

**MINUTES OF A  
REGULAR MEETING  
OF THE JACKSON COUNTY  
BOARD OF COMMISSIONERS  
HELD ON  
JULY 17, 2017**

The Jackson County Board of Commissioners met in a Regular Session on July 17, 2017, 6:00 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) **AGENDA**: Commissioner Elders moved to approve the Agenda. Commissioner Mau seconded the Motion. Motion carried.

(2) **MINUTES**: Commissioner Elders moved to approve the minutes of a Work Session of June 13, 2017; a Public Hearing – Comprehensive Land Use Plan of June 19, 2017; and a Regular Meeting of June 19, 2017. Commissioner Mau seconded the Motion. Motion carried.

(3) **CHAIRMAN’S REPORT**: None.

(4) **COMMISSIONER REPORTS**: Commissioner Deitz stated he appreciated the work that had been done to resurface and repair the two railroad crossings on Scotts Creek Road.

(5) **COUNTY MANAGER REPORT**: None.

(6) **INFORMAL COMMENTS BY THE PUBLIC**: None.

(7) **CONSENT AGENDA**: Brandi Henson, Tax Collector, presented, Tax Collector and Refund Reports for June, 2017, for approval.

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

(8) **MOUNTAINS-TO-SEA TRAIL**: Jay Coward stated he was a member of the Friends of the Mountains-to-Sea Trail and that the Mountains-to-Sea Trail went through Jackson County. The trail only recently became a state park and was still an evolving project. When he got involved, he saw an opportunity to promote “Trail Towns” like the Appalachian Trail had. Franklin and Hot Springs were both “Trail Towns” as people would come off the trail and stay in a hotel, resupply and rest in town. This was the idea they were trying to support in towns all across North Carolina.

There was a segment of the trail that went through Jackson County by way of the Smokies, the Blue Ridge Parkway and connected at Waterrock Knob. He persuaded the Friends of Mountain-to-Sea Trail to drop another route that went down Deep Creek in Bryson City and up the Tuckasegee River through Dillsboro, Sylva and up through Pinnacle Park connecting with Waterrock Knob.

He recently met with the Town of Sylva and the Town of Dillsboro to inform them that the trail was going through their towns. The next steps would be for towns and counties to adopt resolutions regarding the locations of the trails. He looked forward to following-up and updating the Commissioners in the future regarding the adoption of a resolution for the county.

There would be an event on September 9<sup>th</sup> where there would be people walking every portion of the trail in the state. He invited the Commissioners to participate in the event by joining in the walk on the Jackson County section.

*Informational item.*

**(9) SCRAP TIRE RECYCLING AND DISPOSAL CONTRACT:** Chad Parker, Public Works Director, presented a contract for Recycling and Disposal with U.S. Tire Recycling Partners, LP. This was the same company that other area counties use for tires as well. He recommended that the Board approve the contract.

***Motion:*** *Commissioner Luker moved to approve the Scrap Tire Recycling and Disposal Contract, as presented. Commissioner Elders seconded the Motion. Motion carried by unanimous vote.*

**(10) FIRE PROTECTION AND AUTOMATIC AID ASSISTANCE CONTRACTS:** Michael Forbis, Fire Marshal, presented Fire Protection Contracts for Balsam-Willets-Ochre Hill VFD, Canada VFD, Cullowhee VFD, Qualla VFD, Savannah VFD and the Town of Sylva. The contracts would commence upon execution by both parties and would continue in full force and effect for five years.

Chairman McMahan noted that the date on the contracts was June 30, 2019 and should be June 30, 2022.

***Motion:*** *Commissioner Luker moved to approve the Fire Protection and Automatic Aid Assistance Contracts contingent upon changing the date from June 30, 2019 to June 30, 2022. Commissioner Elders seconded the Motion. Motion carried by unanimous vote.*

**(11) UNIFIED DEVELOPMENT ORDINANCE (UDO) CONSULTATION CONTRACT:** Michael Poston, Planning Director, stated that the county managed development through the use of 21 standalone ordinances regulating activities including three zoning ordinances, subdivisions, outdoor lighting, signs, Mountain and Hillside Development, and Telecommunications. While these ordinances assisted the county in addressing development concerns, they had come to the point where managing all 21 documents had become unsustainable. In addition to duplicating language with regard to administrative authority, definitions and enforcement procedures, in some cases they had two or more ordinances with conflicting regulations.

In order to create a more sustainable ordinance management model, the Planning Staff recommended and budgeted for the creation of a Unified Development Ordinance (UDO). A UDO was a framework document that would combine the common elements of the ordinances (administration, definitions, enforcement, appeals) thus creating a more sustainable administrative document. As a part of the process, they would be able to resolve conflicts between ordinances and make any changes necessary to bring the regulations in compliance with any recent changes in state statutes or case law.

To begin the project, staff solicited bids through an RFP process. Included in the scope of services was to assist the county with merging the development ordinances, providing technical updates based on current state statutes and case law, attendance at four Board of Commissioners meetings, attendance at the Planning Board and Planning Council meetings and public engagement. They received three responses and interviewed all three respondents. The interviews were conducted by a Selection Committee made up of the Planning Director, Senior Planner, Planner 1, County Attorney, Inspections and Code Enforcement Director and Planning Board Chair.

The Selection Committee found that all three respondents were qualified for the work, but recommended the county select Stewart Inc. out of Raleigh, NC. They had partnered locally with JM Teague from Waynesville to assist with the project. Their proposal and contract outlined a 14 month project timeline that included the Board engagement and public engagement that they believed was essential to the project. The compensation for services was \$66,000.

The project was also consistent with the recently adopted Comprehensive Land Use Plan. Land Use Goal #2 stated that they wanted to ensure that development regulations met existing and future challenges and opportunities. The second objective recommended the creation of a UDO to modernize the county's development regulation framework. It was also listed as a short term goal in the Action Plan.

He requested that the Board of Commissioners approve the contract with Stewart Inc., in the amount of \$66,000 for the creation of a Jackson County UDO.

***Motion:*** *Commissioner Mau moved to approve the contract with Stewart, Inc. in the amount of \$66,000. Commissioner Luker seconded the Motion. Motion carried by unanimous vote.*

**(12) POLICY ON FORECLOSED REAL PROPERTY DISPOSITION:** Ms. Baker presented the policy that had been discussed at the last work session regarding the sale of surplus real property owned by the county. The purpose of the policy was to establish a system that would promote a fair and effective means for anyone to purchase property that the county obtained by a tax foreclosure sale, through a private bid process.

***Motion:*** *Commissioner Elders moved to adopt the Policy on Foreclosed Real Property Disposition, as presented. Commissioner Mau seconded the Motion. Motion carried by unanimous vote.*

**(13) OFFER TO PURCHASE AND CONTRACT:** Ms. Baker presented an Offer to Purchase and Contract for Lot 41, Pilot Mountain Vista in the sum of \$1,000 from Ted and Lori Schmidt. The tax value of the property was \$5,000, but the county had \$7,200 in the property.

Mr. Adams stated that based on the Policy on Foreclosed Real Property Disposition that was just adopted, this offer would be rejected.

***Motion:*** *Commissioner Luker moved to reject the Offer to Purchase and Contract for Lot 41, Pilot Mountain in the sum of \$1,000, subject to the Policy on Foreclosed Real Property Disposition that was just adopted. Commissioner Mau seconded the Motion. Motion carried by unanimous vote.*

**(14) CITIZENS ACADEMY:** Mr. Adams requested that the Commissioners approve a citizens academy being established in the county, which would offer a unique opportunity for county residents to get an in-depth look at the functions of county government. The first eight-week session would begin September 11<sup>th</sup> and end November 13<sup>th</sup>.

***Motion:*** *Commissioner Elders moved to approve the establishment of a citizens academy in the county. Commissioner Mau seconded the Motion. Motion carried by unanimous vote.*

**(15) FACILITY NAMING POLICY:** Mr. Adams presented the facility naming policy for consideration that had been discussed at the previous work session. The purpose of the policy was to establish a consistent approach for the naming of county facilities.

***Motion:*** *Commissioner Mau moved to approve the Facility Naming Policy. Commissioner Luker seconded the Motion. Motion carried by unanimous vote.*

**(16) NCACC 110<sup>TH</sup> ANNUAL CONFERENCE VOTING DELEGATE:**

***Motion:*** *Commissioner Elders moved to appoint Chairman McMahan as the Voting Delegate to the NCACC Annual Conference, August 10<sup>th</sup>–13<sup>th</sup>, to be held in Durham County. Commissioner Mau seconded the Motion. Motion carried by unanimous vote.*

**(17) FIRE DISTRICT MAP FOR CANADA RESOLUTION (R17-10):** Mr. Forbis, presented the fire district map for Canada for consideration, as the Canada VFD had a state inspection coming up and were working to lower their rating.

Commissioner Luker inquired about areas that were unprotected and what they could do to help those residents.

Mr. Forbis stated they had been searching for property to place a substation to help the citizens in the unprotected areas. Some of the requirements for substations would be changing in the future and may help the Canada VFD be able to establish a substation sometime in the future.

***Motion:*** *Commissioner Luker moved to approve the Fire District Map for Canada Resolution (R17-10), as presented. Commissioner Mau seconded the Motion. Motion carried by unanimous vote.*

**(18) ORDER OF COLLECTION (R17-11):** 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 Mau moved to adopt the Order of Collection Resolution (R17-11), as presented. Commissioner Elders seconded the Motion. Motion carried by unanimous vote.*

**(19) JURY COMMISSION:**

***Motion:*** *Commissioner Elders moved to reappoint Norma Clayton to serve another two year term on the Jury Commission. Commissioner Deitz seconded the Motion. Motion carried by unanimous vote.*

**(20) RECREATION AND PARKS ADVISORY BOARD:**

***Motion:*** *Commissioner Deitz moved to reappoint Anna Lippard to serve another three year term on the Recreation and Parks Advisory Board. Commissioner Elders seconded the Motion. Motion carried by unanimous vote.*

**(21) PRESS CONFERENCE:** None.

**(22) CLOSED SESSION:**

***Motion:*** *Commissioner Elders moved that the Board go into closed session pursuant to G.S.143-318.11(a)(3) Legal for one item, G.S.143-318.11(a)(5) Real Property for two items and G.S.143-318.11(a)(6) Personnel for two items. Commissioner Deitz 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.

**(23) AGENDA:** Chairman McMahan amended the agenda by adding two items: (1) Gibson Heirs property offer to purchase (2) Board of Elections request to reclassify a position. Commissioner Elders moved to approve the amended Agenda. Commissioner Deitz seconded the Motion. Motion carried.

**(24) GIBSON HEIRS PROPERTY OFFER TO PURCHASE:** Chairman McMahan stated that the county made an offer to purchase the Gibson Heirs property and completed due diligence. There were no negative issues that would result in the property not being useful for the county. The county was in a position to move forward towards closing.

***Motion:** Commissioner Elders moved to instruct staff to move forward with the closing of the Gibson Heirs property. Commissioner Mau seconded the Motion. Motion carried by unanimous vote.*

**(25) BOARD OF ELECTIONS REQUEST TO RECLASSIFY POSITION:** Chairman McMahan stated the Board had received an official request from the Board of Elections to reclassify and update Ryan Oliver's job description to Election Specialist Grade 21, Step 3. The impact to the budget would be \$1,938.62, which would be appropriated out of the Board of Elections contingency fund.

***Motion:** Commissioner Luker moved to approve the request from the Board of Elections to reclassify Ryan Oliver's job description as stated. Commissioner Elders seconded the Motion. Motion carried by unanimous vote.*

**(26) SPECIAL MEETING FOR AUGUST 8<sup>TH</sup>:** Chairman McMahan requested that the Special Meeting set for August 8<sup>th</sup> start at 3:00 pm instead of the original 1:00 pm time. There were no objections to the change.

*Informational item.*

There being no further business, Commissioner Elders moved to adjourn the meeting. Commissioner Deitz seconded the Motion. Motion carried and the meeting adjourned at 8:22 p.m.

Attest:

Approved:

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Angela M. Winchester, Clerk to Board

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Brian Thomas McMahan, Chairman