

**MINUTES OF A
REGULAR MEETING
OF THE JACKSON COUNTY
BOARD OF COMMISSIONERS
HELD ON
SEPTEMBER 20, 2022**

The Jackson County Board of Commissioners met in a Regular Session on September 20, 2022, 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 phone)
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) **PROCLAMATION: BREAST CANCER AWARENESS MONTH**: Commissioner Woody stated she was a breast cancer survivor. She was diagnosed in 1990 and was very blessed to be there. She was thankful for the care she was given and for God's faithfulness.

She read a Proclamation declaring October as Breast Cancer Awareness Month. Commissioner Woody moved to approve the Proclamation. Commissioner Jones seconded the Motion. Motion carried. Commissioner Woody presented the proclamation to Chanta Ashe, Public Health Nurse.

(2) **AGENDA**: Commissioner Woody moved to approve the agenda. Commissioner Stribling seconded the Motion. Motion carried.

(3) **MINUTES**: Commissioner Jones moved to approve the minutes of a Regular Meeting of September 06, 2022, as presented. Commissioner Woody seconded the Motion. Motion carried.

(4) **CHAIRMAN'S REPORT**: Chairman McMahan welcomed guests in the audience with the Leadership Cashiers program. The program was an annual event through the Cashiers Chamber of Commerce, where citizens in the southern part of the county participated to learn about leadership, the county and better ways to engage. Earlier in the day, they heard presentations about county government and part of the program included attending a County Commissioner meeting to see how they interacted as a government.

(5) **COMMISSIONER REPORTS**:

(a) Commissioner Jones welcomed the Leadership of Cashiers group. He was glad they were there participating and learning about county roles of leaders and elected officials.

Also, while participating in a North Carolina Community College Trustee meeting in Asheville, one class he took may affect the Juvenile Crime Prevention Council, which he sat on for ten years. The head of the SBI had a number of psychologist, attorneys and agents that interacted with campus security on community college campuses and public schools in general. They took concerns and provided background work for safety on campuses. It was very informative.

(b) Commissioner Woody commended Daniel Manring, Executive Director, Tuckasegee Water and Sewer and his staff as they received a 4.1 million dollar ARP grant for the Clear and High Surface Pump Replacement Project. Many directors of the different agencies and nonprofits in the county were securing federal and state funds by making the effort to complete the grant applications. She commended them for making sure the county received some of this money, as it would serve the citizens well.

(c) Commissioner Deitz stated that last week Commissioner Woody wore a gold medal she won at the Senior Games she attended in Raleigh. They were very proud of her for taking part in the event. It was really not about her, but about encouraging seniors to get out and exercise to keep themselves fit and active. They were proud of her for setting an example for seniors.

(d) Commissioner Jones stated that often, the wheels of government took time. He, along with Stephanie Edwards, Cashiers Chamber of Commerce Director and Dan Harbaugh, former TWSA Director, wrote a grant to Goldenleaf for \$500,000 for the Horsepasture River sewer project. They had acquired the land and the project was moving forward very slowly. This was a very important project.

(6) COUNTY MANAGER REPORT: Mr. Adams reported:

(a) **August 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. The Planning Department issued two commercial zoning permits. Code Enforcement issued five commercial permits and five renovation/addition permits.

(b) Construction Projects:

- Animal Rescue Center/Green Energy Park: Anticipated substantial completion was November. The paving would begin on September 21st. Most of the building was blocked off for the flooring contractor to complete. The built-in cabinetry was lined up to be installed by the end of September and the final finishes were scheduled to take place in October. The furniture was scheduled to be delivered and installed the first week of November. He would set up tours when the pavement, flooring and painting had been completed.
- Aquatics Center: The project had commenced. He provided a 30-day look ahead:
 - Jobsite trailer (revised location closer to building)
 - Erosion control measures installed
 - Start force main
 - Start pump station
 - Stake south parking lot
 - Start south parking lot work
 - Start fire lane work (complete in Phase 1)
 - Start east parking lot work (complete in Phase 1)
 - Submit dewatering plan and costs. Could not dig test pit until after 11/9 early voting/one-stop.
- Domestic Violence Shelter: The Architectural contract had been executed. They were moving forward with surveying the property and the planning process had started. The Center for Domestic Peace Facility Committee would visit shelters with the architect on October 14th. The goal would be to have the facility planned, schematics developed and revised cost estimates by January or February.
- Cashiers Splash Pad/Walking Path/Tennis-Pickleball Court: Equinox was developing the project schedule.
- Whittier/Qualla Park: Equinox was putting together the proposed design contract.

(c) **Opioid Discussions:** Dr. Zen of Vaya Health was scheduled for the October work session.

He thanked Sheriff Hall for hosting the Leadership Cashiers group. He appreciated the citizens in the group for participating in the program.

(7) INFORMAL COMMENTS BY THE PUBLIC:

(a) Karen Johnson of United Christian Ministries stated they had been digitizing that year and she had data for 2021 and 2022. Previously, they did not know how many people they served. They discovered that 26% of their client base was disabled.

Also, there was a homeless problem in the community and she saw it more and more. Other agencies had the same problem. She was worried about the wave that was getting ready to happen. They gave out more food through August than they did the entire last year.

(b) Angela Owen of Leadership Cashiers stated that on behalf of Leadership Cashiers, they thanked Mr. Adams and Sheriff Hall for hosting them. They focused on a variety of different topics throughout the year and this was government day for the group. The citizens in the group were committed to the community and county. They wanted to know how to best serve. She thanked the Commissioners for allowing them to be there.

(8) CONSENT AGENDA:

(a) Darlene Fox, Finance Director, presented the Finance Report for August, 2022 and one Budget Ordinance Amendment for fiscal year ending June 30, 2023, for approval.

(b) Brandi Henson, Tax Collector, presented the Tax Collector and Refund Reports for August, 2022, for approval.

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

(9) FIREWORKS DISPLAY REQUEST: Tony Elders, Director of Permitting and Code Enforcement, requested approval for an application he received for a fireworks display for Balsam Mountain Preserve on October 15, 2022.

***Motion:** Commissioner Deitz moved to approve the request for fireworks display, as presented. Commissioner Jones seconded the Motion. Motion carried by unanimous vote.*

(10) UNIFIED DEVELOPMENT ORDINANCE AMENDMENTS: Michael Poston, Planning Director, stated that this item was a follow up from a previous meeting. He presented proposed UDO Amendments to Section 6.4 Industrial Development Standards, Table 9.5.4 US 441 Permitted Use Table and Article XI Definitions. The Planning Department worked with the Planning Board and the US 441 Planning Council on proposed amendments to the Unified Development Ordinance.

The proposed amendments included Section 6.4 Industrial Development regulations to address small scale animal processing facilities, crypto-currency facilities and renewable energy facilities. The amendments also included proposed new definitions for these new uses in the Article XI.

The proposed text amendment to the U S 441 Planning Corridor table of uses (table 9.5.4) was a request made by Greg Wasik to allow micro-breweries/breweries in the Gateway zoning district. Staff also recommended allowing the use in the industrial zoning district. The 441 Planning Council held a public hearing regarding the proposed amendment to allow for breweries/microbreweries and recommended approval of the proposed amendment unanimously.

The Planning Board also reviewed the proposed changes to the table of uses and unanimously recommended approval. The Planning Board also held a public hearing for the proposed changes to the Industrial Development Standards and the proposed definitions and unanimously recommended approval. Both the 441 Planning Council and the Planning Board adopted Statements of Consistency with the land use plans that stated the proposed amendments were consistent with the adopted plans.

He requested a public hearing be set on October 4th at 5:50 p.m.

***Motion:** Commissioner Deitz moved to set a public hearing on October 4th at 12:50 p.m. for the Unified Development Ordinance Amendments. Commissioner Woody seconded the Motion. Motion carried by unanimous vote.*

(11) SPLASH PAD/PARK ARCHITECT CONTRACT: Rusty Ellis, Parks and Recreation Director, stated this was item discussed at the last work session. He presented a contract from Equinox for the Splash Pad/Park, which included surveying the entire parcel, site analysis, site plan, construction drawings, specifications, permitting and construction observation. Phase 1 would include the construction of the Splash Pad, partial walking trail, demo of the pool, excavation and storm water.

The contract total was \$119,263.63 for the original items they discussed. It was recommended to spend the \$13,200 to design the additional pickleball/tennis court as an alternate so they would have that choice for discussion.

Motion: Commissioner Jones moved to approve the architect contract with Equinox for the Splash Pad/Park, to include the additional pickleball/tennis court as an alternate, as presented. Commissioner Woody seconded the Motion. Motion carried by unanimous vote.

(12) TRANSIT DRUG AND ALCOHOL POLICY UPDATED: April Alm, Transit Director, stated this item was presented at the last work session. The NC Department of Transportation, Integrated Mobility Division provided the latest Drug and Alcohol Policy template that had been recommended by both Federal Transit Administration (FTA) and NCDOT Integrated Mobility Division.

The purpose of the policy was to establish guidelines to maintain a drug and alcohol-free workplace in compliance with the Drug-Free Workplace Act of 1988 and the Omnibus Transportation Employee Testing Act of 1991. The policy was intended to comply with all applicable Federal regulations governing workplace anti-drug and alcohol programs in the transit industry.

Specifically, the FTA of the U.S. Department of Transportation published 49 CFR Part 655, as amended, that mandated urine drug testing and breath alcohol testing for safety sensitive positions and prohibited performance of safety sensitive functions when there was a positive test result or a refusal to test. The U.S. Department of Transportation also published 49 CFR Part 40, as amended, that set standards for the collection and testing of urine and breath specimens.

Motion: Commissioner Deitz moved to approve the updated Transit Drug and Alcohol Policy, as presented. Commissioner Woody seconded the Motion. Motion carried by unanimous vote.

(13) TRANSIT POLICIES UPDATED: Ms. Alm stated this item was also presented at the last work session. As mandated by the NCDOT Integrated Mobility Division, a Proficiency Review would be conducted for Jackson County Transit on October 19, 2022. This review typically occurred every three years for each NC transit agency. Upon review of the Jackson County Transit's policies and procedures, minor policy revisions were made and were subject to the Board's approval.

She requested the Board of Commissioners consider adoption of the following Transit Policies:

- Cash Management
- Charter
- Conflict of Interest
- Fare and Service Changes
- Refusal of Service
- Americans with Disabilities Act of 1990 (ADA)

Commissioner Deitz thanked Ms. Alm for the proficiency review and how thorough she was.

Motion: Commissioner Deitz moved to approve the updated Transit Policies, as presented. Commissioner Woody seconded the Motion. Motion carried by unanimous vote.

(14) EMERGENCY OPERATIONS PLAN: Todd Dillard, Emergency Management Director, stated this was a follow up from the last work session. He requested approval from the Board for the 2022 Emergency Operations Plan.

Commissioner Woody stated that when she was at state training, several presenters spoke very highly of Mr. Dillard. He had been able to assist with several disaster relief operations statewide by taking personnel and serving people in other communities. They were so blessed to have someone so highly qualified and served the county so well.

Motion: Commissioner Jones moved to approve the 2022 Emergency Operations Plan, as presented. Commissioner Stribling seconded the Motion. Motion carried by unanimous vote.

(15) FINAL OFFERS: Ms. Baker stated that on August 2nd, the Board approved the initial bid from Jacob M. Cox for Lot 49, Enchanted Forest in the amount of \$2,000.00. The offer was upset and the final bid was for \$11,000.00 from Jacob M. Cox. The offer had been advertised for ten days with no further upset bids. She requested approval of the final bid for Lot 49, Enchanted Forest.

Motion: Commissioner Woody moved to approve the offer for the final bid for Lot 49, Enchanted Forest, as presented. Commissioner Deitz seconded the Motion. Motion carried by unanimous vote.

(16) TRANSIT GRANT PROGRAM RESOLUTION R22-19: Ms. Alm stated these grants were made available annually through the state to assist transit systems with operating, administrative and capital funding. The 5311 Administrative Grant Program helped to subsidize the administrative costs of running a transportation system, which included administrative salaries and benefits, as well as office supplies, uniforms, training and marketing.

The 5310 Operating Grant Program supported operating costs for the elderly and individuals with disabilities. Listed below were the estimated funding request, which included the match required by the county for each program. The total estimated amount within the 5311 program for the period July 1, 2023 through June 30, 2024:

Project	Total Amount	Local Share
Administrative	\$202,210	\$30,332 15%
5310 Operating	<u>\$150,000</u>	<u>\$75,000</u> 50%
TOTAL	\$352,210	\$105,332
	Total Funding Request	Total Local Share

A public hearing was held prior to this meeting with no public comment. She presented the Transit Grant Program Resolution R22-19 for consideration.

Motion: Commissioner Woody moved to approve Resolution R22-19, as presented. Commissioner Deitz seconded the Motion. Motion carried by unanimous vote.

(17) SMOKY MOUNTAIN REGIONAL HAZARD MITIGATION PLAN RESOLUTION R22-20: Mr. Dillard stated this item was discussed at the previous work session. He presented the Smoky Mountain Regional Hazard Mitigation Plan Resolution R22-20 for consideration.

Motion: Commissioner Jones moved to adopt the Resolution R22-20, as presented. Commissioner Woody seconded the Motion. Motion carried by unanimous vote.

(18) PRESS CONFERENCE: None.

There being no further business, Commissioner Deitz moved to adjourn the meeting. Commissioner Woody seconded the Motion. Motion carried and the meeting adjourned at 2:05 p.m.

Attest:

Approved:

Angela M. Winchester, Clerk to Board

Brian Thomas McMahan, Chairman