

**MINUTES OF A
REGULAR MEETING
OF THE JACKSON COUNTY
BOARD OF COMMISSIONERS
HELD ON
JULY 21, 2016**

The Jackson County Board of Commissioners met in a Regular Session on July 21, 2016, 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

Heather C. Baker, Interim County Manager/Attorney
Angela M. Winchester, Clerk to Board

Chairman McMahan called the meeting to order.

(1) **AGENDA**: Chairman McMahan amended the agenda by adding the following items: Shooting Range Budget Ordinance Amendment; Industrial Development Ordinance Statement of Consistency; and Staff Salary Adjustments. Commissioner Elders moved to approve the amended Agenda. Commissioner Greene seconded the Motion. Motion carried.

(2) **MINUTES**: Commissioner Greene moved to approve the minutes of a Special Meeting of June 28, 2016. Commissioner Elders seconded the Motion. Motion carried.

(3) **CHAIRMAN'S REPORTS**: Chairman McMahan thanked Ms. Baker for the great job she was doing as Interim County Manager. He spoke with the new Manager, Don Adams, who was in the process of getting ready to move and was extremely excited about starting the new position. His first day would be August 1st and they would have a swearing in ceremony that day for him and a welcome with the Department Heads.

In August, there would be a celebration of the 100th anniversary of the National Park Service. They were fortunate to have the Blue Ridge Parkway in the area, which was one of the most visited parks in the nation. The official celebration would be held at the Blue Ridge Parkway on August 23rd at Waterrock Knob.

The National Parks Service asked each county to work to recognize and honor the celebration. In doing so, the Commissioners would be passing a Proclamation in August honoring the National Park Service and the impact it had on the community. The National Park Service had also asked the county to organize a hike as a way to get people involved.

Rusty Ellis, Parks and Recreation Director, stated that Lance Elzie, Outdoor Recreation Manager, had worked to put together a program for an official county celebration. There would be a hike at the Greenway on August 2nd from 9:00 a.m. to 11:30 a.m. They invited everyone to participate.

(4) COUNTY MANAGER REPORT: Ms. Baker reported:

(a) Building Permit Statistics: The activity in the Office of Inspections and Code Enforcement exceeded that of June 2015. The total permitting activity increased from 136 in June of 2015 to 140 in June of 2016 and June has been the busiest month for permits so far this calendar year.

(b) Paving at SRC's: Bids for paving the Tuckasegee SRC should be received soon which means paving should be completed by the end of September. They were under contract for paving repairs at the Dillsboro SRC and paving should be underway in a few weeks and also completed by the end of September.

(c) Well at Work: Congratulations to the 63 county employees who successfully completed the 2015-2016 wellness program and would be receiving their Well at Work Award.

(d) North Carolina Association of County Attorneys Conference: She attended the NCACA Conference on July 7-9 at Wrightsville Beach. It was a good conference and she met several individuals with the NCACC as well as other County Attorneys with whom she had contact with but had yet to meet in person. This was a good networking opportunity and a productive way to receive the latest update from the conclusion of the General Assembly's short session. Most of the legislative update centered around what was not passed at the recent short session, including a couple of land use bills that would have limited county authority in certain areas. She, along with Mike Poston and Tony Elders were watching these bills closely, as it would have required some changes to the way the county did business and they would continue to keep an eye out for these potential bills to resurface in future sessions.

(e) Contract with EBCI for Environmental Health Services: Jackson County along with Swain, Graham and Cherokee Counties came to an agreement with regard to a one year Memorandum of Understanding with the Eastern Band of Cherokee Indians regarding the counties continuing to provide environmental health inspections at no additional cost to the tribe for an additional year. The new MOU does have a provision for the Tribe to repay costs above the normal and customary for emergency and outbreak environmental health services the counties provide. Despite reaching this agreement, a provision was added to the NC General Statutes on the last evening of the short session compelling counties to provide health and human services traditionally provided by county agencies and not otherwise assumed by the EBCI. This prevents counties from being able to charge for this service in the future. They were unclear at that point on whether the provision would have any effect on DSS services provided by the county to the tribe, but did not expect that it would.

(f) DSS and Health Department Directors: Shelley Carraway from Durham had been hired as the new Health Department Director and would begin July 25th. Longtime Jackson County Department of Social Services Employee, Jennifer Abshire had been hired as the new DSS Director and would begin her new duties on August 1, 2016.

(g) Whittier Sanitary District: County staff was working with Dan Harbough and TWSA to implement the procedures related to the mandatory sewer connection policy for the Whittier Sanitary District. This mandatory connection policy would help relieve the economic burden of the WSD, but Commissioners may receive phone calls on this during implementation.

(h) Upcoming Meetings:

Monday, August 1, 2016 – Welcome Don Adams, Department Head meet and greet at 9:00 am

Thursday, August 4, 2016 – Regular Commissioner Meeting at 6:00 pm

Tuesday, August 16, 2016 – Work Session beginning at 10:00 am

Thursday, August 18, 2016 – Regular Commissioner Meeting at 6:00 pm

Tuesday, August 23, 2016 – National Park Service Commemoration of NPS's Centennial at Waterrock Knob at 10am

Thursday, September 1, 2016- Regular Commissioner Meeting at 6:00 pm

Monday, September 5, 2016-Labor Day Holiday, Offices closed

(5) INFORMAL COMMENTS BY THE PUBLIC:

(a) Marie Leatherwood of Sylva, stated her disapproval of the lawsuit brought against the Health Department.

(b) Patricia Chambers of Glenville, stated her support for Mau and Luker's press release regarding a joint Health Sciences Building for SCC and a County Health Department Building. She thought it would be a win-win situation.

(c) Allison Padgett of Sylva stated that if Commissioners agreed to purchase a van for the Animal Shelter, she requested that it have cruise control to make it easier for volunteer drivers.

(d) Chip Hall, Sherriff, stated he wanted to take a moment to thank the citizens of the county. With the horrible events that had occurred recently with law enforcement officers, it made him proud to be a citizen of Jackson County, where each day people are thanking and encouraging officers in the county. They remain committed to serving the citizens of the county.

(e) Kirk Stephens of Webster stated that he was a faculty member of SCC. He did not believe they should consider combining the county health department with an academic facility. There was an enormous amount of red tape that was required with SCC and he did not think it would mesh with the Health Department. He felt a conversation with SCC would be better than a press release.

Commissioner Greene stated that Dr. Tomas had invited all of the Commissioners to come out and tour SCC's health facility. She went from being a little skeptical to being well informed of what the needs were.

(6) CONSENT AGENDA: Brandi Henson, Tax Collector, presented Tax Collector and Refund Reports for June, 2016, for approval.

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

(7) SOUTHWESTERN COMMUNITY COLLEGE (SCC) HEALTH SCIENCES BUILDING: Dr. Tomas, President, presented: Source of funds identified for this project:

- Connect Bond funds (approximate) \$5,445,597
- Estimated County appropriation \$11,529,403
- Total sources of funds \$16,975,000
- Annual Estimated M/O = \$250,000+/-

Chairman McMahan stated that he, along with Ms. Baker and Ms. Fox met with Dr. Tomas and discussed at great length this project and what was being requested from the county. The step that day was simply for the county to commit to having the funds available when they got to the point where they needed them. Ms. Fox could not be at the meeting, but she would reiterate that before the county could commit funds they would have to send a summary of the project to the Local Government Commission for approval.

Commissioner Greene inquired as to how much NC Connect Bond funds SCC would receive and where they would utilize those funds.

Dr. Tomas stated they would receive approximately \$7.1 mil, which would be used at their Macon County facilities to resurface the driving course range and they had presented a proposal for construction of a new Burn Building, which the current one was 32 years old.

Chairman McMahan stated that the Burn Building was utilized by Jackson County Fire Departments also for their training as well as Jackson County Law Enforcement.

Commissioner Jones stated that speaking as an SCC Board of Trustees member, the safety of the firefighters was an important issue.

Commissioner Elders thanked Dr. Tomas for what they were doing. He also stated that he was impressed by the remarks of Ms. Chambers, and he requested that Dr. Tomas have a meeting with her to discuss her thoughts on the Health Department/Health Sciences Building.

Commissioner Greene stated that their last discussions were to look at renovating the existing building for the Health Department because of the reduction of employees.

Commissioner Jones agreed that the decrease in employees may mean that the needs assessment report would most likely point to renovation and/or an addition to the current building.

Motion: *Commissioner Greene moved to approve the request for the county to approve the 3-1 request to be forwarded to the State Board of Trustees and to approve the maintenance request of an annual estimated amount of \$256,898 to be added to a future budget in 3-5 years. Commissioner Jones seconded the Motion. Motion carried by unanimous vote.*

(8) FIRING RANGE: Dr. Tomas, SCC President, presented:

(a) Firing Range Remediation Bids:

- NEO Corporation
 - 289 Silkwood Drive, Canton NC
 - \$279,000 Treated
 - \$399,750 Untreated
- EVO Corporation
 - 1703 Vargrave Street, Winston Salem, NC
 - \$215,460 Treated
 - \$193,310 Untreated
- CCI
 - 281 Lang Parkway, Salisbury, NC
 - \$189,872.50 Treated
 - \$246,885 Untreated

(b) Firing Range Remediation Options – Treated:

- ECS’s recommendation: Accept CCI’s bid of \$189,872.50, includes on-site treatment and disposal
- ECS estimates their cost for oversight, sampling, and reporting for the treatment and disposal of the soil as non-hazardous is approximately \$47,000
- Total approximated cost is \$237,000

(c) Firing Range Remediation Options – Untreated:

- The Untreated EVO option: \$193,310
- ECS estimates their cost for oversight, sampling, and reporting for the disposal of the soil as hazardous is approximately \$45,000
- Total approximated cost is \$238,000

(d) Firing Range Remediation concerns – Untreated Option: “...there is a cradle to grave concern associated with obtaining a LQG [large quantity generator] status, meaning there is a long term liability associated with disposing of hazardous waste in a hazardous waste landfill.

If down the road, there is an issue at the hazardous waste landfill such as a leak and there is an environmental concern with lead, that can be traced back to SCC and SCC will be partially held liable. Again, this is only a potential scenario.” - John Bevers, ECS

Chairman McMahan stated that for clarification, the county was the current owner of the property and they leased it to SCC, therefore SCC would be contracting with the company to do the cleanup. However, SCC operates with funds from the county, so that was why the county was approving the project.

Informational Item Only.

(9) FIRING RANGE BUDGET ORDINANCE AMENDMENT: Ms. Baker presented a Budget Ordinance Amendment in the amount of \$237,183, for the firing range cleanup “Treated on Site” option with CCI, for fiscal year ending June 30, 2017, for approval.

Motion: Commissioner Greene moved to adopt the budget amendment to appropriate funds from fund balance for the “Treated on Site” option with CCI for remediation at the firing range for an approximate cost of \$237,183. Commissioner Jones seconded the Motion. Motion carried by unanimous vote.

Discussion:

Commissioner Deitz inquired if any other agencies or counties that utilize the facility had to pay to use it.

Dr. Tomas stated that outside agencies were fee exempt. That was the way it was with almost any other community college in the state.

Commissioner Elders inquired if the other agencies could volunteer to make a contribution in the future.

Dr. Tomas stated he could have a conversation with Mr. Dowdle to engage in conversation with those departments and counties to see their thoughts.

(10) RETIREE INSURANCE POLICY CHANGE: Danielle Wittekind, Human Resource Director, presented the Jackson County Retired Employees’ Insurance Plan Amendment. Amended Policy applies to all Jackson County Employees hired on or after July 1, 2013.

Requirement for Insurance:

I. Regular Employees enrolled in Local Government Retirement System:

1. Attainment of 60 years of age and accumulation of 20 cumulative vesting credit years with Jackson County.
2. Accumulation of 15 cumulative vesting credit years with Jackson County for any employee eligible for disability retirement insurance coverage.
3. Any age and accumulation of 30 cumulative vesting credit years with 20 of 30 vesting credit years with Jackson County.

II. Law Enforcement employee enrolled in the Local Law Enforcement Officers Retirement System:

1. Attainment of 55 years of age and accumulation of 20 cumulative vesting credit years with Jackson County.
2. Accumulation of 15 cumulative vesting credit years with Jackson County for any employee eligible for disability retirement insurance coverage.
3. Any age and accumulation of 30 cumulative vesting credit years with 20 to 30 vesting credit years with Jackson County.

III. Additional provisions for all employees:

1. The employee must be an active employee at the time of retirement to be eligible for the benefit.
2. The retired employee remains on the regular plan until eligible for Medicare when coverage is changed to a Medicare supplement.
3. Coverage for eligible dependents of retired employees may also be continued, but dependents may not be added after the retirement of the Jackson County employee **unless the dependent is a Jackson County employee at the time of the retirement; these dependents may be added upon termination of coverage as an employee if the dependent/employee is vested with five (5) years Jackson County LGERS contributions and covered under the plan at the time the dependent/employee’s coverage terminates.** The retired employee must pay the **full current** cost for dependent care.

4. Coverage for a surviving spouse and eligible children of a deceased employee may remain on the policy. The surviving spouse must pay the full current cost for dependent care.

Motion: *Commissioner Elders moved to adopt the Retiree Insurance Policy Change. Commissioner Greene seconded the Motion. Motion carried by unanimous vote.*

(11) ANIMAL SHELTER VAN: Commissioner Greene stated it had been brought to their attention by ARF and the Animal Shelter that a van was needed for volunteers to do animal transports to various locations. Currently they had to rent a van in order to transport the animals to no-kill shelters.

Ms. Baker stated that they were able to locate a van that met all the requirements, including cruise control, at a price of \$23,451.36.

Commissioner Jones stated that this van was not for transporting animals around the county, but it was for transporting to various locations where dogs were being adopted. This would allow them to continue with the 19 months of no euthanizing dogs in the county.

Chairman McMahan requested that Mr. Tyson work with Ms. Baker to develop a policy and guidelines by which the van would be used.

Motion: *Commissioner Greene moved to purchase the van for animal transport in the amount of \$23,451.36. Commissioner Jones seconded the Motion. Motion carried by unanimous vote.*

(12) WIRELESS TOWER WAIVER REQUEST: Michael Poston, Planning Director, stated that the Planning Department had received a request from the State Highway Patrol to waive the requirements and fees associated with the Wireless Communications Ordinance for the placement of a VIPER communications tower on PIN # 8502-95-3857 owned by Duke power. The property abuts the Jackson County and Transylvania County line and the National Forest Service property. There are multiple communications towers currently located on the property, including a County EMS tower. The addition of the VIPER tower will allow for the county to remove the existing EMS tower and co-locate on the proposed tower.

The tower is proposed to be 165 feet in height and located on the northwest corner of the property adjacent to the US Forest Service property. The State Highway Patrol has submitted preliminary plans that indicate that the proposed location will not meet the setback required for a communications tower. The setbacks required would be 175 feet (height of the tower plus 10 feet). The applicant has secured a letter of support from the US Forest Service indicating that, in their opinion, the proximity of the tower to the US Forest Service land would not have an adverse impact on operations.

The Section 30-29 Wireless Communications Ordinance allows for applicants to request a waiver from the Board of Commissioners. However, the Board cannot approve the waiver unless the applicant can demonstrate that the request is justified and is necessary to prevent unnecessary hardship and that it will have no significant effect on the health, safety and general welfare of the county or residents.

Motion: *Commissioner Greene moved to approve the waiver request. Commissioner Elders seconded the Motion. Motion carried by unanimous vote.*

(13) CONVEYANCE OF PROPERTY TO NON-PROFIT ORGANIZATION:

Chairman McMahan stated that historically, the county conveyed the property that the county owned to the individual volunteer fire departments. The Savannah Fire Department property had not yet been conveyed.

Ms. Baker stated that the Savannah Volunteer Fire Department's Board of Directors had discussed the issue and would like to own the property. The process by which the transfer would take place would be to put forth a resolution to transfer the property to a non-profit, which can be done without consideration. Once the resolution was passed by the Board of Commissioners, the Clerk would advertise the proposed transaction for 10 days. After that time had passed, the appropriate designee would sign the deed. She suggested that it would be appropriate to obtain a new survey and title search on the property prior to the presentation of a resolution. This item would be brought back before the Commissioners upon completion of the survey and title search.

Informational Item Only.

(14) NCACC 108TH ANNUAL CONFERENCE VOTING DELEGATE:

Motion: *Commissioner Elders moved to appoint Chairman McMahan as the Voting Delegate to the NCACC Annual Conference, August 11-14, to be held in Forsyth County. Commissioner Greene seconded the Motion. Motion carried by unanimous vote.*

(15) SEDIMENT CONTROL ORDINANCE AMENDMENT: Tony Elders, Permitting and Code Enforcement Director, presented an Amendment to the Sediment Control Ordinance (No. 004-03). A public hearing was held on July 21st at 5:35 p.m., no public comments were made.

Motion: *Commissioner McMahan moved to adopt the Amendment to the Sediment Control Ordinance. Commissioner Jones seconded the Motion. Motion carried by unanimous vote.*

(16) SOLID WASTE ORDINANCE AMENDMENT: Chad Parker, Solid Waste Director, presented an Amendment to the Solid Waste Ordinance (No. 005-04). A public hearing was held on July 21st at 5:40 p.m., no public comments were made.

Motion: *Commissioner Elders moved to adopt the Amendment to the Solid Waste Ordinance. Commissioner Greene seconded the Motion. Motion carried by unanimous vote.*

(17) INDUSTRIAL DEVELOPMENT ORDINANCE AMENDMENT: Michael Poston, Planning Director, presented an Amendment to the Industrial Development Ordinance (No. O2010-03). A public hearing was held on July 21st at 5:30 p.m., where public comments were made.

Chairman McMahan requested that Mr. Poston speak to the comments that were made at the public hearing.

Mr. Poston stated that as far as bonding, in general, the only time that the regulatory system gets involved with that was usually through performance guarantees regarding construction or landscaping, etc. He did not know if it would be commonplace to hold a bond or require liability insurance on this class of business to operate. Generally, they would discuss land use and he did not believe they would go as far as to require liability insurance. As far as the increased setbacks, they could always look at those and determine if they could make them greater or reduce them. At that time, with the existing setbacks, he did not believe they had a request for heavy industry or mining, so he did not have data that would indicate if they would be restrictive or not restrictive. They would need to consider all things and determine where the balance would be.

Motion: *Commissioner Elders moved to adopt the Amendment to the Industrial Development Ordinance. Commissioner Greene seconded the Motion. Motion carried by unanimous vote.*

(18) INDUSTRIAL DEVELOPMENT ORDINANCE CONSISTENCY

STATEMENT: Michael Poston, Planning Director, presented a Statement of Consistency pursuant to G.S. 153A-341 regarding the Amendment to the Industrial Development Ordinance (No. O2010-03).

Motion: *Commissioner Greene moved to adopt the Statement of Consistency regarding the Amendment to the Industrial Development Ordinance. Commissioner Jones seconded the Motion. Motion carried by unanimous vote.*

(19) CARLTON LAND TRUST DEVELOPMENT AGREEMENT ORDINANCE

AMENDMENT: Ms. Baker presented an Amendment to the Carlton Land Trust Development Agreement Ordinance (No. O2012-02). She stated that on December 17, 2015, the Board gave approval for Chinquapin to move forward. She presented the final document for approval.

Motion: *Commissioner Greene moved to adopt the Amendment to the Carlton Land Trust Development Agreement Ordinance. Commissioner Jones seconded the Motion. Motion carried by unanimous vote.*

(20) RENAMING A ROAD ORDINANCE – GAY ROAD TO GREENWAY

ROAD: Ms. Baker stated that an application had been received to change Gay Road to Greenway Road. A petition had been received from 9 of the 10 property owners in favor of the change. Notice had been posted and a public hearing was held on July 21st at 5:50 p.m., where public comments were made.

Motion: *Commissioner Greene moved to adopt Ordinance No. O2016-02 to grant the name change as presented. Commissioner Elders seconded the Motion. Motion carried by unanimous vote.*

(21) RENAMING A ROAD ORDINANCE – MOUNTAIN TRACE ROAD TO

CLOVERDALE ROAD: Ms. Baker stated that an application had been received to change Mountain Trace Road to Cloverdale Road. A petition had been received from 2 of the 2 property owners in favor of the change. Notice had been posted and a public hearing was held on July 21st at 5:50 p.m., where public comments were made.

Motion: *Commissioner Elders moved to adopt Ordinance No. O2016-03 to grant the name change as presented. Commissioner Jones seconded the Motion. Motion carried by unanimous vote.*

(22) ORDER OF COLLECTION (R16-19): Ms. Baker stated that the Order of Collection authorizes, empowers and commands the collection of taxes as set forth in the tax records filed in the office of Tax Administration.

Motion: *Commissioner Greene moved to adopt the Order of Collection Resolution (R16-19). Commissioner Jones seconded the Motion. Motion carried by unanimous vote.*

(23) FIREMEN'S RELIEF FUND BOARD OF TRUSTEES:

Motion: *Commissioner Elders moved to appoint Blaine Ensley to serve the unexpired term of the late Grady Parker, as the Cullowhee representative on the Firemen's Relief Fund Board of Trustees, term to expire January 1, 2017. Commissioner Greene seconded the Motion. Motion carried by unanimous vote.*

(24) SOUTHWESTERN COMMUNITY COLLEGE BOARD OF TRUSTEES:

Macon County Board of Commissioners recommended the reappointment of Gary Shields as Macon County representative to the Southwestern Community College Board of Trustees.

Motion: Commissioner Jones moved to reappoint Gary Shields to serve a four year term on the Southwestern Community College Board of Trustees as a Macon County Representative, term to expire June 30, 2020. Commissioner Elders seconded the Motion. Motion carried by unanimous vote.

(25) PRESS CONFERENCE: None

(26) CLOSED SESSION:

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

Chairman McMahan called the regular meeting back to order and stated no action was taken in closed session except for the approval of the minutes.

(27) STAFF SALARY ADJUSTMENTS: Ms. Baker stated that the Board of Elections and Health Department, which were state funded and had their own boards, had requested the following salary adjustments:

(a) Lisa Lovedahl / Board of Elections: Adjustment to Grade 26, Step 22 in the amount of \$65,689.55.

Motion: Chairman McMahan moved to approve the request to move Lisa Lovedahl to Grade 26, Step 22 at \$65,689.55. Commissioner Elders seconded the Motion. Motion carried by unanimous vote.

(b) Brenda Lee Lillard / Health Department: Adjustment to Grade 28, Step 17 at \$65,595.47.

Motion: Commissioner Jones moved to approve the request to move Brenda Lee Lillard to Grade 28, Step 17 at \$65,595.47. Chairman McMahan seconded the Motion. Motion carried by unanimous vote.

(c) Jennifer Luker / Health Department: Adjustment due to not being able to reclassify due to state constraints to Grade 22, Step 26 at \$58,497.87.

Motion: Commissioner Elders moved to approve the request to move Jennifer Luker to Grade 22, Step 26 at \$58,497.87. Chairman McMahan seconded the Motion. Motion carried by unanimous vote.

(d) Melissa McKnight / Health Department: Adjustment to Grade 28, Step 1 at \$47,782.76, to be adjusted to Grade 31, Step 1 after one year.

Motion: Commissioner Jones moved to approve the request to move Melissa McKnight to Grade 28, Step 1 at \$47,782.76, to be readjusted to Grade 31, Step 1 after meeting the first year requirements after one year. Commissioner Elders seconded the Motion. Motion carried by unanimous vote.

There being no further business, Commissioner Jones moved to adjourn the meeting. Commissioner Elders seconded the Motion. Motion carried and the meeting adjourned at 8:16 p.m.

Attest:

Approved:

Angela M. Winchester, Clerk to Board

Brian Thomas McMahan, Chairman