LEVELS (R07-17)**: Swain County requested that Jackson County adopt a Resolution in support of Swain County's request that the Tennessee Valley Authority: (1) consider drawing down waters of the Fontana Lake in a more equitable manner between North Carolina and Tennessee, keeping Fontana Lake level of 10' under full pool or greater between May through September of each year, and (2) keep the winter time level between September and April at the level of 1652. Chairman McMahan suspended the rules and Commissioner Massie moved to ratify the Resolution. Commissioner Jones seconded the Motion. Motion carried by unanimous vote.

(20) **ANIMAL CONTROL BOARD APPOINTMENTS**: Carry over.

(21) **CASHIERS AREA DESIGN & REVIEW BOARD APPOINTMENT**: Chairman McMahan suspended the rules and moved to appoint Skip Ryan of Cashiers to a 3-year term on the Cashiers Area Design & Review Board. Commissioner Massie seconded the Motion. Motion carried by unanimous vote;

**(22) CASHIERS AREA PLANNING COUNCIL APPOINTMENT:** Lester Freeman has agreed to continue to serve if reappointed. Chairman McMahan suspended the rules and Commissioner Massie moved to reappoint Lester Freeman to a 3-year term on the Cashiers Area Planning Council. Commissioner Shelton seconded the Motion. Motion carried by unanimous vote.

**(23) CRIMINAL JUSTICE PARTNERSHIP BOARD APPOINTMENT:** The CJPP Board recommended that Jamie Perkins be appointed. Chairman McMahan suspended the rules and Commissioner Shelton moved to appoint Jamie Perkins to the CJPP Board. Commissioner Jones seconded the Motion. Motion carried by unanimous vote.

**(24) NURSING & REST HOMES ADVISORY COMMITTEE APPOINTMENT:** Jane Perry has agreed to serve a one-year term if reappointed. Chairman McMahan suspended the rules and Commissioner Cowan moved to reappoint Jane Perry to a one-year term on the Nursing & Rest Homes Advisory Committee. Commissioner Massie seconded the Motion. Motion carried by unanimous vote.

**(25) AGING COUNCIL APPOINTMENTS:** The Council on Aging Board recommended that Millie Wilson be reappointed and Sandra Fischer be appointed, both for 3-year terms. Chairman McMahan suspended the rules and Commissioner Jones moved to reappoint Millie Wilson and appoint Sandra Fischer to 3-year terms on the Council on Aging Board. Commissioner Cowan seconded the Motion. Motion carried by unanimous vote.

**(26) TRANSPORTATION BOARD APPOINTMENT:** Donald Selzer agreed to continue to serve if reappointed. Chairman McMahan suspended the rules and Commissioner Jones moved to reappoint Donald Selzer to a 3-year term on the Transportation Board. Commissioner Cowan seconded the Motion. Motion carried by unanimous vote.

Chairman McMahan 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 (Stovall Property). Commissioner Shelton seconded the Motion. Motion carried.

Chairman McMahan called the open session back to order and reported no action was taken in closed session.

There being no further business, Chairman McMahan moved to adjourn the meeting. Commissioner Cowan seconded the Motion. Motion carried and the meeting adjourned at 8:30 p.m.

Attest:

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Evelyn B. Baker, Clerk

Approved:

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Brian Thomas McMahan, Chairman

