

**MINUTES OF A
WORK SESSION
OF THE JACKSON COUNTY
BOARD OF COMMISSIONERS
HELD ON
SEPTEMBER 14, 2021**

The Jackson County Board of Commissioners met in a Work Session on September 14, 2021, 1:00 p.m., Justice and Administration Building, Room A201, 401 Grindstaff Cove Road, Sylva, North Carolina.

Present: Brian McMahan, Chairman
Boyce Deitz, Vice Chair
Mark Jones, Commissioner
Tom Stribling, Commissioner (via Zoom)
Gayle Woody, Commissioner

Don Adams, County Manager
Heather C. Baker, County Attorney
Angela M. Winchester, Clerk to the Board

Chairman McMahan called the meeting to order.

(1) **INDOOR POOL**: Chad Roberson, Principal Architect, Clarknensen; Adam Torrey, Architect, Clarknensen; Dorothea Schulz, Senior Architect, Clarknensen; and Rusty Ellis, Recreation and Parks Director, were present for this item.

Mr. Roberson stated they were in the design development portion of the project and they were getting ready to move into the construction document phase. They wanted to update the Board and show the exciting work that had happened over the last few months.

When they got together many months ago during the advanced planning stages, they worked closely with county staff to come up with an idea about the building. They loved to tell a story with their projects and especially wanted to relate to the community.

He presented: Recreation Aquatics Center: Design Development: 09-14-2021:

(a) Design Concepts:

- Aspirations: Guiding principles for the character and feel of the building.
- Waves: Could the meeting of the two pool spaces have the dynamic quality of moving and cresting water? Transparency, reflection and quality of light inside the wave offer possibilities for design with daylight and view connections.
- Water in the mountains: Water in the sloped mountain areas with turbulent and dynamic flow through rocks and embedded within the forest.
- Combined concepts:
 - Roof planes with wood structure
 - Transparent wall and glazing

(b) Site Plan:

- Additional parking
- Existing rec center
- Aquatics addition
- New entrance
- Drop off lane
- Main parking lot

- (c) Floor Plan:
 - Leisure pool
 - Party rooms
 - Splash pad
 - Mechanical areas
 - Aquatic climbing wall
 - Sauna
 - Changing rooms
 - Outdoor patio
 - Six lane competition pool
 - ADA pool ramp
 - Spectator area
 - Concessions
 - Reception desk
 - Lobby
 - Entrance
 - Covered outdoor area
- (d) He shared Renderings of:
- (e) He shared a walk through the building
- (f) Next steps:
 - Construction documents complete: April 2022
 - Bidding: May/June 2022
 - Construction begin June/July 2022
 - Construction complete end of 2023/beginning of 2024

General discussions were held.

Mr. Roberson noted that there had been a lot of participation from Mr. Ellis and his staff. They had provided input to make the building more user friendly and what would meet their needs from an operational standpoint. Also, regarding the bidding environment, they typically would see an escalation in one year of 5-8%, but they had seen about 25% from last year. There were a lot of procurement issues at that time. They were hopeful that this would settle down by the spring. At that time, they would go through a cost estimate process and provide new numbers.

Informational item.

(2) **CENSUS 2020**: Michael Poston, Planning Director, stated that the 2020 Census data had started trickling down to the local levels and he wanted to provide the initial data to the Board. In 2019, they started preparing for the 2020 Census and how they would promote it. The kick off date was the beginning of March where people could start to self-report. Two weeks later they had to start shutting everything down due to the pandemic, so this was not the ideal conditions to hold a census process.

Planning staff continued to work through the process with partners in the media and the community. They partnered with Dogwood Trust, who gave them a grant to create banners for all SRC locations to help encourage local participation. Dogwood Trust also provided an incentive program for local governments to improve on their 2010 self-reporting numbers. They granted an initial \$5,000 and an additional \$2,000 for each percentage point above. The county received \$24,000 from Dogwood in that program. Those funds were available to use for programs that were in line with Dogwood's mission.

He provided the following data:

Total Population	2020 Census	2010 Census	Change	Percent of Change
Jackson County	43,109	40,271	2,838	7.00%
Demographic Data	2020 Census	2010 Census		
White Alone Population	32,800	32,795	5	0.00%
American Indian and Alaska Native Alone Population	3,849	3,656	193	5.30%
Hispanic (of any race)	3,292	2,038	1254	61.50%
Black Alone Population	736	729	7	1.00%
Asian, Native Hawaiian & Other Pac. Islander Alone Population	507	353	154	43.60%
Some Other Race Alone Population	1,925	700	1,225	175%
Group Quarter	2020 Census	2010 Census		
College Housing GQ Population	4,238			
Other Noninstitutionalized GQ Population	166			
Nursing Facility Population	158			
Other Institutionalized GQ Population	35			
Total Group Quarters Population	4,597	3,574	1,023	28.6%
Housing Units	2020 Census	2010 Census		
Occupied Housing Units	16,876	16,446	430	2.6%
Vacant Housing Units	9,773	9,502	271	2.9%
Total Housing Units	26,649	25,948	701	2.7%
Township data	2020 Census	2010 Census		
Barkers Creek township	1903	1839	64	3.5%
Canada township	658	640	18	2.8%
Caney Fork township	834	738	96	13.0%
Cashiers township	2479	1974	505	25.6%
Cullowhee township	10331	9428	903	9.6%
Dillsboro township	1600	1527	73	4.8%
Greens Creek township	1422	1429	-7	-0.5%
Hamburg township	2057	1738	319	18.4%
Mountain township	529	492	37	7.5%
Qualla township	6426	6161	265	4.3%
River township	1241	1359	-118	-8.7%
Savannah township	1502	1495	7	0.5%
Scott Creek township	2318	2094	224	10.7%
Sylva township	6886	6671	215	3.2%
Webster township	2923	2686	237	8.8%

Mr. Poston stated that the largest Group Quarter determination was WCU due to the dorms. In 2010, there was a lot of self-reporting at the dorm level. In 2020, they allowed the university to report those numbers. The downside to the college impact was that he did not know if they captured an accurate number. There was still a significant number of college students that lived off campus. They did work with the university and they did a great job of finding everyone that lived off campus, but, that person still had to self-report. Regarding housing units, in speaking with the Building Inspections Department, he did not know how accurate these numbers were, they seemed low.

General discussions were held.
Informational item.

(3) UNIFIED DEVELOPMENT ORDINANCE AMENDMENT: Mr. Poston stated that they had discussed over the past two years about the state making changes and how the statutory changes would impact the county's Unified Development Ordinance.

He presented: Unified Development Ordinance (UDO) 160D and Associated Amendments:

(a) UDO Background: Prior to the UDO, the county regulated development through a series of county ordinances.

- The UDO was a framework document that combined the previously 21 standalone ordinances into one document.
- This process was designed to consolidate the land development regulations into one document.
- The UDO framework consolidated several areas of the development ordinances: administration, processes, enforcement and definitions.

(b) What was 160D and why did they need to amend the UDO?

- The state of North Carolina modernized the statutes that gave local governments the ability to regulate land development:
 - 153A granted counties the authority
 - 160A granted cities the authority
- The state combined the two statutes into one new statute 160D.
- They needed to amend the UDO to reflect the new statute references as well as definitions and additional regulatory language adopted.
- Staff also recommended additional amendments to clarify existing policies.
- Prior to the UDO, they would have had to hold approximately 28 public hearings to amend the ordinances.
- This amendment process would require five total public hearing, one for each Planning Council, the Planning Board and on for the Board of Commissioners.

(c) Changes included in the proposed 160D amendments:

- Update all statute references from 153A or 160A to 160D.
- Update terminology:
 - Conditional Uses were now Special Uses.
 - Special Zoning District to Conditional Zoning District.
- Add conflict of interest statements for staff, appointed boards and elected boards.
- Ensure that definitions were consistent with state definitions.
- Amendments to Subdivision regulations: Performance guarantees – cannot specify the type of guarantee or use guarantees for repair or maintenance of infrastructure.
- Amendments to Vested Rights and Permit Choice:
 - Vested Rights change allows for a two year vesting for all site specific development approvals.
 - Permit Choice stated that if a regulation was in the process of being changed when the application was submitted, the applicant may choose which regulations would be applied to the application.
- Prohibits third party down zoning.
- Amendments to Enforcement:
 - Specifies how the notice of violation would be used and delivered.
 - Required a 30-day appeal timeframe.

(d) Amendments for clarification and update processes: Staff made several recommendations, in addition to the required 160D updates that would clarify existing polices and improve processes:

- Include a general provision that graphics and images were for illustrative purposes only.
- Consolidation of the Board of Adjustment and Watershed Review Board into the Planning Board duties.

- Clarify the Administrative Review of Special Use Permit applications. Shifts language from approve/deny to complete/incomplete.
- Clarify the definitions of minor/major subdivision.
- Clarify how text amendments were initiated.
- Clarify road design criteria in the subdivision regulations.
- Clarify stream buffer requirements in the watershed.
- Remove graphics that were difficult to amend and change to tables. This was done in the US 441 and Cashiers Districts.
- Update UDO with previously adopted regulations that were inadvertently excluded.
- One request from 441 Council to add duplexes as an allowable use in the Rural Living District.

Mr. Poston stated that in the Cashiers district, due to version control, there was a graphic, from staff's point of view, that incorrectly identified the maximum building size as 5,000 square feet. They did trace this back and the confusion came in where there was a threshold for what required a Special Use Permit of 5,000 square feet. This information was translated wrong.

This issue came up as they had a large development that entered Cashiers and they worked through some of that issue. There was still a lot of interest in looking at maximum building sizes in Cashiers. That conversation was ongoing. The Cashiers Planning Council was the only planning council that had a different recommendation to the Board of Commissioners than the other three bodies. The Planning Council, the Cullowhee Planning Council and the 441 Planning Council all recommended approval of the amendments as proposed.

The Cashiers Planning Council had more concerns about the graphic being changed. Their recommendation was to make only the 160D changes and no other changes. From staff's perspective, their position had been the same throughout the process, which was it was an incorrect graphic. They were having conversations in the community about what should be in the future, but that did not change what they were proposing that day.

He noted that even though there had never been a maximum building size in Cashiers, every time they went through a Special Use Permit process there were still standards that had to be approved. One of the standards that had always been in the Cashiers Ordinance was the approval of buildings larger than 1,500 square feet as the trigger that the height, bulk and size of the building fit the character of the community. That had always been an evaluation that had to be made, but had never been enumerated.

Mr. Adams stated that he did want to spend some time on the graphic because this had caused a lot of tension and discussion in the Cashiers community. He wanted to be clear where staff stood regarding the graphic. There was a large development being proposed in Cashiers in which there were a lot of opinions as to whether or not that development should be allowed. What occurred was that the graphic was pulled out as a reason why the development should be denied. What was the opinion of staff and legal regarding the graphic?

Mr. Poston stated that Planning Staff made this clear during the hearing process where the issue was discussed, they believed the graphic to be error. The text did not indicate a maximum building size. What it did indicate was a building size threshold that required a Special Use Permit. If a building was 1,501 square feet, they would have to get a Special Use Permit, which went through the process and included discussion on both sides and conformity with community character.

Mr. Adams stated that he thought there were people that believed if the 5,000 on the graphic was not changed, it would stop the development. The project that drove all of these conversations was delayed. If the project would have proceeded forward, would staff have used the graphic to deny the project?

Mr. Poston stated that was what was asked of them in the beginning of the process. After consulting with Ms. Baker and looking back at the history of the graphic and what was in place, they made a determination that the graphic was erroneous. The text of the ordinance, which was what they looked at, was just the triggering mechanism regarding square footage. They made that report out to the council at the time of the hearing and the council agreed with staff's determination and moved on. Eventually, for a host of other reasons, the developer and applicant withdrew the application, so they never followed the process through.

Ms. Baker stated that the graphic was in error, which did not say 5,000 square feet, it stated "5000" and they did not know what it meant. They knew where it came from, but it was incorrect. That was not the only thing that was incorrect on the graphic. There were two or three other errors that were either old, out of date or wrong and it created a potential liability. It did not do anything except create a liability or a potential challenge.

Chairman McMahan stated that it sounded pretty clear to him, that the 5000 needed to be removed.

Mr. Poston stated that Cashiers was a growing community, as they saw with the census numbers and it would continue to grow, which would put more pressure on the crossroads for more services and development. Cashiers was not the same place it was in 2003 when they initiated the ordinances, so how they moved forward was part of the discussions with the council.

Mr. Adams stated that he did think long term there would be a future process regarding the codes, ordinances, rules and regulations. He believed the community would go through a process in the next six months to a year to discuss the UDO, which was something that would be ongoing with that community.

Eventually, the planning council would have to come together and make recommendations of how these regulations needed to be changed. There may be a square footage conversation, but there was a process that needed to take place in that community before they got to that point. None of this really had anything to do with an erroneous graphic that created a liability for the county.

Chairman McMahan stated that if there was an erroneous graphic that created liability, it needed to be removed.

Mr. Poston requested that the Board consider setting a public hearing on November 2nd to consider these changes.

Consensus: *Add an item to the next regular meeting agenda for consideration of setting a public hearing.*

(4) URBAN LAND INSTITUTE PROJECT: Stephanie Edwards, Executive Director of Cashiers Area Chamber of Commerce, was present for this item via Zoom. Glenn Ubertino, President of Cashiers Area Chamber of Commerce, was present for this item.

Mr. Adams stated this was a program that the Cashiers Chamber of Commerce was working on, which somewhat related to some of the discussion of the previous item.

Mr. Ubertino stated that Cashiers had a timely and unique opportunity to be the subject of an Urban Land Institute (ULI) Americas Advisory Services Panel. This process would bring together the best and brightest professional planners, market analysts, economists, architects, natural and built environmental specialists, land developers, public officials and more to offer practical solutions and objective growth management advice not available from any other source. Cashiers' interests have been facilitated by long-time Cashiers resident and distinguished public servant, Glenda Hood, former mayor of Orlando and Florida Secretary of State, who also served on the national ULI board.

They welcomed support of this unique and valuable opportunity to recalibrate the community's public policy discussion and pursue an inclusive, transparent, unbiased and expert process to expand the collective knowledge about critical Cashiers Area growth issues. The more informed they were of relevant facts and best practices, the better decisions they could make to support a sustainable and prosperous Cashiers and surrounding communities.

The ULI Panel would focus on specific issues of local concern, review advance briefing materials and travel to Cashiers to tour and confidentially interview 80 or more stakeholders. They would inform the Cashiers Area Community Planning Council, residents, business owners and others of market pressures which impacted them. They would discuss land economics and develop recommendations for a preliminary on-site presentation, then deliver a detailed written, actionable report approximately 60 days later. With a timely community commitment, the panel could be held in early November.

The following issues framework would be submitted to ULI in a query format for panel review:

- Preservation of community character and heritage;
- Density and siting (residential, commercial and mixed use);
- Local needs (services, hospitality, retail, housing diversity, childcare, public amenities etc.);
- Most appropriate and sustainable uses for large acreage parcels within the village districts;
- Transportation management (traffic volume/flow; pedestrian mobility and safety, public transit);
- Environmental conservation (scenic quality, natural resources, “green space”);
- Infrastructure development and prioritization (water resources, wastewater, wells, stormwater); and
- Purview, plan and next steps for ordinance codification.

The cost of an Advisory Services Panel was \$135,000, which would be raised from any and all interested organizations and individuals. The Planning Council would help lead the process with input from the community and the Chamber would serve as the Sponsor, responsible as the contracted agency and for the administration and logistics of the project.

Commissioner Jones stated that the ULI was important for the community as it had changed in 20 years, it was totally different. In 2013, there was a Mountain Area Plan, but the ULI would be an in depth look at the future for Southern Jackson County. He was pleased to announce that within the last hour, the Tourism Development Authority authorized a \$35,000 grant towards the project. He thought it would be prudent for the Board of Commissioners to show support for the project and contribute.

Mr. Ubertino stated they were trying to raise \$135,000 to go under contract and they were about half way there. They had widespread support from developers to full-time residents and part-time residents. They saw the value and unbiased recommendations they would be getting. They wanted this to be unbiased and transparent. He thought if they could do this, it would help bring the community together.

Commissioner Woody stated that she had a concern about the word “urban” in the name Urban Land Institute. Nothing in Cashiers to her spoke of “urban”. Historically, one of the problems she had seen when they had people want to do projects in the county, they came with ideas that had worked in urban areas or other states, but did not take into account the uniqueness of the area.

Also, there was the historical mountain citizen, who had lived there for generations. What would ensure that they were going to take into account, not just seasonal or full-time residents, but also the generational people that had lived in the Cashiers area?

Mr. Ubertino stated that ULI was more and more doing rural communities and had done quite a few in the last several years. He could provide more information on exact locations. ULI would interview between 100-200 people in the community from a variety of backgrounds, which was the most critical part of the panel. Also, they would ask for all of the history and work done.

Commissioner Jones stated that a large cross-section of people would be interviewed from educators to medical professionals, law enforcement, etc.

Commissioner Woody stated that she was in total support of planning and knowing they desperately needed this in the Cashiers area. How did this interface with Vision Cashiers, who did lots of interviews and planning?

Mr. Ubertino stated that some of their members would probably be interviewed and would be involved in that aspect. They were supportive of ULI and did see the value of what they brought to the table.

Ms. Edwards stated that ULI was a nonprofit organization that had been around since 1936. This advisory services panel program had been around since 1947, so they had long-standing success of historical involvement across the board, not just in more traditional urban destinations, but also in rural, second home communities and tourist destinations. They would look for alignment with the Cashiers area, but acknowledged that Cashiers was unique. They would bring together a customized panel of national experts that could share the expert analysis with them based on the issues that were identified.

Also, the Chamber had emphasized throughout the process that this was intended to be very inclusive, transparent process. She was very pleased to say that the support they had received had been across the board on all sides of the public policy debate. 80-120 interviews would be held and the panel would spend a week or more with them. They would be the beneficiary of tremendous national resources that would typically not be available to them, particularly as an unincorporated area.

Chairman McMahan stated that he was supportive of this concept. He thought the more information they had, the better they were in the long run, no matter what the topic was. He thought this was a topic they could continue discussing in the days ahead. This gave the Board an opportunity to discuss how they could partner with the endeavor and gave them an opportunity to research more about some of the other areas of references of where ULI had worked and their successes.

Ms. Edwards stated that time was of the essence regarding fundraising and executing the contract.

Mr. Ubertino stated that they were trying to have money raised and the contract signed by the end of September.

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

(5) ARCHITECT SERVICES AGREEMENT AMENDMENT: Ms. Baker stated that in 2000, there was a masterplan for the school system implemented and they hired John Cort, Architect of Cort Architectural Services to do all of their architectural work. They had used Mr. Cort since 2000 for all of their architectural work, including the security updates. This amendment did a few things. John Cort now worked for McMillan, Pazdan and Smith, which brought them into this.

Ron Smith and John Cort had both signed the amendment, so the agreement would be completed under McMillan, Pazdan and Smith. This amendment also ended the 2000 contract. This would be the last project under this contract and served full satisfaction of the 2000 contract, which helped Mr. Cort wind down his business so that he could sign any releases. These were the two purposes of the amendment. Also, she worked on this with the School Board Attorneys.

Commissioner Jones asked if after this project, would they be able to select another architect?

Ms. Baker stated they would go through the normal process to select an architect.

Mr. Adams stated that traditionally, school boards would make their own request for qualifications process and go through a selection process similar to the county with architectural firms that had experience with school systems. He thought it was important for the School Board and School Administration to take the leadership role in that selection process. They did work with the county for funds and in order to expend Articles 40 and 42 Sales Tax, it took both the Board of Commissioners and Board of Education to agree on expending the funds.

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

The Board took at ten-minute break.

Chairman McMahan called the meeting back to order.

(6) NORTH CAROLINA GENERAL STATUTE 153A-92: Mr. Adams stated that this statute provided guidance and rules associated with how pay was set for the Sheriff and the Register of Deeds, which were two upcoming elections. They were aware that the current Sheriff had chosen to not run for office again, he wanted to publicly discuss the rules and regulations as other individuals decided to file to run. Later, he would come back to the Board to request consideration of a resolution regarding the pay for these two positions.

He shared:

“NCGS 153A-92(b)(1) The board of commissioners may not reduce the salary, allowances, or other compensations paid to an officer elected by the people for the duties of his elective office if the reduction is to take effect during the term of office for which the incumbent officer has been elected, unless the officer agrees to the reduction or unless the Local Government Commission pursuant to Chapter 159, Article 10, orders a reduction. (2) During the year of a general election, the board of commissioners may reduce the salary, allowances, or other compensation of an officer to be elected at the general election only in accordance with this subdivision. The board of commissioners shall by resolution give notice of intention to make the reduction no later than 14 days before the last day for filing notice of candidacy for office. The resolution shall set forth the reduced salary, allowances, and other compensation and shall provide that the reduction is to take effect at the time the person elected to the office in the general election takes office. Once adopted, the resolution may not be altered until the person elected to the office in the general election has taken office. The filing fee for the office shall be determined by reference to the reduced salary.”

Mr. Adams stated that the purpose of the law was so that politics did not come into play of how the salaries were set for an elected Sheriff and an elected Register of Deeds. This did provide protection for those elected officers so that into their tenure, a board of commissioners could not cut their salary in half.

Also, it puts specific rules a board had to follow if they wanted to compensate a Sheriff or a Register of Deeds in the normal system. If a board did not follow these rules or pass a resolution as described, a newly elected Sheriff could argue they were owed the current Sheriff’s salary and the person may or may not have the same experience. He believed it would be the desire of the county to pay these two positions appropriate salaries, they would just need to follow the appropriate processes and procedures.

He provided the Board with the resolution that was adopted on November 20, 2017, which stated in part:

“Whereas, the starting salary for the Register of Deeds position will be the minimum of Salary Grade 27 of the Jackson County Classification and Pay Plan. The minimum of Salary Grade 27 is \$45,507.39; and

Whereas, the starting salary for the Sheriff position will be the minimum of Salary Grade 34 of the Jackson County Classification Pay Plan. The minimum Salary Grade 34 is \$64,033.47;”

He also provided the resolution dated February 3, 2014, which was prior to when the current Sheriff was elected. It set the salary for the Sheriff and Register of Deeds at the minimum pay for that grade.

Chairman McMahan stated there was another important reason the Board of Commissioners set the salary. All elected positions in North Carolina required a person to pay a percentage of the salary as their filing fee. To be able establish the actual filing fee, the state required them to adopt the amounts.

Mr. Adams stated that the resolution that was passed on February 3, 2014 occurred prior to the current Sheriff being elected. The County Manager at that time was also the administrator of the pay plan. The County Manager followed the personnel policy, which stated the current Sheriff could transition from Chief Deputy to Sheriff and would not lose service. The way the policy was written at the time, when someone received a promotion they either went to the first step of the new grade or they received a 5% raise, whichever was greater.

At the time when Sheriff Hall was elected, the only thing the pay administrator could do was provide a 5% raise to the newly elected Sheriff Hall. Several months later, the Board of Commissioners decided that Sheriff Hall had more experience than what he was being paid and chose to increase his pay.

When the next election occurred, it would be recommended that the Board adopt a resolution setting the minimum pay as it had been done in the past. The County Manager, along with the Finance Director and the Human Resource Director would be involved in the conversation, per the most recent pay policy. He provided the Board with a copy of the Pay Policy to demonstrate how the pay could be determined.

The resolution would set the minimum salary for both the Sheriff and Register of Deeds based upon their current grade and first step. If the current Register of Deeds ran for office again and won, there would be no break in service. His pay would remain the same, which would coincide with the Pay Policy. The Pay Policy would be followed regarding the new Sheriff. He noted the following section of the policy:

“Promotion: When a promotion occurs, the employee’s salary shall be increased to the greater of (1) the minimum rate of the salary range assigned to the classification to which the employee is promoted or (2) adjusted to the career path set within the salary range assigned to the classification if the promotion is within the career ladder at the recommendation of the Department Head, Human Resources Director, Finance Director and approval of the County Manager provided that the adjusted salary does not exceed the maximum of the assigned salary range.”

If there was an existing employee in the Sheriff’s Office who was elected as Sheriff, they would move to the new grade at their current step. This was how all promotions were done. If there was a citizen that was retired from the Sheriff’s Office that wanted to run for Sheriff, that would be considered a break in service and would not be considered a promotion. That person would come in at the minimum salary and he would look at their experience. As County Manager, he could bring their salary to Step 12. According to the Pay Policy, he was limited to increase salaries to Step 12. Anything above Step 12 would have to come back before the Board for a decision.

Ms. Fox stated that for the Sheriff, Grade 34, Step 12 would be \$81,290.00, which would be the maximum authorized.

Mr. Adams stated that it would be recommended that the Board adopt a resolution to set the minimum salaries for Sheriff and Register of Deeds. Whoever became elected, he would utilize the policy to determine the salaries.

General discussions were held.

He would bring a proposed resolution back to the Board at the October work session and then request adoption at the November 16th regular meeting.

Informational item.

(7) AMERICAN RESCUE PLAN ACT OF 2021: Mr. Adams presented a memo to the Board:

On March 11, 2021, the American Rescue Plan Act (ARPA) was signed into law by the President. The Act set aside \$130.2 billion dollars to be split evenly between municipalities and counties. \$65.1 billion dollars would be to be directly allocated to counties based upon population. Another \$1.5 billion would be distributed evenly to eligible revenue share counties (i.e. public land counties).

Jackson County would receive a total of \$8,534,441 from the Federal Government under this Act. The county must have these funds obligated by December 31, 2024 and expended by December 31, 2026. The US Treasury published a 151 page “Interim Final Rule” regarding the expenditures of these funds. The final rules were slated to be released by August to September, 2021.

(a) It was requested that the Board begin discussion of potential uses for these funds. The following provided information on eligible uses for the funds, along with some initial concepts for discussion and/or consensus:

- “To respond to the public health emergency or its negative economic impacts...”: This seemed to be the broadest category that provided for the most potential uses. It was under this category where funding human service programs were allowable. This was also the category where the county could look to assist other nonprofits and businesses that had been negatively impacted.
- “To respond to workers performing essential work during the Covid-19 public health emergency...”: This was restricted to specifically defined essential workers. This could not be an across the board initiative such as the previous bonus pay given to all county employees.
- “For the provision of government services to the extent of the reduction in revenue due to the Covid-19 public health emergency...”: this was the most limited use for the funds. The interim guidance issued required that system wide revenues be evaluated. The county’s sales tax increases basically offset other losses.
- “To make the necessary investments in water, sewer or broadband infrastructure”: Jackson County was very limited at that point under these provisions. They were highly restricted on how they could invest in broadband due to state law. They were not able to utilize any funds other than general funds to invest in broadband. This could only be done after an extensive request for proposals process. It was recommended to hold off on these discussions to see if state law would change. There were also some other potential resources that may become available direct to the private providers. The county did not operate water and sewer.

(b) It was recommended that the county initial several processes to move forward with the ARPA planning and eventual expenditure. They were as follows:

- Plan to contribute funds toward human services functions. As stated at previous meetings, the federal government determined that social issues, such as mental health, substance abuse and family/individual assistance programs had been negatively impacted by the pandemic. Therefore, human services activities may be eligible for ARPA appropriations. The county attempted to address these types of issues in a variety of ways. The following detailed some known and future ARPA partnership opportunities related to human services programming:
 - The following had been approved by the Board of Commissioners:

<u>Project Name</u>	<u>Dogwood Amount</u>	<u>ARPA Amount</u>	<u>Total Amount</u>
CDP Facility	\$2,049,497.50	\$2,049,497.50	\$4,098,995.00
CDP Planning	\$62,500.00	\$62,500.00	\$125,000.00
HERE Planning	\$62,500.00	\$62,500.00	\$125,000.00
Total	\$2,174,497.50	\$2,174,497.50	\$4,348,995.00

- Dogwood would announce grant awards by the end of September.
- AWAKE was working to put together a request regarding their facility needs. They were in need of facility repairs and expansion. They would be seeking assistance regarding these needs.

Chairman McMahan stated that he wanted to clarify about AWAKE putting together a request about facility needs of repair and expansion. The conversation he had was more geared toward the acquisition of the facility, not expansion.

Ms. Baker stated that Mr. Haire decided to give AWAKE the building. They were just left with significant repairs to be made to the building.

- Develop a nonprofit application process to other agencies providing human services programming.
- Develop a nonprofit application process that allowed for other requests that fell within allowable uses under ARPA. ARPA also allowed for providing assistance to small businesses and nonprofits who had been impacted by Covid-19. The act allowed for aid to be provided to impacted industries, such as tourism, travel and hospitality. The county had certain legal restrictions when it came to funding some of these issues. These restrictions limited their ability to assist. It may be more appropriate for other entities to provide some of the services. An example would include TWSA applying to the county for a water/sewer grant or a Chamber of Commerce applying to the county for a grant to assist businesses.

Mr. Adams stated that needed the final rules to come out and how they would be applied to the nonprofits. They would need a better understanding before they opened this up to nonprofits. He needed more time and guidance before he could finish the nonprofit application.

- Continue workforce/affordable housing discussions. ARPA funds may be eligible to assist in these matters, depending on the proposal.
- Receive input and direction from the Board of Commissioners on any other initiative eligible to be funded with ARPA proceeds.
- At budget time, the Sheriff requested funding for a video camera system for the deputies, vehicles and an integrated system. They believed under the interim rules, they could fund certain safety functions with these funds. This was a \$1.2 million request over four years. Once they received final ruling, they would come back to the Board to discuss utilizing these funds. After that time period, this would be a cost that the county would assume.

(c) All ARPA proposals would have to fall within eligible guidelines set by the federal government. All expenditures made by the county must follow all state, federal and local laws. There were expenses eligible under federal guidelines that were not allowable to local governments in accordance with North Carolina law. All requested ARPA projects/programs would have to be reviewed on a case by case basis regarding the county's legal ability to proceed forward.

General discussions were held.

Information item.

(8) OTHER BUSINESS: Commissioner Woody stated that there was an emergency Board of Health meeting on Monday. They requested that she asked for input for a possible venue for a vendor that would come in for testing and vaccines. They were getting a lot of requests for testing because some agencies were requiring that if someone was not vaccinated, they had to be tested weekly.

Chairman McMahan charged staff to think about this and work with Shelley Carraway, Health Director.

Informational item.

(9) CLOSED SESSION:

Motion: *Commissioner Deitz moved that the Board go into closed session pursuant to G.S.143-318.11(a)(3) Legal and G.S.143-318.11(a)(5) Real Property. Commissioner Woody 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 Woody moved to adjourn the meeting. Commissioner Deitz seconded the Motion. Motion carried and the meeting adjourned at 4:51 p.m.

Attest:

Approved:

Angela M. Winchester, Clerk to Board

Brian Thomas McMahan, Chairman