

**MINUTES OF A
WORK SESSION
OF THE JACKSON COUNTY
BOARD OF COMMISSIONERS
HELD ON
JANUARY 12, 2021**

The Jackson County Board of Commissioners met in a Work Session on January 12, 2021, 1:00 p.m., at 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
Mark Jones, Commissioner	Angela M. Winchester, Clerk to the Board
Tom Stribling, Commissioner (via Zoom video conferencing)	
Gayle Woody, Commissioner	

Chairman McMahan called the meeting to order.

(1) TUCKASEIGEE WATER AND SEWER AUTHORITY: Daniel Manring, TWSA Director, was present for this item via Zoom video conferencing.

Mr. Adams stated that the Commissioner Jones had requested an update on TWSA, specifically the Horsepasture Project.

Mr. Manring provided the following update:

(a) Covid: The TWSA lobby was still closed to the public. With a small staff they were trying to be extra careful to make sure they focused on providing water and wastewater. That had been well received by their customers and the community. They offered bill-pay and pay-by-phone.

Also, they were participating with wastewater samples weekly for four months. They were sending data in from their largest wastewater treatment facility on North River Road to collect the data for the lab to process. They also participated in the pilot study in August, but it took too long to get results during that study.

(b) Projects: He had been with TWSA since March and there were many things on their plate. One of his goals was for all of the funded projects that they had either gotten grants or loans to move forward to completion.

- Old Sylva Plant: They were doing a complete renovation of that facility. They would be bidding this project in the next month.
- Asset Assessment: They had been working with grant funds to update all of their asset inventory and an assessment of all of their assets. An engineering firm had done an in-depth assessment of their entire system and had prepared a draft report. They would be reporting to their board the next week. They were excited to move forward with this tool for planning future projects. It also brought them up to speed with GIS and mapping. Also, they would have a new locating software and mapping.
- Pump Stations: They would be changing their largest pump station across from Jackson Paper and in conjunction with the smaller pump station behind Speedy's. Those would be bidding in the next couple of months. These were older pump stations that were in need of rehabilitation.
- Cowan Valley: The Cowan Valley Community had been after a better consolidated water system with TWSA for many years. They would be getting a new water system that the 22 existing customers in that community would pay for a loan through the state. That should be bidding sometime in April.

- Cullowhee: Across from the WCU entrance near the Credit Union, TWSA started a Little Savannah water and sewer project to increase their capacity. They had reached capacity along that growth corridor. They were installing a larger gravity sewer main under NC 107, which would be finished in two to three weeks.
- Allen Street: They monitored the Allen Street slide regularly. They worked with the Town of Sylva, that was working with Geotechnical engineers. They had a water line break in the middle of that, but were able to do a bypass. They were on the proactive side of the situation and were able to maintain service.

Commissioner Jones asked if the work on the Dillsboro plant would increase capacity?

Mr. Manring stated that it would not increase capacity. There were a lot of components of the plant that were in need of replacement.

Commissioner Stribling asked about the future with TWSA, how far past the college did they plan to go?

Mr. Manring stated that the way their bylaws were set up when they were formed in 1992, there was a process as far as extensions and funding for extensions. Their system grew, for the most part, on an as needed basis. It varied based on funding and it had to be a collaborative effort.

(c) Horsepasture Project: The Cashiers community had been looking forward to this project. In August of 2020, McGill Associates, the consultant for this project, was able to wrap up all of their plans for submittal to both funding agencies and regulatory agencies. Those took a while as there were multiple agencies. They had received everyone's comments with the exception of the DOT, but had been in multiple meetings with them to make sure they were not impacting traffic.

The goal was within the next two months to have a completed set of revised plans that would go back to all of the agencies for approval. They were hoping to advertise for bidders in March and have an approximately 60 day bid time. That would put them in May for a bid opening and they would move from there regarding funding to get construction started, which was a 21-month construction project.

They had some allocation left until December on the existing Cashiers plant. They only had a small capacity left for failed systems. The phased approach to the Horsepasture plant was that they had a total discharge permit for the Horsepasture River of just under a half million gallons. That was a three-part permit with 125,000 in phase one, 125,000 in the second phase and almost 245,000 in the third phase. The timeframe he spoke of was for the first phase.

There was a need of how to determine allocation for the 125,000 gallons once it was complete. They were not at liberty to sell or allocate any gallons to a plant that was not under construction. By May, they would have the ability to do sewer allocations. The goal was for TWSA to figure out with the board if it there would be a ranking system or window to sign up before they released a new Cashiers Allocation Policy for capacity. No capacity had been guaranteed or allocated to any group or individual for the new plant

Informational item.

(2) **GREEN ENERGY PARK KILNS**: Timm Muth, Green Energy Park Director, was present for this item via Zoom video conferencing. Chad Parker, Public Works Director was present for this item.

Mr. Adams stated that the purpose of the discussion was the new kilns. He provided the quotes to build the new kilns at the Green Energy Park. This item had been brought during the bidding process and he requested that Mr. Muth provide a history of the existing kilns and the quotes provided.

Currently, the funds shown on the quotes were allocated and budgeted. There was not a request before the Board, this was for information purposes only, unless the Board wished to do something different.

Mr. Muth stated that the ceramics kiln was originally built because there were no public access ceramic kilns anywhere in the area. The wood kilns provided a different finish and texture on the pots that was very different than a gas or electric kiln. They felt it was a good opportunity to help members of the community.

In mid-2011, they received a grant from the Conservation Fund of Chapel Hill. They provided them with \$8,400 for the kiln. In conjunction with that, WCU provided \$2,000, which they used to pay Preston Tolbert for the design of the kiln and he led the construction as a workshop for WCU alumni, students and staff. They started the construction at the end of 2011 and had it completed in early 2012. There were about 20 people that participated in the construction effort. It took approximately 3-4 weeks from start to finish.

Since that time, the kiln had been very successful. They fired it at least once per month for the last nine years. In the last three years, they probably fired it twice a month. He thought they had over 125 firings in the kiln, so it had been very well used. The main kiln was 100 cu. ft. and was fired with wood. The smaller kiln was 30 cu. ft., which had a shorter firing period.

The quote for the kiln came from Mr. Tolbert, who was a graduate from WCU with a Bachelor of Fine Arts Program and earned a Masters in Fine Arts from Ole Miss. Since then, he had spent a lot of time apprenticing with kiln builders across the country. He went on to develop a business of building kilns professionally. He recently finished a kiln with Blue Ridge Community College. Also, he was the only kiln builder on the state approved vendors list. He was very knowledgeable and supportive of the Green Energy Park. The kiln would be state of the art and would be built in a much shorter time period of approximately three to four days.

Mr. Adams stated that previously there was conversation about volunteer labor, how the kiln was previously built and were there opportunities to do so. With the previous kiln they had to purchase the brick, have it designed and the frame built out, so there were costs associated. The cost was not as much as they were discussing for the new kiln. The volunteer labor before would be the new cost of approximately \$3,000.00 shown on the quote. At that point, with or without volunteer labor, the kiln would cost approximately the same amount with volunteer labor and also would draw out the build out over a period of time. If they wanted to get the kiln built in a short period of time, he would recommend to follow through with the quote.

General discussions were held.

Chairman McMahan stated that this was built into the budget and the funds were there to accomplish what had been presented.

Informational item.

(3) INDOOR POOL FACILITIES: Rusty Ellis, Recreation and Parks Director and Chad Roberson, ClarkNexsen Principal Architect, were present for this item via Zoom video conferencing.

Mr. Adams stated that in order for the project to move forward, there were multiple items for consideration by the Board:

- (a) Resolution Certifying Referendum Election
- (b) Reimbursement Resolution: This would allow the county to move forward with expenditures on the project, then reimburse itself after they issued bonds or borrowed money.
- (c) Architect Contract: Reviewed by the County Manager and County Attorney.
- (d) Total Initial Expenses related to the Indoor Pool Facilities:
 - ClarkNexsen Contract: \$1,460,000
 - Surveying and Geotechnical Exploration: \$22,488
 - Miscellaneous: \$5,000

- (e) The Board would need to accomplish the following in order for the project to proceed:
- Adopt the Resolution Certifying the Referendum and Election Results
 - Adopt the Reimbursement Resolution
 - Adopt a Budget Amendment in the amount of \$1,487,488
 - Vote to approve the architect contract with ClarkNexsen

Mr. Roberson stated that they would be bidding the project in March, 2022 and construction would start in May, 2022.

Mr. Adams stated there would be well over a year of design and construction documents.

Commissioner Woody stated that citizens asked her this question and she had no answer. Why would it take over a year before they could go out a bid? When the recreation center was originally built, they thought they would be able to have a pool in that area. Also, a lot of work had already been done with the planning.

Mr. Roberson stated that the proposal was set up in three different phases, including Schematic Design with a 90-day period, Design Development with a 90-day period and the longest was for the Construction Documents. These were complex buildings with a number of systems and aquatics components. What they completed so far was an Advance Planning Phase where they gathered appropriate information from the various groups around the community, Mr. Ellis and Recreation Staff. They put that information in a programming document, which would be the supporting documentation as they went through the remainder of the design processes.

Mr. Ellis stated that they were excited to get started as a lot of people had voiced their opinion, as well as the community to get this going. It had been a long time coming and a lot of people in the county were excited about the project.

Chairman McMahan stated that they had been presented the components necessary and action that needed to be taken for the project to officially move forward.

Consensus: *Add this item to the next regular meeting agenda for consideration.*

(4) CASHIERS DOG PARK: Mr. Ellis was present for this item via Zoom video conferencing.

Mr. Adams stated that this issue was brought before the Board previously and the Board indicated a positive response to potentially move forward with a partnership with Vision Cashiers for a dog park in Cashiers. He provided a proposed agreement with Vision Cashiers, who would fundraise up to \$50,000 toward the project. The original request from Vision Cashiers was to run the agreement with the lease the county had on the property.

Mr. Ellis stated that it was a 40-year lease ending July 1, 2044 with Cashiers Valley Community Council.

Mr. Adams stated that the agreement with Vision Cashiers was for ten years, but it was the county's intention to maintain the dog park.

Ms. Baker stated that the county could not lease property more than ten years without notice and going through the provisions as if they were selling the property.

Mr. Adams stated that ten years was generally a standard amount of time the county used when dealing with real property. This was the only difference in the agreement. He recommended they stay at the ten years.

Mr. Ellis stated that Vision Cashiers had already raised the \$50,000.

Consensus: *Add this item to the next regular meeting agenda for consideration.*

(5) MUNICIPAL GRANT APPLICATIONS: Mr. Adams presented:

(a) Town of Sylva: Requested \$5,000.00 for a sidewalk connection at the intersection of Main Street and Mill Street.

(b) Town of Webster: Requested \$4,999.58 for four picnic tables and one trash can to be placed on the Board of Education property that surrounded the school's softball field, adjacent to Southwestern Child Development Center.

(c) Town of Dillsboro: Requested \$5,000.00 for improvements to Town Hall Park with additional seating and enhanced landscaping, to include improvements to the walking path, addition of picnic tables and a welcome sign.

Commissioner Jones stated that he forwarded to the County Manager earlier that day, a proposal from the company submitted by the Town of Webster for picnic tables. He noticed the cost of picnic tables for Dillsboro was significantly higher. For both towns, there was a total of seven picnic tables. He received a quote that would save a couple thousand dollars. He requested the County Manager to contact the towns to see if this was conducive with their plans. The tables were the same gauge steel and ADA accessible.

Consensus: *Add this item to the next regular meeting agenda for consideration.*

(6) **PROPOSED BUDGET CALENDAR:** Mr. Adams presented the Proposed FY2021-22 Budget Calendar:

January 12	Regular Commissioner Work Session – Set budget calendar- 1:00 pm
February 23	Commissioner’s Budget Retreat, location and meal TBD- 1:00 pm
February 25	Manager’s preliminary meeting with staff
March 2	Non – Profit Grant Applications Disseminated
March 11	Special Called Budget Meeting-Revenue Discussions- 1:00 pm
March 22	All requests submitted to Finance
March 31	Non – Profit Grant Applications Due
April 13	Regular Commissioner Work Session –summary of all new requests- 1:00 pm
April 19–April 30	Manager / Finance Budget Meeting with Departments & Agencies
May 11	Regular Commissioner Work Session – Capital Projects, update on new requests- 1:00 pm
May 18	Regular Commissioner Meeting – Manager’s Recommended Budget- 1:00 pm
May 20–May 21	Special called budget work sessions to hear presentations if needed (safety, education, non-profits, other departments) - 8:30 am – 1:00 pm
June 1	Regular Commissioner Meeting – Budget Public Hearing - 6:00 pm
June 3 – 4	Special called budget meetings as needed and regular work session (June 8 at 1:00 pm) to make final adjustments.
June 15	Adoption of budget- 1:00 pm

Consensus: *Add this item to the next regular meeting agenda for consideration.*

(7) **FIRE AND RESCUE BONUSES:** Mr. Adams stated that this item had been discussed with individual Commissioners. The bonuses would come out of the Covid-19 Fund where the Board had given county employee bonuses from. The general concept would be to look at the rosters for the fire departments and rescue squads to recognize members’ service during the Covid-19 times.

Chairman McMahan stated that there was conversation after the bonuses for county employees and for the school teachers and staff that they may also want to consider looking at the fire and rescue volunteers who were on the front lines dealing with the pandemic to show appreciation for their service.

Ms. Fox stated that basically on the rosters they were presented with, it would be \$500 per member and would be a total of \$149,000. There was a total of \$495,000 remaining in the Covid-19 fund.

Mr. Adams stated they would base this on the active members on the rosters. This would be a one-time bonus, even if members served in more than one capacity. This would include paid employees as well.

General discussions were held.

Consensus: *Add this item to the next regular meeting agenda for consideration.*

(8) HIRING POLICY REVISION: Mr. Adams stated this was a request for the Board to revise the Hiring Policy. There was a revision from the version submitted last week. The changes were directly related to hiring nurses and physician extenders. The policy allowed staff to hire people reflective of their experience. Initially, they were giving direct experience for people only in local government. The Sheriff had previously requested to give years of service credit for people that worked in non-local government entities, which the Board granted.

He requested to add the following:

“Public Health:

In addition to the above, registered nurses who apply to be employed as a public health nurse with the Department of Public Health may also qualify for direct experience under the following conditions:

1. Must possess an active current license to practice as a Registered Nurse in North Carolina issued by the North Carolina Board of Nursing.

2. The applicant must be actively working as a full-time registered nurse in the State of North Carolina at the time of application. Employment in the private or non-profit sector which would normally be considered as indirect experience may be evaluated as direct experience.

3. Only the consecutive years of North Carolina registered nursing employment up to the time of application may be counted towards direct experience.

Any starting salary above the minimum must be approved by a management team including the Human Resources Director and Finance Director prior to County Manager approval.”

He also requested to suspend the limitation of the County Manager of hiring to Step 12 for these recruitments. He requested the ability to look past Step 12 to potentially Step 20, which would allow them to advertise a larger part of the salary range. He would report to the Board what had occurred, but he was trying to open more mechanisms to recruit.

General discussions were held.

Consensus: *Add this item to the next regular meeting agenda for consideration.*

Mr. Adams stated that he was also requesting authorization to move forward with part-time line items related to the operations of Covid, Covid vaccinations and Health Department operations. There were certain areas they needed to get individuals in, instead of going through the full hiring process. They were looking to bring in paramedics on a part-time basis to assist the Health Department. This would give the Health Department access to medically trained individuals, relatively quickly. Covid funds could be used for this. They would have a full report to the Board at the next regular meeting.

They were also looking for part-time administrative assistance related to the medical work. There may be retired individuals and retired nurses to bring in on a part-time basis. In the interim, they were trying to come up with ideas of how to fill the gaps quickly with experienced people.

The personnel policy had a hiring procedure, but he was looking for the ability to not go through that process with advertising positions. He was looking for the ability to go ahead and place paramedics on part-time so they could be used. He was also looking for the ability to move forward if they found retired nurses to contract with them. They believed this could immediately start helping the Health Department.

Chairman McMahan stated that he thought the Board recognized the urgency, as they discussed previously. Was there a way to draft a document while they were under a state of emergency that would exempt the standard normal procedures on hiring to give the County Manager the flexibility to move forward as it was Covid related?

Ms. Baker stated that they could do that with an amended declaration.

Commissioner Deitz stated that he was for doing this going forward as long as it was in accordance with what they could do. Also, if the Health Department Director was fully in line and agreed with it.

Chairman McMahan directed staff to draft a document to be considered at the next regular meeting to move forward with this request.

Commissioner Stribling stated that he received a phone call from Wayne Smith, who offered one of his buildings to use for administering the vaccine, if they needed it.

Commissioner Jones stated that he and Mr. Adams had a conversation before the meeting. There may be a time in the next six weeks when the county received 10,000 doses and they needed to be proactive to have this in place to be ready so they could say they would accept the doses.

Commissioner Woody stated that she talked with Todd Dillard, Emergency Management Director and offered to volunteer to take down information from the phone line. He was willing to take volunteers as well to help with the logistics of collecting information and scheduling.

Commissioner Deitz stated that he and his wife both had as well. He understood they would be using WCU Health Students with the Health Department. Also, they were contacting SCC to help. There was a lot going on with people and he thought the key was that everyone was concerned about the county and not so much about themselves.

Chairman McMahan stated that the County Manager had the authority and the backing of the Board to move forward with rapid speed.

Consensus: *Add this item to the next regular meeting agenda for consideration.*

Mr. Adams stated that the Emergency Operations was opened as of January 11th and as of that morning, they received almost 800 calls from a wide area. He appreciated they people they had at the Emergency Operations, which the majority of them were from the Rec Department. They were getting ready to start rallying existing employees to help answer the phones for the next couple of months.

Commissioner Deitz stated that he thought, if they could, get enough people to answer calls outside of the normal business hours, that would be good.

Mr. Adams stated that he agreed. When they had enough to do the main hours, they could start expanding hours.

(9) MODIFICATION TO MEETING RULES: Ms. Baker stated that at the Organizational Meeting, Commissioner Deitz inquired about amending the rules regarding meeting attendance. Legally, there was not a lot they could do, but they could place this in the rules to show their intent and what the expectations were. She researched other counties and a few did have variations of this in their rules of procedure. She presented the following for consideration:

Rule 3. Remote Participation in Board Meetings:

“(c) Commissioners are encouraged to attend meetings in person to the fullest extent practicable and should give as much notice as possible when not able to attend a meeting in person. When not able to attend a meeting in person, a Commissioner should make every effort to attend the meeting remotely by video or phone.”

Consensus: *Add this item to the next regular meeting agenda for consideration.*

(10) JACKSON COUNTY’S NAME: Chairman McMahan stated he knew this had been a topic in the community for some time. Other governing bodies within the county, the Village of Forest Hills, the Town of Webster and the Town of Sylva, had taken action on a resolution that originated with the Eastern Band of Cherokee Indians. Resolution #324 was adopted on October 29, 2020 and was unanimously approved by the Council. While the resolution did not specifically state that it was requesting Jackson County to take action, it was implied.

This was the first he had the opportunity to officially see the resolution as adopted by EBCI, which was in essence asking that the Board to support an effort to have the name of Jackson County changed to Jackson County. Instead of honoring the former President Andrew Jackson, it would shift the honor to former Chief Walter Jackson of the EBCI.

In North Carolina, county governments were an extension of the state. The Legislature created Jackson County. He took the time to look back at the history of the county and in the book published in 1987 by Max Williams. There was a chapter about the formation of the county and it chronicled the history of how the county came to be. It was referenced that in legislative action, the county was named for the former President, that had passed away a few years prior to Jackson County became an official county.

There was a long history about why counties were created and the mentality and philosophical debate that took place in the country during that time. The county was named after Jackson, who was a Democrat and the county seat was named after Daniel Webster, former Senator, Statesman and Secretary of State, who was a member of the Whig Party. They tried to find a balance and compromise, which was what was put forward to the Legislature and how they got the Town of Webster and County of Jackson. This was action that would have to be taken by the Legislature. He asked Ms. Baker if that was accurate.

Ms. Baker stated that she had not researched this because this was her first time seeing the whole resolution as well. There was a statute that designated each county by name, but that was really all there was in the statutes. She was not sure, but she would be glad to research this.

Chairman McMahan stated that he would be interested in staff doing research and Ms. Baker come back to the Board to let them know what the possibilities were. He did not want to take action on something and they did not even know what they could or could not do.

Commissioner Woody stated that when Jeremy Wilson, who worked for Chief Sneed, first approached her with this idea, she did mention to Ms. Baker about it and then called the North Carolina Association of County Commissioners and spoke to their Legal Counsel, Amy Bason. Ms. Bason did not have any idea, but stated she would look into it. When she got back to her, she said there was not precedent for any county changing a name, but there were also no statues specifically designating the process for naming a county. Therefore, she felt there was nothing legally that would stand in their way. That was Ms. Bason's cursory evaluation.

Chairman McMahan stated that he was unable to find where any county in North Carolina had changed its name and he was hard pressed to find an example, nationally where a local government, municipal or county, changed its name. At least three members of the Board had some degrees in history and he knew most all of them had a passion for history. He knew that community names had a strong sense of place in the county.

It did happen in history with community names being changed as areas changed. They were being asked to undertake a significant venture, so he thought it would be good to have historical reference to put it into perspective as they considered the request coming to them from Tribal Government.

Commissioner Woody stated that she made a comment that the Tribe had reached out to her as far as the fact that she represented District One and part of the Qualla Boundary was in District One. She felt that out of respect for the request and the fact that they were the original inhabitants of what they now called Jackson County, she thought it was a natural and honorable thing to consider. It would honor someone who was born and raised in the area and from what she had heard, served the Tribe as Chief in an honorable way as well.

Commissioner Deitz stated that he thought they should look at it real, real strong. If there was no reason they could find, he was in favor of doing this. He had been reading about the removal of the Cherokee and some of the things that happened to them with the settlers coming in. Tsali and his two elder sons were executed for fighting for the land they had owned all their lives.

Being that the reservation was so much in Jackson County, he thought it would be a great tribute to what had happened to the Cherokee. Being it did not really change the name, it changed the purpose of the name and what it stood for. He did think it would be good for Ms. Baker to do some research.

Commissioner Stribling stated that he liked history too. History was history and it should not be changed, in his opinion. Same thing with the statue. He was not for it. He thought it should be left the way it was. That was his opinion.

Commissioner Jones pointed out lines 35-38 of Resolution 324, which described Chief Jackson's accomplishments.

Commissioner Deitz stated that there was probably no group of people in the county or country that had served the country in the military more than the Cherokee people. He thought that was a great tribute to them. They fought to preserve the country probably as much as any group.

Chairman McMahan stated that day was to introduce the topic formally and to direct staff to research. They would take the item up in the future with further discussions.

Informational item.

(11) CONFEDERATE MONUMENT PLAQUE INSCRIPTION: Chairman McMahan stated that unfortunately, they did not have anything to present to the Board. He and Commissioner Woody had been meeting and discussing this and were very close to having something in writing. They were hopeful to send something out to them by email to start looking at it so they could have a follow up meeting. They were attempting to, very simply state what the purpose of the monument was with fact driven data on the plaque with the date of dedications, etc. Commissioner Woody's idea was to include at the bottom a simple statement of the informal national motto that had been inscribed on many documents from the beginning and was on the Great Seal: "E Pluribus Unum", which was the Latin phrase, "Out of many one".

Informational item.

(12) OTHER BUSINESS:

(a) Commissioner Deitz stated that the FBI had come out with information warning that there could be problems at the Capitol again. This could include the 50 State's Capitols and could be directed at courthouses. He was sure the Sheriff was very aware and he hoped there would be no problems on Inauguration Day. He thought they should be ready.

Informational item.

(b) Commissioner Woody stated that law enforcement had done a wonderful job throughout all the protests in the county. She felt so pleased that they did not have any arrests or physical assaults. She thought that spoke highly of not only law enforcement, but the citizens as well. Some were expressing strongly their views, but they did not resort to violence. She commended the community for that.

Informational item.

There being no further business, Commissioner Deitz moved to adjourn the meeting. Commissioner Woody seconded the Motion. Motion carried and the meeting adjourned at 3:28 p.m.

Attest:

Approved:

Angela M. Winchester, Clerk to Board

Brian Thomas McMahan, Chairman