

**MINUTES OF A  
REGULAR MEETING  
OF THE JACKSON COUNTY  
BOARD OF COMMISSIONERS  
HELD ON  
AUGUST 18, 2020**

The Jackson County Board of Commissioners met in a Regular Session on August 18, 2020, 1:00 p.m., Justice and Administration Building, Room A201, 401 Grindstaff Cove Road, Sylva, North Carolina.

|  |                                      |
|--|--------------------------------------|
| Present: Brian McMahan, Chairman           | Don Adams, County Manager            |
| Boyce Deitz, Vice Chair                    | Heather C. Baker, County Attorney    |
| Mickey Luker (via Zoom video conferencing) | Angela M. Winchester, Clerk to Board |
| Ron Mau, Commissioner                      |                                      |
| Gayle Woody, Commissioner                  |                                      |

Chairman McMahan called the meeting to order.

(1) **AGENDA**: Commissioner Deitz moved to approve the agenda. Commissioner Mau seconded the Motion. Motion carried.

(2) **MINUTES**: Commissioner Woody moved to approve the minutes of a Work Session of July 14, 2020, as presented. Commissioner Deitz seconded the Motion. Motion carried.

(3) **CHAIRMAN’S REPORT**: None.

(4) **COMMISSIONER REPORTS**:

(a) Commissioner Woody stated that she wore a banner in honor of the anniversary of the ratification of the 19<sup>th</sup> Amendment to the US Constitution, which gave women the right to vote.

She offered her condolences to the family of Kathy Cross. She had been the long-term director of United Christian Ministries and she passed away. She served the community for many years, so faithfully through that work of United Christian Ministries. Her love and prayers went to Ms. Cross’ family.

(b) Commissioner Deitz thanked the parents, school board, administration, teachers and everyone trying to get students started. He had grandchildren and it was a very difficult thing, but everyone seemed to be working hard to make it work. As a Commission, they needed to do anything they could to help them, even beyond what they had done in the past.

(5) **COUNTY MANAGER REPORT**: Mr. Adams reported:

(a) **July 2020 Zoning and Building Permits**: He provided a report that listed the zoning district (if applicable), the owner/business name, the work permitted and the location of the project where the permit was issued. The Planning Department issued three commercial zoning permits and Code enforcement issued four renovation/addition permits in the month of July.

(b) **Community Services Center**: The project was 86% complete through July and continued to have issues that would delay completion. Examples of these issues included COVID-19, the underground fuel tank, flooring issues and potentially additional site conditions.

There had been two subcontractor crews that had to be quarantined due to COVID-19. The initial subcontractor quarantine was partially at fault for the original delay. Since then, there had been another subcontractor that had to be quarantined causing additional delays.

The underground fuel tank had been remediated and a limited site assessment report was submitted to the NC Department of Environmental Quality (NCDEQ). NCDEQ responded stating that the county was not directed to proceed with additional assessment or corrective actions. The county would have to file a Notice of Residual Petroleum for groundwater contamination with the Register of Deeds in order to receive an official “no further action” letter from NCDEQ. This issue cost approximately \$35,000 to remediate. Ms. Baker did file this with insurance and was able to get \$15,000, which helped reduce some of the costs associated.

Some flooring materials shipped to the contractor were suspected to be faulty. The contractor was currently discussing this issue with the manufacturer. This may cause additional time if new materials must be ordered and shipped. Finally, there had been some issues identified with the proof roll of the parking lot. Some additional work would be required in order to prepare the subsurface for pavement.

(c) **Animal Rescue Center/Dillsboro Complex**: A team consisting of the architect (MPS), the mechanical/electrical engineer (RMF), structural engineer (Fuller), civil/landscaping engineer (WithersRavenel) and himself had been meeting on a weekly basis. He provided them with a copy of the most recent action item log. They were looking to start the bidding process in the next few weeks, so long as some items identified in the action log could be completed. Since 95% of the drawings were completed, they would at a minimum start some permitting processes within the next couple of weeks.

(d) **Indoor Pool**: Rusty Ellis, Recreation and Parks Director, was working with a committee to put together educational material regarding the referendum. The architects (Clark Nexsen) were creating a couple of renditions to go along with the educational material. This information should be available within the next month.

Commissioner Deitz asked if there was a daily census count of the animals at the Animal Shelter? Mr. Adams stated that he was sure they did that and he would get him a copy.

Commissioner Woody stated that she had a meeting with the Sustainability Effort in the county and they were discussing efforts of that organization moving forward. Anja Collette, a member, asked her if they were installing touchless appliances in the bathrooms at the Health Department? If not, she was not asking them to change that at that point, but coming up with other facilities, such as the Animal Rescue Center, to be aware of some of those things. Also, the lights that came on automatically when someone came in to a room and turned off automatically as well. She requested that Mr. Adams check into that.

Mr. Adams stated that he would come back and give a report on that. He could tell her that the Health Department went through a certification process with Duke Energy to have efficiencies there. They were in the process of completing that report for Duke to receive credit back from them. He would ask Chad Parker, Public Works Director, to put all that information together.

Commissioner Mau stated that he had been asked by several people what the time frame was and what the plans were for downtown Sylva. When would the barricades and those things be coming down? He was asked about it daily.

Mr. Adams stated that he would have a continuing conversation with law enforcement on that. He had a conversation that day with the Interim Manager of the Town of Sylva about the cones. There was one Commissioner from the Town of Sylva asking if they could remove the cones. His plans were to have a conversation with the Sheriff and the Chief to see what their thoughts were.

The cones were for the people utilizing the fountain area. The cones could be removed at any time, if they wanted to make it more pleasant visually, that was fine. But the cones were there for the protesters. They were trying to make sure that when traffic came around the corner, they were aware that there could be people there. He let the Sylva Town Manager know that he would discuss that with the Sheriff. He did not see a reason why they could not move the cones. The remaining items, he did not have a timeline on yet.

**(6) INFORMAL COMMENTS BY THE PUBLIC:**

(a) Christine Taber (via Zoom video conferencing) stated that she wanted to talk about COVID and mask compliance at local businesses. PJ's gas station was not following Health Department guidelines. The Health Department could do nothing about it. She also called the 631 help line in the county and was told they would look into it, but nothing was done. Further discussion with the Health Department revealed that only the owner of the business could enforce mask requirements. She was not willing to accept that answer. She wanted to know what they would do?

Chairman McMahan stated that they did not give feedback during this time. They could research and come back to her later with an answer.

Ms. Taber stated that she called the state hotline and they encouraged everyone to call the NC Attorney General's Office at 919-716-6400 to ask that local health departments to be able to have the authority to cite and shut down all noncompliant businesses during this public health emergency.

(b) Claude Dicks (via Zoom video conferencing) stated he was the president of Allison Outdoor Advertising. He requested the Board table any vote in regards to the billboard leases that the county had with their company. He hoped to work with them, Mr. Adams and Ms. Baker to come up with an agreeable solution that addressed some of the issues that had popped up recently. He had been working with their attorney, Eric Ridenour and they had outlined solutions, which they felt would address concerns that the group had. Those solutions were emailed to each Commissioner earlier that day. Allison Outdoor had a long history in the county of over 60 years. They had been providing, in their opinion, the best advertising outlet a local business could have, which was billboard advertising. Plus, they provided local groups public service opportunities that they were currently doing on some of the digital billboards with United Christian Ministries. Taking down some of the billboards would hurt the business community and the local organizations they currently worked with. He requested they table any potential vote to allow him to work with them to come up with a win-win solution.

(c) Jonathan Bost (via Zoom video conferencing) stated his disagreement with the Board's decision regarding the Confederate monument.

**(7) CONSENT AGENDA:**

(a) Darlene Fox, Finance Director, presented the Finance Report for July, 2020 for approval.

(b) Brandi Henson, Tax Collector, presented the Tax Collector and Refund Reports for June and July, 2020, for approval.

**Motion:** *Commissioner Mau moved to approve the Consent Agenda. Commissioner Woody seconded the Motion. Motion carried by unanimous vote.*

**(8) MEETING ROOM SOUND UPDATE:** Kelly Fuqua, I.T. Director, stated that this item was from a discussion at the work session last week regarding replacing the equipment in the board room for better sound quality and adding new equipment.

**Motion:** *Commissioner Luker moved to approve the request for Board Room Sound Update, as presented. Commissioner Mau seconded the Motion. Motion carried by unanimous vote.*

**(9) PROPANE CONTRACT WITH FREEMAN GAS:** Chad Parker, Public Works Director, provided the bid form from Freeman Gas for the propane contract. He requested to pursue the contract with Freeman Gas for county propane fuel. The county would request a five-year contract and had received a verbal agreement for that term from Freeman Gas.

**Motion:** *Commissioner Mau moved to approve the Freeman Gas bid and to move forward with formalizing a five-year contract, as requested. Commissioner Deitz seconded the Motion. Motion carried by unanimous vote.*

**(10) BILLBOARD LEASES WITH ALLISON OUTDOOR ADVERTISING:** Mr. Adams stated that this was a continuation of a conversation held at the work session. The county owned property at two locations where there were billboards owned and operated by Allison Outdoor Advertising. The billboards in question were located behind the American Legion next to Mark Watson Park and off US 441 below the Emergency Management Center.

The question before the Board was, did they want to continue with these leases. They heard a request earlier in the meeting from Mr. Dicks about whether or not this issue could be tabled. Mr. Dicks sent information to all of the Commissioners. Staff did not have time to review any of the information. If the Board chose to table the issue for further discussion, he would still point out to the Board that no matter how they renegotiated the lease, the billboards would remain on county property. If they wished to continue, whether they allowed Allison Outdoor Advertising to make the final call on what was appropriate subject matter or whether they wished to put restrictions themselves, the Board needed to be willing to turn the issue over to Allison Outdoor Advertising and not be involved in what the subject matter would be on the billboards. If not, they would find themselves in the same position in the future no matter how they negotiated the lease.

Commissioner Mau stated that he read the information just prior to the meeting, but the fact that staff had not had a chance to review it, he would personally feel comfortable to table it and do a little more work on it. He thought that was the prudent thing to do.

***Motion:*** *Commissioner Mau moved to table the billboard leases with Allison Outdoor Advertising. Commissioner Deitz seconded the Motion. Motion carried by unanimous vote.*

Mr. Adams stated at that point, they had the information that was presented to them. He would place this on the work session for further discussions in September.

**(11) GOVERNOR'S HIGHWAY SAFETY PROGRAM RESOLUTION R20-16:** Major Shannon Queen presented a resolution for an annual application through the Governor's Highway Safety Program for federal funding in the amount of \$25,000 and did not require a local match.

***Motion:*** *Commissioner Mau moved to adopt the Resolution R20-16, as presented. Commissioner Woody seconded the Motion. Motion carried by unanimous vote.*

**(12) CRIMINAL HISTORY CHECK ORDINANCE AMENDMENT:** Kathleen Breedlove, Human Resources Director, stated that the Criminal History Check Ordinance (No. 006-01) was adopted on April 4, 2006 to provide a policy and procedures for conducting criminal history checks on final applicants for employment through SBI/DCI pursuant to the authority vested in Jackson County as authorized by North Carolina General Statutes 153A-11 and 153A-12.

The most recent biennial audit conducted by the North Carolina State Bureau of Investigation revealed the need to amend the Criminal History Check Ordinance to include volunteers and fire department applicants. She provided the amendment for review and consideration.

Chairman McMahan requested that Ms. Breedlove clarify what was meant by fire department applicants.

Ms. Breedlove stated that fire department applicants were either volunteers at the fire departments or in paid positions at the fire departments.

***Motion:*** *Commissioner Mau moved to approve the Amendment to the Criminal History Check Ordinance, as presented. Commissioner Woody seconded the Motion. Motion carried by unanimous vote.*

**(13) COMMUNITY ADVISORY COMMITTEE FOR LONG TERM CARE:**

**Motion:** *Commissioner Luker moved to reappoint Patsy Baker and Lyndsi Cauley to three-year terms on the Community Advisory Committee for Long Term Care, terms expiring August 20, 2023. Commissioner Woody seconded the Motion. Motion carried by unanimous vote.*

**(14) HISTORIC PRESERVATION COMMISSION:**

**Motion:** *Commissioner Mau moved to reappoint Susan Leveille to another three-year term on the Historic Preservation Commission, term expiring May 01, 2023. Commissioner Woody seconded the Motion. Motion carried by unanimous vote.*

**(15) PLANNING BOARD:** *Carry over.*

Commissioner Deitz stated that he wanted to mention one thing that had been on his mind. He knew that Commissioner Luker had been a watchdog on problems with erosion in the area. He talked three times in the last week with the Army Corps. of Engineers. They had allowed for some emergency work to be done on some of the streams because upon looking at them, they realized that if they did not allow some emergency work, without permits, there was going to be more destruction than what they already had. In talking with them, he could almost hear the frustration about some of the builders, especially in Cullowhee with some of the problems they were having up there. They were writing them up, one after the other.

He did not know if they could do anything as a county, but he would like to see them reach out to people like the Army Corps. of Engineers to thank them for what they were doing. The person he spoke to told him that Jackson County stood out in the mountains, as far as steep slope ordinances. Of all of the counties, Jackson had done a better job than anyone else. But, here they were, almost being hijacked it seemed, by some developers. He did not think they should just sit there anymore and take it.

He wanted for them, maybe at a work session, to have some discussions about this. In talking with the Permitting and Code Enforcement Office, they were frustrated too. The people doing some of the building were going on and when it was all said and done the builders would be gone, but they would still be there with a mess.

Chairman McMahan stated that Commissioner Woody made a request at the last meeting for the Board to consider drafting a resolution asking for a legislative change that would empower them going forward. There was not much they could do about the past and maybe not even the present, but for the future, they did potentially have some opportunities for change. He thought what Commissioner Woody suggested was something they should highly consider.

He thought they would discuss this at the September work session to be in a position to adopt that resolution and any other, to send to the NC Association of County Commissioners. Maybe they could get some traction on that and rally with their other colleagues around the state to see if they could get control in the future. He agreed with Commissioner Deitz and what he was saying and what Commissioner Luker had said. He thought they needed to continue to have a conversation about it.

Commissioner Woody stated that she appreciated him bringing it up. One of the things she had done personally was to write letters to their state officials, Stan Aiken, Tim Fox and the Attorney General's Office. She encouraged any of the other Commissioners that wanted to do that, she thought the more voices they heard that this was a concern, the more they may look into it.

Staff was also following up on this and had also been in communication with the Attorney General's Office. They were getting some positive feedback that the issue was being looked at as high as the Governor's Office. She thought they had to keep on them. If they did not keep this in the forefront of the conversation, it would not be addressed.

Commissioner Luker stated that he could not agree anymore with what Commissioner Deitz said. It was a sadness that they came in and asked the county to give variances, but when catastrophes like this happened, then they went home to another county or state and rested well, where their friends, neighbors, families and business leaders ended up suffering. It was time that action was taken. As far as his goals for the County Commissioner goals they were putting together, that was his top one. Whether it was enacted across the state, at least leave it up to the individual counties. He thought they should fight hard for it and it was time for action.

Mr. Adams stated that there was a request before the Board to change an ordinance. Language that was introduced by Tony Elders, Permitting and Code Enforcement Director, which was taken to the Planning Board by Michael Poston, Planning Director.

Ms. Baker stated that it was very well received by the Planning Board. Some Planning Board Members asked some very good questions that they were able to answer. They did go ahead and call for a public hearing. It would then be brought to the Board of Commissioners in September.

Mr. Adams stated that the local ordinance would then require that the erosion issues be taken care of before they could build the building. It did not get to the point they would be asking the state law to be changed to that would give the county more power to provide some oversight.

Commissioner Luker stated that he agreed and that it was a good start.

Commissioner Woody stated that she thought Commissioner Mau made a very thoughtful recommendation that when they did submit their proposal to the state, to take into account that there may be some counties that did not want to take over local oversight because of lack of resources. She agreed with Commissioner Mau, they would not want to burden those counties.

Commissioner Deitz stated a lot of this was coming from WCU, which all of them had some connection with them. He thought that as a whole, the people at the university were all very supportive of the environment by all means, but it seemed to him when it came down to some of this, they turned their head. He wanted to see the university, from the Chancellor down, become more vigilant and outspoken. Progress was good, but the environment and the people that lived in Cullowhee should not have to suffer because of it.

**(16) PRESS CONFERENCE:** None.

**(17) CLOSED SESSION:**

***Motion:** Commissioner Deitz moved that the Board go into closed session pursuant to G.S.143-318.11(a)(6) Personnel. Commissioner Mau seconded the Motion. Motion carried.*

Chairman McMahan called the regular meeting back to order and stated that no action was taken in closed session.

There being no further business, Commissioner Mau moved to adjourn the meeting. Commissioner Luker seconded the Motion. Motion carried and the meeting adjourned at 2:27 p.m.

Attest:

Approved:

\_\_\_\_\_  
Angela M. Winchester, Clerk to Board

\_\_\_\_\_  
Brian Thomas McMahan, Chairman