

**MINUTES OF A
REGULAR MEETING
OF THE JACKSON COUNTY
BOARD OF COMMISSIONERS
HELD ON
NOVEMBER 05, 2015**

The Jackson County Board of Commissioners met in a Regular Session on November 05, 2015, 6:00 p.m., Justice & Administration Building, Room A201, 401 Grindstaff Cove Road, Sylva, North Carolina.

Present: Brian McMahan, Chairman
Mark Jones, Vice Chair
Charles Elders, Commissioner
Vicki Greene, Commissioner
Boyce Deitz, Commissioner

Chuck Wooten, County Manager
Angela M. Winchester, Clerk to Board
Heather C. Baker, County Attorney

Chairman McMahan called the meeting to order.

(1) **PROCLAMATION**: Chairman McMahan read a Proclamation honoring Triple Threat Performing Arts Academy for demonstrating tremendous athletic, artistic and leadership talent, which resulted in several distinguished awards. Commissioner Deitz moved to approve the Proclamation. Commissioner Greene seconded the Motion. Motion carried.

(2) **AGENDA**: Chairman McMahan amended the agenda by adding the following items:

- (a) Set a Public Hearing for a Cell Tower Application
- (b) Release Solid Waste Fee for Three Moose Village
- (c) Skyland Services Center Design Contract

Commissioner Greene moved to approve the amended Agenda. Commissioner Elders seconded the Motion. Motion carried.

(3) **MINUTES**: Commissioner Greene moved to approve the minutes of a 5310 Transit Grant Public Hearing of October 15, 2015; a 5311 Transit Grant Public Hearing of October 15, 2015; a Regular Meeting of October 15, 2015; a Work Session of October 20, 2015; a Planning Board Ordinance Amendment Public Hearing of October 20, 2015; and a Mountain and Hillside Development Ordinance Amendment Public Hearing of October 20, 2015. Commissioner Deitz seconded the Motion. Motion carried.

(4) **CHAIRMAN'S REPORT**: Chairman McMahan stated he attended the monthly Comprehensive Planning Transportation meeting, where Rich Price, Economic Development Director, gave a presentation regarding current and future economic development in the county.

(5) **COMMISSIONER REPORTS**: Commissioner Elders stated he was pleased to attend the ground breaking event of the new emergency room at the hospital, which was well attended.

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

(a) Offer to Purchase County Property in Webster: The county received an offer from Sam Bartlett and Rachel Hawes to purchase 10.202 acres a price of \$6,000 per acre, for a total purchase price of \$61,212. On October 15th, Commissioners voted to accept the offer and to subject the offer to the upset bid procedure. The offer was advertised in Sylva Herald on October 22 and remained open for 10 days for any upset bids. No upset bids were offered and they were moving forward to close the property.

(b) Offer to Purchase of approximately 3.0 acres by Jackson County on Gay Road in the Savannah Community: An offer in the amount of \$36,000 was submitted to BOJON Enterprises for the purchase of property to be used in developing a community park for the Savannah Community. The owners of the property accepted the offer and provided a 90 day due diligence period. A survey has been ordered and the Parks and Recreation Department is working on a concept for the park. A closing date will be established in January, 2016. They will be submitting a waiver of retroactivity to PARTF so they can use the purchase price of the property as matching funds for a future PARTF grant that they will submit for consideration.

(c) Building Permits: As of October 31, 2015, 128 residential building permits and 21 commercial building permits had been issued. This compares with 142 residential permits and 19 commercial permits as of October 31, 2014. Total permits issued for 2015 were 1,274 compared to 1,117 in 2014.

(d) Veterans Day Celebrations: He was very pleased with the outpouring of support for the veterans over the next week, as they officially celebrate Veterans Day on November 11th. The festivities begin with the first annual Veterans Parade on Sunday, November 8th in downtown Sylva beginning at 3:00 pm. The parade will be followed by a special Veterans Dinner in the Heritage Dining Room beginning at 5:30 pm. On Wednesday, November 11th, SCC will have a special program at Noon followed by the rededication of the monument honoring the residents of the county who perished during World War II. This has been a great project and he commended the staff members in Public Works who have worked on this project. Another part of these festivities is the fund raising breakfast to purchase monuments honoring the Charters of Freedom – Declaration of Independence, Bill of Rights, and US Constitution.

(e) Locust Creek Pedestrian Bridge: This project continues to move forward. Most of the micro-piling has been completed and it appears the allowance provided in the contract will be adequate. The construction of the bridge abutments will begin this week. The contractor continues to express a desire to set the bridge before the end of the year. The fabrication of the bridge has been completed and it is ready for delivery to the site once the general contractor has given their approval.

(f) Cashiers SRC Paving Project: All existing pavement has been removed and the base stone is in place. Unfortunately, the rain over the past several days has slowed the project and once the base stone dries out and a compaction test can be completed, then paving should begin. They were cautiously optimistic that the project could be completed before the end of the 45 day construction period.

(g) Cell Tower Applications: They had a pre-application meeting with representatives from Crown Castle about the new cell tower in Cashiers. They are finalizing their application and plan to submit it to the Planning Department no later than Tuesday, November 10th. The ordinance requires that the staff report is completed within 15 business days following the receipt of the application. In anticipation of this application, they proposed to conduct a quasi-judicial hearing and a public hearing on this application on December 10th at the Carlton Library in Cashiers. He provided the information to allow sufficient time to advertise the public hearing and meeting notice. They also had a meeting scheduled in early December with a company about a proposed tower in the Qualla community. Finally, the Airport Commission tentatively approved two co-locations on a new tower at the airport that will be constructed by US Cellular and transferred to the Airport Commission. There is room for two additional co-locations.

(h) Upcoming Meetings:

November 6th – Charters of Freedom Breakfast – Aging Center – 7:45 am
November 8th – Veterans Parade – 3:00 pm and Veterans Dinner – 5:30 pm
November 11th – Veterans Day Celebrations
November 17th – November work session - 10:00 am
November 19th – Regular meeting of Commissioners
December 10th – Public Hearing and Meeting on Cell Tower Application
December 17th – Regular meeting of Commissioners

(7) INFORMAL COMMENTS BY PUBLIC:

(a) J.R. Small of Sylva stated he was in favor of the county continuing to fund and grow the Green Energy Park.

(b) Cole Johnson of Sylva stated he was appreciative of the opportunities he had been given because of the Green Energy Park and he hoped the county would continue to support it.

(c) Dick Darnall of Glenville suggested Commissioners not vote for the amendments to the Mountain and Hillside Development Ordinance.

(d) Keven Hawkins of Cashiers stated he was a member of the Cashiers Planning Council and that there were issues with attendance of the members. He also recommended Sonja Russell be appointed to the Planning Council and himself be appointed vice-chair of the council. Also, he was in favor of the Green Energy Park and urged the county to continue funding the project.

(e) Ralph Slaughter of Glenville stated he wanted to endorse Sonja Russell for the Cashiers Planning Council and Keven Hawkins as vice-chair of the council.

(f) Michael Cox of Cashiers stated he supported Sonja Morales Russell for the Cashiers Planning Council. He also supported Keven Hawkins for the vice-chair position.

(g) Donna Dupree of Sylva stated that President Obama has declared November 14th as National American Heritage Day. She urged Commissioners to also recognize the day with a proclamation. She also thought Commissioners should approve the Mountain and Hillside Development Ordinance Amendments. She was grateful for all that Veterans Affairs had done in preparation for the upcoming Veterans parade.

(h) Susan Leville of Sylva stated she supported the Green Energy Park and urged Commissioners to continue to fund it for the good of the community.

(i) Isaac Herring of Bryson City stated he was the Chairman of the WCU College Republicans and they plan to put out 250 American Flags in front of the University Center in honor of Veterans Day. Regarding the Green Energy Park, he had never heard of it and recommended putting more money into it so that is more known or to do away with it completely.

(j) Carl Iobst of Cullowhee stated he thought the Green Energy Park was a good investment for the county and the community. Also, he thought Commissioners should approve the Mountain Hillside and Development Ordinance Amendments.

(8) CASHIERS FIRE TAX UPDATE: Randy Dillard, Cashiers Fire Chief, stated since the Fire Tax had been put in place, the response time has increased from 7 minutes 39 seconds to 6 minutes 40 seconds. He stated that not having to fund raise had been great for the department. They had run 80 calls in July alone, with all of those being non-medical. The Breedlove building was now official.

Informational item only.

(9) CASHIERS AREA COMMUNITY PLANNING COUNCIL BY-LAWS AND GENERAL RULES OF PROCEDURE: John Jeleniewski, Code Enforcement Officer, presented the Cashiers Area Community Planning Council By-laws and General Rules of Procedure for consideration, stating the document had not been previously adopted by the Board.

Commissioner Greene stated there was an error in the document. The document states there will be no alternate members, but refers to alternate members in two other locations in the document.

Ms. Baker stated she would make the corrections to the document.

Motion: *Commissioner Jones moved to approve the Cashiers Area Community Planning Council By-laws and General Rules of Procedure with the stated corrections. Commissioner Greene seconded the Motion. Motion carried by unanimous vote.*

(10) SCHEDULE OF VALUES FOR REVALUATION 2016: Chairman McMahan stated they had received the statutory proposed Schedule of Values for 2016. All counties are required to adopt a Schedule of Values to be effective at the beginning of each revaluation year. Chairman McMahan requested that a public hearing be set.

Motion: *Commissioner Elders moved to set a public hearing on November 19, 2015 at 5:40 p.m. to be held at the Justice & Administration Building, Room A201, 401 Grindstaff Cove Road, Sylva, North Carolina. Commissioner Jones seconded the Motion. Motion carried by unanimous vote.*

(11) HOLIDAY CALENDAR 2016: As stated in the personnel policy, Mr. Wooten presented the 2016 Holiday Calendar for approval.

2016 HOLIDAY SCHEDULE		
Holiday	Observance Date	Day of Week
New Year's Day	January 1	Friday
Martin Luther King	January 18	Monday
Good Friday	March 25	Friday
Memorial Day	May 30	Monday
Independence Day	July 4	Monday
Labor Day	September 5	Monday
Veteran's Day	November 11	Friday
Thanksgiving	November 24, 25	Thursday, Friday
Christmas	December 23, 26, 27	Fri, Mon, Tues

Motion: *Commissioner Greene moved to approve the 2016 Holiday Calendar. Commissioner Elders seconded the Motion. Motion carried by unanimous vote.*

(12) JUSTICE CENTER SECURITY ORDINANCE: Ms. Baker presented the Justice Center Security Ordinance Amendments for consideration:

Section IV. 2

c. Judges, Judicial Officials *and Judicial Support Staff, Court Officials, including, but not limited to Guardian ad Litem staff, Court Advocates and Court appointed Mediators and Court Reporters and Judicial Support Staff*, attorneys actively licensed by the North Carolina State Bar (“Active Attorneys”) and their employees;

d. ~~their~~ self-employed title searchers who work on a regular basis in the Justice Center and who are sponsored by an Active Attorney. Active Attorneys and their employees and self-employed title searchers ~~employees~~ may apply for an ID access card by filling out an application at the Sheriff's Office or Human Resources Department...

e. ~~Approved Contracted Service Providers and Inspectors Vendors/Invitees: All vendors, invitees, auditors and inspectors~~ who are not employed by a department in the Justice Center may be issued a temporary ID access card consistent with this Ordinance and allowed access to the Justice Center during the time of their provided service; and

Section IV. 3.

Employees of Active Attorneys and self-employed title searchers must have an Active Attorney sign their ID card application. The Active Attorney who signs the ID card application must notify the Sheriff's Office and Human Resources Department and collect and return the ID access card immediately after an employee is no longer working for him or her and immediately upon learning that a self-employed title searcher no longer needs an ID access card.

B. 1. All Justice Center personnel...All Departments shall notify the Sheriff's Office and Human Resources and collect and return the ID access card immediately...

Section VII.

C. *The Jackson County Sheriff, at his discretion, has the authority to allow specific persons, exempt from the screening process and identified in Section IV (A) (2) of this Ordinance, for work related functions, to enter and exit through doors designated as emergency exits.*

Section IX.

B. The Security Committee shall meet on a regular basis to review the security process, this Ordinance and the roster of applicants with ID access cards to determine if any applicant no longer needs an ID access card due to a change in status. ~~and~~ The Security Committee shall report annually...

Ms. Baker requested a public hearing be set.

Motion: *Commissioner Greene moved to set a public hearing on November 19, 2015 at 5:50 p.m. to be held at the Justice & Administration Building, Room A201, 401 Grindstaff Cove Road, Sylva, North Carolina. Commissioner Elders seconded the Motion. Motion carried by unanimous vote.*

(13) GREEN ENERGY PARK DESIGN CONTRACT: Mr. Wooten presented the design services contract with Odell Thompson, Architect, for the Green Energy Park in the sum of \$35,000, which would allow for the preparation of construction plans so that if Commissioners decide to move forward with the project, they can begin the informal bid process.

Motion: *Commissioner Jones moved to approve the contract with Odell Thompson, Architect, for Design Services at the Green Energy Park in the sum of \$35,000. Commissioner Greene seconded the Motion. Motion carried by unanimous vote.*

(14) BENCHMARK PLANNING PERFORMANCE AUDIT: Mr. Wooten stated that the report had been presented to Commissioners on the findings and a series of recommendations from the performance audit that was conducted on Inspections and Code Enforcement and Planning Offices. He requested that the board consider officially accepting the report and instructing the county manager to move forward with implementation of all or part of the recommendations that were included. Any recommendations that require an appropriation of funds will be brought back to the Commissioners for approval.

Motion: *Commissioner Elders moved to accept the Benchmark Planning Performance Audit. Chairman McMahan seconded the Motion. Motion carried by unanimous vote.*

(15) CELL TOWER APPLICATION: Chairman McMahan stated it was anticipated that an application would be made by November 10th for a cell tower. With the deadline requirement of advertising a public hearing, he requested that Commissioners go ahead and set a date and time for the hearing. If the application does not come in, they can rescind this action. They will also need to set a time for the Special Meeting (Quasi-Judicial) to follow the public hearing.

Motion: *Commissioner Jones moved to set a public hearing at 11:00 a.m. and a Special Meeting at 1:00 p.m. on December 10, 2015, to be held at the Albert Carlton Library Meeting Room, 249 Frank Allen Road, Cashiers, North Carolina. Commissioner Greene seconded the Motion. Motion carried by unanimous vote.*

(16) RELEASE SOLID WASTE FEE FOR THREE MOOSE VILLAGE: Chad Parker, Public Works Director, stated that from time to time the Solid Waste Board receives applications for an exemption for a solid waste fee. Three Moose Village has requested an exemption for an apartment building, which was approved by the Solid Waste Board. However, per the Ordinance, the Solid Waste Board cannot approve the exemption if the application is made after June 30th. In this case, the applicant received his CO on July 20th and did not understand that the exemption application must be made by June 30th. He is requesting that Commissioners waive the fee for the 2015 year.

When applicant set up the apartments, he provided a dumpster/compactor for tenants to use. When the dumpster is brought to the transfer station, they charge a tipping fee at the scale house. The reason for the exemption in these cases is because the applicant would be double paying fees (solid waste and tipping).

Motion: *Commissioner Greene moved to grant the waiver of the solid waste fee for Three Moose Village for 2015. Commissioner Deitz seconded the Motion. Motion carried by unanimous vote.*

(17) SKYLAND SERVICES CENTER DESIGN CONTRACT: Mr. Wooten presented the design services contract with Odell Thompson, Architect, for the Skyland Services Center in the sum of \$72,000, for consideration. Commissioners previously authorized the county manager to move forward with soliciting a contract for renovating the remaining space at Skyland Services Center to relocate the Cooperative Extension and Soil and Water Offices to that location. In Mr. Thompson's opinion this will exceed the informal limit and will have to go through the formal bid process. This approval will be for construction drawings only.

Motion: *Commissioner Greene moved to approve the contract with Odell Thompson, Architect, for Design Services at the Skyland Services Center in the sum of \$72,000. Commissioner Jones seconded the Motion. Motion carried by unanimous vote.*

Commissioner Deitz expressed his concern with the cost to obtain the construction drawings. He thought there could possibly be an alternative through the state extension office for standard plans.

(18) DISPOSING OF PERSONAL PROPERTY RESOLUTION R15-16: Chairman McMahan presented a Resolution prescribing procedures for disposing of personal property valued at less than \$30,000. The Resolution authorized the county manager to dispose of any surplus personal property owned by the county with a value of less than \$30,000.

Motion: *Commissioner Greene moved to adopt Resolution R15-16 authorizing the county manager to dispose of any surplus personal property owned by the county with a value of less than \$30,000. Commissioner Elders seconded the Motion. Motion carried by unanimous vote.*

(19) DELEGATING LEASING AUTHORITY TO MANAGER RESOLUTION R15-17: Chairman McMahan presented a Resolution delegating leasing authority to the county manager for county owned parcels of property for leases of up to one year periods.

Motion: *Commissioner Jones moved to adopt Resolution R15-17 authorizing the county manager to lease county owned parcels of property for leases of up to one year periods. Commissioner Greene seconded the Motion. Motion carried by unanimous vote.*

(20) PLANNING BOARD ORDINANCE: Chairman McMahan presented amendments to the Planning Board Ordinance. A public hearing was held on October 20, 2015, with no public comment.

Motion: *Commissioner Greene moved to adopt Planning Board Ordinance Amendments. Chairman McMahan seconded the Motion. Motion carried by unanimous vote.*

(21) MOUNTAIN AND HILLSIDE DEVELOPMENT ORDINANCE: Chairman McMahan presented amendments to the Mountain and Hillside Development Ordinance. A public hearing was held on October 20, 2015, where Commissioners received public comment.

Motion: *Commissioner Deitz moved to adopt Mountain and Hillside Development Ordinance Amendments. Commissioner Greene seconded the Motion. Motion carried by a vote of 4-1, with Commissioner Elders voting “nay”.*

(22) HEALTH BOARD: *Carry over.*

(23) RECREATION AND PARKS ADVISORY BOARD: *Carry over.*

(24) HISTORIC PRESERVATION COMMISSION: *Carry over.*

(25) CASHIERS PLANNING COUNCIL: *Carry over.*

(26) PRESS CONFERENCE: None

Commissioner Greene expressed her concern with receiving items shortly before meetings and not having adequate time to review them so that she could make an informed decision.

(27) CLOSED SESSION:

Motion: *Commissioner Deitz moved that the Board go into closed session pursuant to G.S.143-318.11(a)(3) Legal, G.S.143-318.11(a)(5) Real Property and G.S.143-318.11(a)(6) Personnel. Commissioner Jones seconded the Motion. Motion carried.*

Chairman McMahan called the regular meeting back to order and stated no action was taken in closed session except the approval of the Closed Session Minutes of October 15th, 27th, 28th and 29th.

There being no further business, Commissioner Deitz moved to adjourn the meeting. Commissioner Elders seconded the Motion. Motion carried and the meeting adjourned at 8:43 p.m.

Attest:

Angela M. Winchester, Clerk to Board

Approved:

Brian Thomas McMahan, Chairman