

**MINUTES OF A
REGULAR MEETING
OF THE JACKSON COUNTY
BOARD OF COMMISSIONERS
HELD ON
MAY 01, 2017**

The Jackson County Board of Commissioners met in a Regular Session on May 01, 2017, 3:00 p.m., Justice & Administration Building, Room A201, 401 Grindstaff Cove Road, Sylva, North Carolina.

Present: Brian McMahan, Chairman
Charles Elders, Vice Chair
Boyce Deitz, Commissioner
Mickey Luker, Commissioner
Ron Mau, Commissioner

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

Chairman McMahan called the meeting to order.

(1) **PROCLAMATION FOR MILITARY PURPLE HEART**: Chairman McMahan read a Proclamation declaring Jackson County as Purple Heart County. Commissioner Elders moved to approve the Proclamation. Commissioner Mau seconded the Motion. Motion carried.

(2) **PROCLAMATION HONORING OLDER AMERICANS**: Commissioner Elders read a Proclamation declaring May as Older Americans Month. Commissioner Deitz moved to approve the Proclamation. Commissioner Luker seconded the Motion. Motion carried.

(3) **AGENDA**: Commissioner Mau moved to approve the Agenda. Commissioner Elders seconded the Motion. Motion carried.

(4) **MINUTES**: Commissioner Elders moved to approve the minutes of a Regular Meeting of April 17, 2017. Commissioner Deitz seconded the Motion. Motion carried.

(5) **CHAIRMAN'S REPORT**: None.

(6) **COMMISSIONER REPORTS**:

(a) Commissioner Mau stated the Tourism Development Authority met last week and asked him to offer their gratitude for helping to get them moved into their new office. Also, Tuckasegee Water and Sewer Authority had their retreat last Tuesday and he shared three of the main items that came out of the retreat:

- Staff was working to develop a policy to review the founding documents and bylaws on a regular basis;
- Subcommittees were organized to evaluate the economic feasibility of projects; and
- They would be reviewing impact fees.

(b) Commissioner Luker stated he had an opportunity to attend the Cashiers Planning Board meeting, which was well attended. There were several activities happening in Cashiers, including the sale of both service/gas stations. He also attended the Council on Aging Board meeting and volunteer luncheon, where he spoke on behalf of the Commissioners. There were 648 volunteers that served 14,034 hours, which saved the county and taxpayers \$310,000 per year. He appreciated Eddie Wells and his team and all of the volunteers for all the countless hours they gave selflessly of their time.

(c) Commissioner Deitz commended the Grounds Department for the great job they did to keep the grounds around the Justice Center beautiful and maintained.

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

(a) **Freedom Park:** The Charters of Freedom dedication was scheduled for Friday, May 19th at 12:30 pm. In the center monument there was a vault that would contain a time capsule to be opened on the 300th anniversary of the signing of the Constitution, which was September 17, 2087. Foundation Forward, Inc. was now collecting information to be placed in the time capsule. The time capsule would be sealed on May 15th.

(b) **Sylva Pool Renovations:** Notice of award was issued to Carolina Pool Plastering, Inc. by the Town of Sylva on April 13th. The work included re-plastering the main swimming pool and the wading pool, associated tile work and miscellaneous related improvements.

(c) **Skyland Services Center Remodel:** Local code enforcement and planning reviewed and approved the project. Architectural engineering construction documents were near completion. Bid documents should be ready in early May. He recommended a 30 day bid period with potential award dates to occur in June or early July.

(d) **Legislation Naming Jackson County as the “Trout Capital Of the State of North Carolina”:** HB 101 (Substitute H101-PCS30364-LG-2) “A BILL TO BE ENTITLED AN ACT ADOPTING JACKSON COUNTY AS THE TROUT CAPITAL OF THE STATE OF NORTH CAROLINA” passed its 3rd reading in the NC House of Representatives on April 20th. It was sent to the Senate where it passed its 1st reading on April 21st and was referred to committee.

(e) **Upcoming Meetings:**

Tuesday, May 9th – Commissioner Budget Work Session at 1:00 pm.

Monday, May 15th – Regular Commissioner Meeting at 6:00 pm

(8) INFORMAL COMMENTS BY THE PUBLIC:

(a) Curt Collins of Sylva stated that regarding the proposed easement on South Painter Road, he did not want to lose any of property at the Cullowhee Community Garden for a development. In general, he did not support that development. He thought that area had suffered greatly recently. If the development did come in, he wanted them to make efforts to provide adequate sidewalks and public transportation for students to and from school.

(b) Adam Bigelow of Cullowhee stated that regarding the proposed development on South Painter Road, he was the manager of the Cullowhee Community Garden and was concerned about the impacts on that area. He requested that the Commissioners use the easement to get some sort of mitigation to reduce the impact of the student housing. He was not against development in general or specifically against that development as it did fit into some ideas he had on sustainability for cluster housing. However, thinking about 400 cars using that road, which was already a bottleneck and already across the flood plain of Cullowhee Creek. They needed to find a way to connect WCU to the greenway and sidewalks so that there would not be as much vehicle traffic. There would be impacts to the garden during construction, but hopefully not with hydrology or water equality, as the garden was maintained and operated by organic standards. It would be the ongoing impacts that would change water movement in the area. He asked them to think about long-term needs for the garden, such as bathrooms and a washing station.

(9) MOUNTAIN PROJECTS: Gavin Brown, Mountain Projects Board Chairman, gave an overview of Mountain Projects:

(a) Mountain Projects was created in 1965 and was chartered as a non-profit with a united partnership between Haywood and Jackson counties as a war on poverty. It has grown to an annual budget of over \$13 mil. Currently, they had 140 employees and 50 volunteers that provided services:

- 1,800+ assisted with compliance with the Affordable Care Act.
- 31,000+ meals provided annually through Food Services.
- 200+ volunteers associated with agency programs.
- \$6,000,000+ spent in Jackson County

(b) New office space: Their current facility was outdate and approaching 100 years old.

- Board Committee searched locations without success.
- Decision to make offer for previous Health Department building on Asheville Highway.
- \$325,000 potential purchase price (\$113,000 cost reduction).
- County providing financing and project manager (employee of the county).

(c) Challenges:

- No current mortgage payment in budget.
- USDA loan.
- Minimal rehab cost - \$632,000.
- Low overhead.

(d) Supporting Mountain Projects. Mountain Projects requested that Jackson County provide funding in the amount of \$150,000 to support relocation.

Motion: Commissioner Elders moved to grant the request to provide funding in the amount of \$150,000 to support relocation of the Mountain Projects offices. Commissioner Luker seconded the Motion. Motion carried by unanimous vote.

(10) PROPOSED EASEMENT – SOUTH PAINTER ROAD: Present for this item: Brantley Basinger, Principal, Mallory & Evans Development; David McKenna, VP Development, Mallory & Evans Development; Ted Hudgins, COO & VP Construction, Mallory & Evans Development; Victor Lofquist, President, Lofquist and Associates; and Mark Teague, President, J.M. Teague Engineering & Planning.

Mr. Basinger stated that Mallory & Evans Development was a 61 year old family-owned and operated business. They currently owned and operated approximately 2,500 beds at several different universities. They also managed the properties they built and had never sold a property. They focus on the student experience and student programs where they actually hire students into their company.

Mr. McKenna stated they were making a specific request for an easement. There was a previous project approved for the site with nearly 500 bedrooms. They were proposing less than 400 bedrooms in townhomes, not apartments. He then shared the preliminary site plan layout, which showed two entrances with 12 townhome buildings.

The request would be to acquire an easement to take their sewer to the line and also take their storm water to a storm water pipe directly to the creek. This would have a positive effect on storm water along that area. Also, they had made an offer to purchase the triangular piece of property owned by the county to add to their property. In addition, they proposed to build a sidewalk along their property on South Painter Road and continue it all the way to Monteith Road, to be the start of what they hope would become a pedestrian friendly connected area. They were also excited about the community garden across the street.

Commissioner Deitz inquired about transportation for the students to campus.

Mr. McKenna stated they had been in contact with the director of communications at WCU and were in discussions regarding running a shuttle bus. WCU would need financial support to run a shuttle, which they could provide. They would need an adequate turnaround for a bus, which they could provide if they were able to acquire the triangular piece of property from the county to shift the storm water and make a turnaround. In terms of walking or biking, the best long-term solution would be a sidewalk along their property and they were willing to extend it to Monteith. They could not take it further than that, it would be up to DOT to extend it beyond that point.

Commissioner Luker inquired about the number of beds and parking spaces.

Mr. McKenna stated they were proposing 388 bedrooms and 418 total parking spaces. Typically, they provided one parking space per bedroom with extra spaces for visitors and guests.

Commissioner Luker stated he was concerned about not having adequate or sufficient parking for the students and guests. With the community garden being across the street, he was concerned that area would become an overflow parking area. He thought that Commissioners should consider a joint collaboration between the county, WCU, DOT and the community to come up with different options of transportation to get into the university.

Commissioner Mau stated that in his experience, driving by other student housing projects, there were cars that caused safety issues because they were parked next to the intersection. How did they handle parking at their other locations?

Mr. Brantley stated they would issue parking passes or decals to their residents. Also, the overflow parking issue would be an easy fix because the community would be gated and have video cameras at both entrances. They did believe there was enough parking to accommodate the residents. Also, they would monitor very closely and work with the community garden. If a car was parked at an unauthorized location, they would have it towed. He did not envision that being a problem across the street.

Commissioner Luker inquired why they wanted to be a gated community when no other student housing project in the area was gated.

Mr. Brantley stated it was their philosophy and all of their communities were gated for security.

Mr. McKenna stated they were requesting a 30' easement to accommodate storm water and sewer. The storm water would be detained and filtered before entering into the creek. They would be capturing all of the storm water from their site and they would be responsible for the construction of the lines over county property. They were offering \$25,000 for the triangular piece and \$10,000 for the easement. The previous Board of Commissioners approved this easement to another developer, who offered less for the property and the easement.

Commissioner Mau stated what if the county did not want the sidewalk to extend to Monteith.

Mr. Brantley stated they would be happy to listen.

Chairman McMahan stated extending the sidewalk to Monteith would be beneficial if the road got widened in the future. He inquired of the project timeline.

Mr. Brantley stated they would need to start grading by mid to late July.

Mr. McKenna stated they had a traffic engineer complete a study, which recommended a deceleration lane entering the project and a turn lane at the corner of Monteith and Painter. The report was in draft form and was being finalized.

Mr. Lofquist stated they were looking to do a retention basin or possibly a wet retention basin on the property, which would be in compliance with the new Cullowhee Zoning Ordinance requirements as far as water quantity and quality controls. The water would be filtered and that would serve as retention as well. As far as the flood plain, the main impact to the project, would be to back-up the storm water system that would be in place. There would be a longer retention in most events. Currently, on South Painter Road, there was one pipe that drained the ditch line water directly into the Tuckasegee River. DOT had shown support in what they were looking to do with a new pipe through the easement that was being requested from the county.

Chairman McMahan stated there had been several questions, in particular regarding the traffic study that had been done. He requested to see a copy of the traffic study before they moved further on the issue. He requested to table the item to allow for time to review the traffic study.

Mr. Teague stated he was asked to do a traffic study for the proposed development. Generally speaking, an “A” would be the traffic in downtown Sylva at 3:00 a.m. and an “F” would be the worst gridlock traffic. With this particular development, they studied site access, but they also studied the intersection of Painter and Monteith Roads. They used a worst case scenario, to show everyone driving and no bikes or mass transit. At build-out time, they show traffic at levels “A” and “B”, so the intersection would operate fine with all taken into account. They did look at a left turn lane coming north on Monteith to turn onto Painter.

Consensus: *Table the item and carry it over to the next regular meeting to allow for time to review the finalized traffic study.*

(11) PROPOSED EASEMENT – CULLOWHEE RECREATION DEPARTMENT PROPERTY: Present for this item: JR Johnson, President, Highlands at Cullowhee, LLC; Jason Stough, Civil Engineer; and Jay Coward, Attorney.

Mr. Coward stated that Highlands at Cullowhee, LLC, recently purchased property in the Cullowhee Commercial Planning Area and was proposing a multi-family development at 51 Masterpiece Drive in Cullowhee. Mr. Johnson had been working with Tuckasegee Water and Sewer Authority (TWSA) on the design and permitting of the development and utilities. Since the development would be required to connect to public utilities, they would be required to construct and route a new sanitary sewer line through the development, across the public right-of-way, to a connection point on the Jackson County Parks and Recreation property.

The request was for the Commissioners’ approval of a non-exclusive sanitary sewer easement from the public right-of-way to the manhole located on the Jackson County Parks and Recreation property. Items for consideration in reviewing the request:

- They would be investing approximately \$150,000 to construct, at their sole cost and expense, the water and sanitary sewer lines.
- The water and sanitary sewer lines would be constructed to TWSA’s standards and would be dedicated to TWSA for future public use.
- The eight inch sanitary sewer line exceeds the capacity needed for the Highlands at Cullowhee and may be used for future development.
- The new sanitary sewer line would extend across Highway 107 providing for sanitary sewer connections where there were previously none.
- TWSA approved the form of Easement Agreement and was supportive of the construction of the new sanitary sewer and water line.
- Highlands at Cullowhee would pay TWSA an estimated \$45,000 in impact fees and permit fees, which may be used by TWSA for future maintenance of all water and sewer lines in the county, benefiting the citizens of the county.
- Offered a sum of \$2,500 to compensate the county for granting the easement.

Chairman McMahan stated that it was his understanding that from the location, there were potentially two other property owners that would be involved with the utilities, NCDOT and Jackson County Public Schools.

Mr. Coward stated his understanding was that regarding NCDOT, they had the permitting ready to be in place awaiting the county’s decision. Also, if the county agreed, they could have discussions with the school system.

Commissioner Deitz inquired if the eight inch line would serve the whole community on that side, if they wanted to connect.

Michael Poston, Planning Director, stated he spoke with Dan Harbaugh, Executive Director of TWSA, and he thought it was reasonable to state it would serve that residential area as there would be a lot of capacity in an eight inch line. Also, this project had been approved by the planning board.

Mr. Stough stated they would also install a fire hydrant and multiple manholes and would be working with TWSA on all the details.

Mr. Coward requested that the Commissioners move forward to enter into the agreement with Mr. Johnson, subject to Ms. Baker's review of all documentation.

Motion: *Commissioner Luker moved to grant an easement to Highlands at Cullowhee, LLC, as shown on the attached plat, subject to Ms. Baker's review of final documentation, for the consideration of \$2,500. Commissioner Elders seconded the Motion. Motion carried by unanimous vote.*

(12) TOURISM DEVELOPMENT AUTHORITY: Robert Jumper, Chairman, stated that in researching personnel and HR policies for their new employee position, it was discovered by the Jackson County Human Resources Director, that the county would be required to offer health insurance through the Affordable Care Act to the Executive Director, a Jackson County Tourism and Development Authority (JCTDA) employee.

Through discussions with the county attorney, HR Director and finance director, it was apparent the county was already providing a number of services to the JCTDA. The administration of benefits by the county for the JCTDA employee was an operationally efficient consideration for both the county and the JCTDA. This arrangement was by far the most common in the state.

The JCTDA Board voted and passed a motion on April 19, 2017, to request that the Executive Director, Nick Breedlove, be identified as a county employee, in accordance with Resolution R12-34 and that the executive director would report to the JCTDA Board of Directors. The JCTDA Board of Directors would be responsible for conducting annual performance reviews; the JCTDA would retain disciplinary and/or termination ability for the position.

The JCTDA recommended this change take effect May 1st, which would allow employee benefits to take effect June 1st. The salary for the position shall be in line with the amount previously requested of the Board of Commissioners.

Motion: *Commissioner Luker moved to approve the request from JCTDA, as presented. Commissioner Mau seconded the Motion. Motion carried by unanimous vote.*

(13) FIREWORKS REQUEST: Tony Elders, Director of Permitting and Code Enforcement, stated he received an application for a fireworks display at WCU on September 9th. The display operator would be East Coast Pyrotechnics.

Motion: *Commissioner Elders moved to approve the request for a fireworks display at WCU on September 9th. Commissioner Mau seconded the Motion. Motion carried by unanimous vote.*

(14) R&B LANDFILL, INC. CONTRACT RENEWAL: Chad Parker, Public Works Director, stated this was the third amendment to the disposal agreement for waste management. This particular contract did not actually need to renew until September, but Mr. Adams requested to line up all of the solid waste contracts to expire at the same time, so that they could look at them all together for a possible savings. They would keep the same rate as they currently had for the disposal fee at \$22.16 per ton. He requested the Commissioners take action to renew the contract to continue service until December 31, 2018.

Motion: *Commissioner Mau moved to approve the contract renewal with R&B Landfill, Inc., to expire December 31, 2018, as presented. Commissioner Elders seconded the Motion. Motion carried by unanimous vote.*

(15) EASTERN BAND OF CHEROKEE INDIANS MEMORANDUM OF UNDERSTANDING (MOU):

Ms. Baker stated the county signed the same memorandum last year for a one year term. This MOU was for three years and would allow the health department to provide health and sanitation application and enforcement on tribal lands. In order to do this, they would need the consent of the tribe. By this agreement, the Tribe provided consent to allow the health department to do the work they had been doing on tribal lands and collect fees for the services.

She noted that in Article 2, No. 5, of the MOU did allow for the Tribe to reimburse the county for cost outside the normal range of services, such as an outbreak. This language had now been accepted by the tribe.

Mr. Adams stated this agreement did allow the county to charge normal fees to the tribe.

Motion: *Commissioner Luker moved to approve the MOU with the Eastern Band of Cherokee Indians, as presented. Commissioner Mau seconded the Motion. Motion carried by unanimous vote.*

(16) COMPREHENSIVE LAND USE PLAN: Mr. Poston stated that in 2014 the county established the Comprehensive Land Use Plan/Transportation Plan Steering Committee to guide the process of updating both the county's Land Use Plan and Transportation Plan. The Steering Committee members, all volunteers, spent countless hours in researching and discussing all of the elements that factor into how the county would develop over the next 25 years. This two and a half year process included the development of the vision statement, public survey, research and discussion of planning elements, formation of goals and objectives for the 10 planning elements, development of an Action Plan, public meetings to gain community input, and incorporating the community's comments into a final draft.

The final draft was recommended by the Steering Committee to the Planning Board at their March 1, 2017 meeting. The Planning Board was presented with and discussed the final draft at their April 13, 2017 meeting. That discussion led to a recommendation from the Planning Board that the Commissioners consider adopting the updated Comprehensive Land Use Plan.

He requested that the Board of Commissioners call for a public hearing to consider the Jackson County Land Use Plan 2040 for June 19th at 5:45 p.m.

Motion: *Commissioner Elders moved to set a public hearing on June 19th at 5:45 p.m. to be held at the Justice & Administration Building, Room A201, 401 Grindstaff Cove Road, Sylva, North Carolina. Commissioner Mau seconded the Motion. Motion carried by unanimous vote.*

(17) ABC BOARD:

Motion: *Commissioner Elders moved to reappoint David Noland to another one year term on the ABC Board, term to expire June 30, 2018. Commissioner Luker seconded the Motion. Motion carried by unanimous vote.*

(18) CEMETERY BOARD:

Motion: *Chairman McMahan moved to reappoint Emerson "Pete" Blanton to a four year term on the Cemetery Board, term to expire May 02, 2021. Commissioner Luker seconded the Motion. Motion carried by unanimous vote.*

(19) HISTORIC PRESERVATION COMMISSION:

Carry over.

(20) PRESS CONFERENCE: None.

(21) CLOSED SESSION:

Motion: *Commissioner Mau moved that the Board go into closed session pursuant to G.S.143-318.11(a)(3) Legal for one item and G.S.143-318.11(a)(5) Real Property for one item. Commissioner Luker seconded the Motion. Motion carried.*

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

There being no further business, Commissioner Mau moved to adjourn the meeting. Commissioner Elders seconded the Motion. Motion carried and the meeting adjourned at 5:04 p.m.

Attest:

Approved:

Angela M. Winchester, Clerk to Board

Brian Thomas McMahan, Chairman