

**MINUTES OF A
REGULAR MEETING
OF THE JACKSON COUNTY
BOARD OF COMMISSIONERS
HELD ON
JANUARY 29, 2018**

The Jackson County Board of Commissioners met in a Regular Session on January 29, 2018, 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

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

Absent: Don Adams, County Manager

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 Deitz moved to approve the minutes of a Regular Meeting of January 08, 2018 and a Work Session of January 16, 2018. Commissioner Elders seconded the Motion. Motion carried.

(3) **CHAIRMAN'S REPORT**: Chairman McMahan stated that on January 22nd he attended the Transportation Advisory Committee meeting in Cherokee, which mainly revolved around several NCDOT updates on maintenance. It was a very informative meeting and he looked forward to the Prioritization 5.0 meetings. Later that evening he attended the Region A Southwestern Board meeting with guest speaker Chief Richard Sneed, who gave a very well received presentation. Also, the Revolving Loan Committee recommended the approval of a revolving loan fund grant in the sum of \$200,000 to WNC Outdoor, which was the company looking to develop a water park in Dillsboro. The grant was contingent upon other grant monies being made available to them that they had applied for.

On January 24th, he had the opportunity to travel to Raleigh as he was appointed by the president of the North Carolina Association of County Commissioners to serve as a representative of the Legislative Goals Committee. All 100 counties in the state came together every two years to determine a list of goals that would ultimately end up at a goals conference where goals were selected and approved. Then the legislature would be lobbied on behalf of county government.

Highlights of the goals that would be recommended:

- Continue to seek legislation to establish a new county-state partnership to address statewide public school capital challenges.
- Resolve disputes between Boards of Commissioners and School Boards without going through the court system.
- Giving counties authority to invest in internet infrastructure to facilitate opportunities within counties.

(4) COMMISSIONER REPORTS:

(a) Commissioner Mau thanked the School Board for the event they attended, it was a great opportunity to learn about school funding. He also thanked Adam Bigelow and the Tuckasegee Trash Mob for organizing a trash pickup on Martin Luther King Day and also the Saturday after. Also, the Tuckasegee Chapter of Trout Unlimited had a trash pickup on Skyland Drive near the new bridge. Over 3.5 tons of trash was removed from that area.

Regarding TWSA, the Horsepasture River Wastewater Treatment Plant financing was approved. Also, a lot of interesting projects were being discussed in that part of the county, including looking at Workforce Housing.

(b) Commissioner Luker stated that the public school meeting was a great meeting. On Friday, he, along with Commissioner Mau and Mr. Adams, toured the Summit Charter School in Cashiers and the progress of their new building project. They had raised \$7mil to build a high school there.

(c) Commissioner Elders stated he appreciated Chairman McMahan serving on the Legislative Goals Committee and all that he did.

(d) Commissioner Deitz stated that his wife had read a recent newspaper article to him that stated that it had been a bad winter, but the county had done a really good job with taking care of the citizens and knowing where the elderly were that needed help. The schools had also done a good job of looking out for the kids that needed help and the citizens had done a really good job taking care of their neighbors.

(5) SPECIAL MEETING: A Joint Meeting with the Town of Dillsboro was set for March 5, 2018 at 5:30 p.m. in Room A227 at the Justice Center.

(6) COUNTY MANAGER REPORT: None.

(7) INFORMAL COMMENTS BY THE PUBLIC: Jack Debnam of Cullowhee, stated that all of the Commissioners over the past 12 years had kicked the can down the road on the indoor pool. He urged the Commissioners to put the issue on the ballot in November and let the people of the county decide. He did not know where, but they needed a pool in Jackson County.

(8) CONSENT AGENDA:

(a) Darlene Fox, Finance Director, presented the Finance Report for December, 2017 and one Budget Ordinance Amendment for fiscal year ending June 30, 2018, for approval.

(b) Brandi Henson, Tax Collector presented, Tax Collector and Refund Reports for December, 2017, for approval.

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

(9) REZONING APPLICATION REQUEST: Michael Poston, Planning Director stated that the Planning Department received a rezoning (map amendment) application from Jack and Gail Debnam to change the zoning designation of property they owned located at 25 Mud Puppy Lane (PIN# 7559-46-7965) from Residential Single Family to Commercial. The Cullowhee Planning Council held a public hearing for this application at their December 4, 2017 meeting and recommended the rezoning unanimously at their January 8, 2018 meeting. The Planning Board held their public hearing on the application on January 18, 2018 and recommended approving the application by a 5-1 vote. The Board of Commissioners would have to hold a public hearing on the application prior to consideration of the map amendment.

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

(10) MEMORANDUM OF UNDERSTANDING WITH BOARD OF EDUCATION AND EASTERN BAND OF CHEROKEE INDIANS:

Ms. Baker stated that at previous work sessions and meetings, the Board had some discussions about the need and desire to connect Smokey Mountain Elementary to the Tribal Water and Sewer System. Cost projections were \$304,000, which would come from the QZAB funding; however, the tribe agreed to fund 39% of the cost to establish the infrastructure. The Tribe and School Board had both approved the Memorandum.

Motion: *Commissioner Deitz moved to approve the Memorandum of Understanding with the Board of Education and the Eastern Band of Cherokee Indians for the water project at Smokey Mountain Elementary School. Commissioner Mau seconded the Motion. Motion carried by unanimous vote.*

(11) NCDOT SOLID WASTE REQUEST: Chairman McMahan stated that this was concerning an abandoned mobile home that was parked within the right-of-way of US 74/441 at the intersection of SR 1514 Haywood Road.

Sheriff Hall stated that there had been some developments over the last few hours. NCDOT and the county did have a good plan in place to remove the mobile home. He had worked with NCDOT and the Highway Patrol for some time to identify an owner and had been unsuccessful. A few hours ago, the owner had been identified and stated he would remove the mobile home.

Ms. Baker stated that it was up to NCDOT now since an owner had been identified to go back to their 30 day timeframe. The Board could take action on the request from NCDOT to waive the fees if the NCDOT did end up removing the mobile home.

Chad Parker, Solid Waste Director, stated that now that they did know who the owner was, it did change things somewhat. But, he agreed with Ms. Baker that they needed to at least have the option available to NCDOT to waive the tipping fees.

Motion: *Commissioner Elders moved to grant the request made by NCDOT to waive the tipping fee associated with the disposal of the debris, contingent upon NCDOT demolishing and removing the mobile home. Commissioner Mau seconded the Motion. Motion carried by unanimous vote.*

(12) FY2018-19 BUDGET CALENDAR: Ms. Baker presented the FY2018-19 Budget Calendar for review and approval. She noted the following changes and updates:

- January 30th meeting had been cancelled.
- February 20th meeting was originally set for February 28th.
- May 8th work session requested to be changed to May 15th.

Motion: *Commissioner Luker moved to approve the FY2018-19 Budget Calendar with the noted changes. Commissioner Elders seconded the Motion. Motion carried by unanimous vote.*

(13) AQUATIC ADDITION AND RENOVATIONS CONTRACT FOR PROGRAMMING AND PRE-DESIGN SERVICES:

Chairman McMahan stated that the proposed contract with ClarkNexsen was in the amount of \$37,900, which represented the base architectural costs.

Ms. Baker stated that the consideration would be to approve the contract only.

Motion: *Commissioner Deitz moved to table the item and further study the issue. Commissioner Elders seconded the Motion.*

Discussion:

Commissioner Deitz stated that they had not yet talked with the hospital or the schools about this. He thought they needed to put more time, study and thought into it.

Commissioner Mau stated that was one of the reasons to hire an architect was for the issues that Commissioner Deitz was bringing up. That would be part of the design process. They would go through the program and figure out how it would be used and what would need to be built.

Commissioner Deitz stated they could still do this at one point. The whole timetable was the election in November.

Commissioner Mau stated that it was part of it because otherwise it would be 2020 because they passed a resolution that these types of issues would be placed on ballots when they knew people would show up, unlike what had happened in the past.

Motion carried by a 3-2 vote, with Commissioner Mau and Commissioner Luker voting “nay”.

(14) NO WAKE ZONE RESOLUTION R18-01: Chairman McMahan stated that they held a public hearing prior to the start of the regular meeting to receive comments from the public regarding this item. The Board received a request to ask the NC Wildlife Resource Commission (NCWRC) to conduct a survey on this particular request and the Board voted unanimously to do so. The survey was conducted and the Board received a report from NCWRC that they did not find that a “no wake zone” was needed and did not recommend moving forward. If the Board decided to move forward, the process would require that the Board adopt a resolution to request that this item be placed on NCWRC’s agenda for an appeal.

Ms. Baker stated that the resolution included authorization to expend \$1,500 towards the purchase of the buoys and allowed the County Manager and staff to submit the required forms.

Motion: *Commissioner Luker moved to adopt the No Wake Zone Resolution R18-01, as presented. Commissioner Mau seconded the Motion.*

Discussion:

Commissioner Deitz stated that this Board voted unanimously to have the study done by NCWRC, the people that did that every day. They concluded that they did not feel there was a need for a “no wake zone”. The Board would now be making a decision to ignore them and go on to another step. He did not think they should do so. He trusted the judgment of the people they asked to do the study.

Chairman McMahan stated that he agreed with Commissioner Deitz and he would be voting no because they did ask the NCWRC officers to take a look at this and they did so. They evaluated this looking at a lot of different criteria and he thought that at the end of the day, it may be a non-enforceable issue and could create more problems. He was not in favor of moving forward.

Commissioner Luker stated that he had the opportunity to be invited by folks several times and see the safety concerns that were there and he witnessed this personally. With that, he could not justifiably say that this was not a safety concern and he wanted to move forward.

Motion carried by a 3-2 vote, with Commissioner Deitz and Chairman McMahan voting “nay”.

(15) CONSOLIDATED HUMAN SERVICES AGENCY RESOLUTION R18-02:

Chairman McMahan stated that this resolution would authorize the official step that the Board would take to move forward with consolidating the two human services agencies in the county into one.

Ms. Baker stated that if they moved forward, there were two blank spaces that would need to be filled in with dates of how many days they would give the current boards to get together and bring a list of recommended names for the consolidated board to the Commissioners for consideration. There was a very specific list of board members that would have to be found, so that may take some time. Also, the language that states "State Personnel Act" would need to be changed to "State Human Resources Act".

Chairman McMahan stated that they heard a lot of comments, wisdom and feedback that night from the public and he thought that every comment he heard was of the nature that they really needed to study this more. There were a lot of questions concerning consolidation efforts and one of the questions was the state statute regarding board members. The members were professionals and in some cases it could be difficult to find someone to serve in certain positions. Under the statutes that they currently operated under, if they could not find someone for a position, they could appoint another "at large" position. There was no provision under the statutes for this consolidation.

Ms. Baker stated that NCGS 153A-77 was the statute that authorized consolidated boards and it stated that the members "shall" be appointed. There were no provisions, as there were for the current health board, that if they could not find certain members, they could expand other categories or have other members serve as joint positions. Those provisions were not in 153A-77. They were unclear at that point if they were unable to find someone to serve in one of the particular positions how they would move forward.

Motion: *Chairman McMahan moved to table the item until a later time and have further discussions and investigation based on what he had heard that day. Commissioner Elders seconded the Motion.*

Discussion:

Commissioner Deitz stated that these people, speaking to some of them, they were tired of this and it stressed them out. They would like for a decision to be made on this. As Churchill said never had so few done so much for so many. In this case, it seemed to him that when talking to everyone, he had never seen so few wanting to change so much for so many. There was no one that came up and made a huge statement for doing away with these boards. They wanted to be more efficient, but they all wanted to be more efficient. They had people almost pleading with them to please let them work on this. What should they do when people almost got on their knees and begged for the Board to let them work on this.

He felt passionate about this. There was not one politician that talked about this at the public hearing. They were all talking about the job that they did. He agreed 100% with some of them. It did not matter when this was all said and done, they would still do a good job. The Board had talked about this for weeks and there were so many things they should be discussing and worrying about in the county and they were worrying about something that already worked. He thought he was probably giving the dissenting opinion and one day they would look back and say they had a good thing at one time, since 1936, but they changed it because of politics.

Motion failed by a 2-3 vote, with Commissioner Elders, Commissioner Luker and Commissioner Mau voting "nay".

Motion: *Commissioner Mau moved to adopt Resolution R18-02 to include the date of May 1, 2018 be added to the two blank spaces and also to amend the language that stated "State Personnel Act" to "State Human Resources Act". Commissioner Luker seconded the Motion.*

Discussion:

Commissioner Deitz stated that he had talked to the other Commissioners about this – he was trying to understand why they were doing this. They wanted to put Social Services and the Health Department together. He talked to one and his whole concern was and the reason he wanted to do this was because of sewer and all the different things they had to do to get permits to build a house. He did not know what putting Social Services together with Health had to do with all these permits. He wished one of the Commissioners would explain that to him.

Motion carried by a 3-2 vote, with Commissioner Deitz and Chairman McMahan voting “nay”.

(16) CULLOWHEE COMMUNITY PLANNING AREA DEVELOPMENT STANDARDS ORDINANCE AMENDMENTS AND CONSISTENCY STATEMENT:

Caroline Edmonds, Planner I, stated that the Cullowhee Planning Council and the Planning Staff worked on amendments to Article VI Development Standards, Section 6-6 Architectural Design Standards of the ordinance. The proposed changes allowed for more flexibility in materials used within the Planning Area. The Cullowhee Planning Council held a public hearing on November 6, 2017 and recommended approval of the amendments to the Planning Board. The Planning Board held a public hearing on December 14, 2017 and recommended approval to the Board of Commissioners.

Motion: *Commissioner Mau moved to approve the amendments to the Cullowhee Community Planning Area Development Standards Ordinance and Consistency Statement. Commissioner Luker seconded the Motion. Motion carried by unanimous vote.*

(17) 911 ROAD NAMING BOARD: *Carry over.*

(18) PLANNING BOARD: *Carry over.*

(19) REGION A AGING ADVISORY COUNCIL:

Motion: *Commissioner Luker moved to reappoint Kristine Kiska to another three year term on the Region A Aging Advisory Council, term to expire February 02, 2021. Commissioner Mau seconded the Motion. Motion carried by unanimous vote.*

(20) PRESS CONFERENCE: Holly Kays of the Smoky Mountain News asked each of the Commissioners that were in favor of consolidation, to give a brief statement as to why they were in favor of it?

Commissioner Mau stated that he would just go back to what he talked to her about before – what she had published in her most recent article. He thought that summed it up, so why he supported it had been published already.

Commissioner Luker stated he would say the same thing and he had not changed from when he talked with her before.

Commissioner Elders stated that he felt the same. He thought it was not a perfect start by any means and it would take time. Efficiency was a great idea. In other counties he had talked to, it was working really well. They had two excellent boards with the Health Board and Social Services with expertise and good work that they had done. This would take a period of time to come up with good solutions and he felt in the long run this would be an asset to the county.

Ms. Kays requested to rephrase the question: There were a lot of opinions stated and questions asked, why did they feel that it was imperative to vote on this at that time rather than table it?

Commissioner Elders stated that Commissioner Deitz had a lot to do with that when he said that people were tired of the delay and wanted to see action now. That was why, he agreed with him they needed to go ahead now.

Commissioner Mau stated that he would add that as part of this process he read a lot of newspaper articles from other counties to see how it was accepted and in other counties, both boards strongly opposed consolidation. So what they saw tonight was not new. He got that and it was change and something different and would be hard to adjust to, but it was all about taking steps to improve the process. Not that anyone was doing anything bad, it was the way he approached his job as a Commissioner and his job as a faculty member. He was constantly looking for ways to do things better.

Commissioner Elders stated that he had made a comment early on in this that referred back to his childhood, being very active in the 4-H Club. The motto was "I pledge to make the best better". They did have a good thing going with both, but his pledge was for them to make all of that better in the near future.

There being no further business, Commissioner Mau moved to adjourn the meeting. Commissioner Luker seconded the Motion. Motion carried and the meeting adjourned at 7:39 p.m.

Attest:

Approved:

Angela M. Winchester, Clerk to Board

Brian Thomas McMahan, Chairman