

**MINUTES OF A  
REGULAR MEETING  
OF THE JACKSON COUNTY  
BOARD OF COMMISSIONERS  
HELD ON  
APRIL 02, 2019**

The Jackson County Board of Commissioners met in a Regular Session on April 02, 2019, 6:00 p.m., Justice & Administration Building, Room A201, 401 Grindstaff Cove Road, Sylva, North Carolina.

Present: Brian McMahan, Chairman  
Boyce Deitz, Vice Chair  
Mickey Luker, Commissioner  
Ron Mau, Commissioner  
Gayle Woody, 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 SEXUAL ASSAULT AWARENESS:** Chairman McMahan read a Proclamation to proclaim April as Sexual Assault Awareness Month. The Proclamation was presented to members of REACH of Macon County. Commissioner Mau moved to approve the Proclamation. Commissioner Woody seconded the Motion. Motion carried.

(2) **AGENDA:** Commissioner Mau moved to approve the agenda. Commissioner Woody seconded the Motion. Motion carried.

(3) **MINUTES:** Commissioner Mau moved to approve the minutes of a Special Work Session of March 07, 2019; a Public Hearing (Cashiers Small Area Plan) of March 07, 2019; and a Work Session of March 12, 2019. Commissioner Woody seconded the Motion. Motion carried.

(4) **CHAIRMAN'S REPORT:** Chairman McMahan stated that he attended the opening ceremonies of the Smoky Mountain Senior Games that were held in Cullowhee. Commissioner Woody was a participant and it was great to see over 180 participants, it was a great representation from the community.

(5) **COMMISSIONER REPORTS:**

(a) Commissioner Deitz stated that he read an article about Cullowhee being chosen as one of the top ten communities in America to live and start a business. He thought that was awesome.

(b) Commissioner Woody congratulated Nick Breedlove, the Executive Director of the TDA, for the amazing award he received from the state. It really brought a lot of notoriety for the tourism department of the county. She was pleased to see that and how Mr. Breedlove had worked very hard to earn that award.

Also, the SCC students were working on the design for the litter campaign. The Commissioners along with Chad Parker and Norma Clayton would select the design for the ongoing litter campaign.

(c) Commissioner Mau stated he attended the Southern Off Road Bike Association board meeting. They were the group working on the bike trail at the Greenway. The weather had affected them also, so the project was pushed back, but they were working on it, made progress and were moving forward.

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

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

(8) **FAIRVIEW SCHOOL SCIENCE OLYMPIAD FIELD TRIP:** Ray Crawford, Fairview Elementary School Teacher, introduced students that were part of the Fairview School Science Olympiad that had earned a bid to the State Science Olympiad competition in Raleigh.

The students shared their projects and comments with the Board.

Mr. Crawford stated that at their regional qualifying competition in Asheville, the students were the first-place overall team. In the twenty-three individual events that made up a competition, the students earned ten first-place medals and ten second place medals. It was an impressive victory. As their coach, he was very proud of the students. They represent both the county and the schools very well.

The commitment of these students was astounding. They had been practicing after school for twelve hours each week since August. In addition to regular after school practices, they had also practiced most Saturday mornings since August. During their practices, the students studied topics from all of the scientific disciplines, including physics, chemistry, geology, ecology, electronics, biology and anatomy/physiology. In most cases, these sixth through eighth grade students were studying college-level material to prepare for their events.

While a bid to the state competition could be exciting, there was another sad reality. This multi-day field trip to Raleigh was costly. Hotel accommodations, meals and activity bus fees would add up. For some families, the financial burden would be too great and they simply would not be able to afford the roughly \$150 that it would cost for their child to participate. As someone who grew up in a family where there was not usually “extra” money, it was heartbreaking.

He needed the Board’s help to fund the trip to the state competition. For the thirty students that earned the trip, the costs for a two night hotel stay would total roughly \$2,500, while activity bus fees to Raleigh and back would total roughly \$650. Last year, the Board of Commissioners contributed \$3,000 to help offset the cost of this trip and for the first time, all students were able to attend. He was hopeful that the present Board of Commissioners could once again help make the trip a reality for some of the county’s best and brightest students.

Commissioner Deitz stated he hoped the students thanked Mr. Crawford for what he had done. He thought that a lot of time they thought of extracurricular as soccer or football, but that was not always the case, this was extracurricular too. He thanked Mr. Crawford for the time he had spent with the students, he appreciated what he had done.

Commissioner Luker stated that his son, Bailey spent two years in Science Olympiad with Coach Crawford and used what he learned in his career. He enjoyed every minute that he spent with Science Olympiad.

***Motion:*** Commissioner Luker moved to approve the request and provide \$5,000, to be taken from contingency. Commissioner Woody seconded the Motion. Motion carried by unanimous vote.

(9) **CERTIFICATE PRESENTATION FROM CHAPTER 89 OF NC DISABLED VETERANS:** Paul Taylor, DAV Chapter 89 Adjutant, stated they were in District 10, which was Rutherford County west. They were veterans supporting veterans. They took money they collected through fundraising and helped disabled Veterans in Haywood, Jackson and Swain Counties. The first priority was disabled veterans, the second priority was veterans and the third priority was any travelling veteran or military person that came through and had an emergency. They went to all of the nursing homes in the three counties and visited all of the veterans. They presented them with special Christmas cards and gave them \$50 into their accounts. Last year they visited 131 veterans. They were also in the process of setting up fundraising for high school JROTC’s in the area.

He presented a certificate of appreciation awarded to the Board of Commissioners for their continued support of the DAV and its commission.

*Informational item.*

**(10) FAIR HOUSING PLAN:** Michael Poston, Planning Director, stated that at the work session in March, Caroline LaFrienier, Planner I, gave an update regarding the Fair Housing Plan. The Housing Committee and Planning Department staff developed a Fair Housing Plan for compliance with the 09-D-2945 CDBG-I Grant requirements. The Fair Housing Plan analyzed the existing housing market, segregation, integration, disparities in access to opportunity, disproportionate housing needs for individuals with disabilities and those in poverty and the steps or strategies that the county would take to try to resolve these issues in relation to fair housing.

The Planning Department hosted stakeholder meetings and invited thirty individuals from the community that dealt with housing on a regular basis to identify and discussed the impediments to Fair Housing in the county. After the impediments to Fair Housing were identified, Planning Staff developed a survey to receive further input from residents. The survey was distributed via email and social media and was translated into Spanish and given to the staff at Vecinos for distribution among their patients. They received 231 responses to the survey and the data helped reinforce the identified impediments and develop goals to further fair housing in the county.

The Fair Housing Plan discussed the impediments to Fair Housing identified by the Housing Stakeholders and steps that could be taken to diminish housing discrimination in the county. The identified impediments or fair housing issues were used to develop goals and priorities that the Planning Staff and other program participants would achieve in a specified timeframe.

**(a) Goal 1:** To develop a program to provide assistance in the development of safe and sanitary housing with tenant selection plans that were compliant with the Fair Housing Act. The impediment identified and the contributing factor to this goal was the high cost of construction for housing, home renovation and land acquisition and the fair housing issue was the lack of affordable housing for all income levels. As the Planning Staff and Housing Committee were already working on the Housing Trust Fund draft, this goal was to be achieved by August 2019.

**(b) Goal 2:** Develop a program to provide education in fair housing laws to the community. The impediment identified and the contributing factor to this goal was that many landlords in the county had tenant selection plans that were discriminative of certain protected classes. The Planning Staff and Housing Committee planned to develop an online database for landlord registration and education on fair housing laws as well as hold an annual educational meeting that would inform landlords, mortgage lenders, developers, realtors, renters and other community members of fair housing laws, what they could do to be in compliance, what the rights of the people were and what to do if discriminated against. By December 2021, the landlord database should be active and the educational meeting should be scheduled.

**(c) Goal 3:** To consider minimum housing codes and standards. The impediment identified and the contributing factor to this goal was that there were unsafe and unsanitary conditions in homes in the county. The fair housing issue with this was that low income individuals were unable to find housing options that were safe, sanitary and affordable. By December 2021, Planning Staff would have researched minimum housing codes and standards and bring them to the Housing Committee and the Planning Board for discussion.

**(d) Goal 4:** To collaborate with Economic Development to increase the availability of living wage jobs. The impediment identified and the contributing factor to this goal was that there was a high cost of living due to topography and construction and a lack of living wage jobs, preventing residents from being able to afford housing. This was an on-going collaboration between the Planning Department and Economic Development that would continue in an effort to bring in industries or businesses that would provide living wage jobs for residents.

Another requirement of the Fair Housing Plan was a schedule of quarterly activities to further fair housing in the county. Some of these activities were the actions discussed above to address the identified impediments and some were to spread awareness and education of fair housing laws in the community through advertisements, flyers, emails and posters.

The draft of the Fair Housing Plan was distributed on March 21<sup>st</sup> to the Housing Committee and the stakeholders for their review and to give them an opportunity to comment. The Fair Housing Plan was due on April 8<sup>th</sup>.

Commissioner Woody stated that in the demographic summary, it stated that: “While the population of Jackson County is predominately white, there is a large population of American Indians as Jackson County borders the Eastern Band of the Cherokee Indian Qualla boundary.”

To her, that was very misleading, they did not border, it was in Jackson County. She thought that made a big difference in the way that demographic was perceived. This was stated two times. She thought it would be advantageous, as a county, to reword that in a way that showed that the Qualla boundary was part of Jackson County.

Mr. Poston stated that would not be a problem to make that adjustment.

Commissioner Mau stated that this came up a lot, what was the difference between Fair Housing and Affordable Housing?

Mr. Poston stated that Fair Housing dealt with protected classes regarding rental guidelines and rules based on Federal Law. Affordable Housing was a component to Fair Housing, but was whether or not they had housing in a market range that would hit all segments of the population. While that impacted Fair Housing, they were two separate issues.

Commissioner Deitz stated that he and Commissioner Woody attended the Southwestern Region A meeting where the Waynesville City Manager spoke about Affordable Housing. He had a great outlook and different ways to look at it. He thought it may do them well for him to come over and speak with them.

Commissioner Woody stated he called it Middle Class Housing and stated it would help the economy by increasing the tax base. Affordable was a fluctuating term that could go up and down depending on the demographic of the group or an economic situation. The middle class was the workforce that was not able to afford housing currently in the rural communities. They did not qualify for HUD and the housing was overpriced. Developers were coming to Waynesville and were building homes that were Middle Class Housing. Traditionally, they had thought of some of their land as industrial parks, but when Middle Class Housing was being built in those areas, it was bringing in just as much tax revenue for the county as if it were an industrial park. It was an interesting thought.

Chairman McMahan stated this could be a topic they could discuss at a future work session.

***Motion:*** *Commissioner Mau moved to adopt the Fair Housing Plan, with the suggested change. Commissioner Woody seconded the Motion. Motion carried by unanimous vote.*

**(11) 2019 UPDATED RETENTION SCHEDULES AND RECORD RETENTION INTERNAL POLICY:** Ms. Baker stated that according to G.S. § 121-5(b) and G.S. § 132-3, public records may only be destroyed with the consent of the Department of Natural and Cultural Resources (DNCR). The State Archives of North Carolina was the division of DNCR charged with administering a records management program. This schedule was the primary way the State Archives of North Carolina gave its consent. Without approving this schedule, the agency was obligated to obtain the State Archives of North Carolina’s permission to destroy any record, no matter how insignificant.

She also presented a Record Retention Internal Policy, which referenced the minimum retention periods for the records of the county as no less than 24 hours after the administrative value ended.

***Motion:*** *Commissioner Mau moved to adopt 2019 Retention Schedules and Record Retention Internal Policy, as presented. Commissioner Woody seconded the Motion. Motion carried by unanimous vote.*

**(12) HEALTH INSURANCE RENEWALS:** Mark Browder, Vice President, Mark III was present for this item.

Mr. Adams stated that there had been some minor changes that were positive changes to the plan since the last meeting.

Mr. Browder stated that one of the changes was with the co-insurance. At the last meeting it was set at 70% paid by the plan and 30% paid by the employees. That was revised to 80% paid by the plan and 20% paid by the employees to both of the options. The economic value of making the change was insignificant because the real cost share was in the deductible and the out-of-pocket maximum. That applied to both the Crescent Option 1 and the BCBS Option 1. None of the other numbers changed.

Mr. Adams stated it was being requested that the Board make the following decisions:

(a) Select company (Blue Cross Blue Shield of NC or Crescent) to administer the county's self-funded health insurance program.

(b) Select plan design. Options would be to no change in plan design or "Option 1" as being presented in the Mark III's April 2, 2019 PowerPoint presentation.

(c) Decide whether or not the tobacco cessation program would impact rates.

(d) Approve the medical and dental rates.

It was recommended that the county switch to BCBS to administer its self-funded health insurance program. It was also recommended that the "BCBSNC Option 1" plan design as presented in the Mark III April 2, 2019 PowerPoint presentation be selected.

Although it was recognized that such a transition would cause disruption in the current health plan administration, it was believed that the benefits of transitioning to BCBS exceeded the disruption issues that they would face. The following attempted to identify some of the disruption issues they would face in the transition along with the additional benefits received that warranted the recommendation.

(e) Disruption Issues (not necessarily all inclusive):

- The short transition time frame may not allow for enough education on the new plan prior to the transition date of May 1<sup>st</sup>.
- Changing RX companies would tend to always change some benefits to individuals. Some co-pays may improve while others lessen.
- BCBS did not have a dedicated nurse to assist with one-on-one disease management engagement.

(f) Benefits to switching to BCBS included:

- They would provide \$40,000 implementation fund to help transition.
- No new laser for next year.
- Monthly aggregate accommodation.
- Smart Shopper Program (cost included in quoted amount).
- Superior medical discounts. It was projected that this would save the county and employees \$250,000-\$300,000 next year.

(g) There were other areas of service that BCBS would continue to provide. These areas included:

- Would contract with the health department to continue the free employee clinic.
- RX (prescription drug card) would have no copays for certain preventative prescriptions.
- Would run the same dental plan.
- Would run the same vision plan.
- Would give credit for deductibles paid from January, 2019 to April, 2019. Would run the deductible year through April, 2020 (16 months). This would match the county's plan year.
- BCBS Healthy Outcomes Program. This would be a series of services that would attempt to assist the employees to become healthier.
- The county would continue to use AllyHealth Telemedicine separately from BCBS.

(h) Tobacco Cessation Program Recommendations and Potential Impact on Rates:

It was recommended that the county continue with some form of tobacco cessation program. The current program required all employees to be tested for tobacco use. Those that tested positive were offered free cessation classes. Those that chose to participate qualified for the enhanced plan. Those that did not participate received the standard plan. They would no longer be able to operate the plan design in that fashion.

At a minimum, it was recommended that free cessation classes be offered for those seeking assistance to quit tobacco. If the Board wished to continue with a similar program to the current year, then that would need to be accomplished through premium differentials on employees. This would be accomplished by offering all qualifying employees a health plan at a discounted rate (free). Tobacco users would be identified under the current testing methods. Identified tobacco users would be offered free cessation classes. Those that willingly took the cessation classes would continue to qualify for the discounted rate (free). Those that did not participate would no longer qualify for the discounted rate (free). It was recommended that the discounted rate be approximately 5% less than the non-discounted rate. It was not recommended to go over 10% the first year.

**(i) Medical and Dental Rate Recommendations:**

	Current Medical Rates		Rate After 23.11% Increase		Amount of Increase	
	Monthly	Bi-Weekly	Monthly	Bi-Weekly	Monthly	Bi-Weekly
Employee	\$860.00	\$396.92	\$1,059.00	\$488.65	\$198.75	\$91.73
Spouse	\$310.00	143.08	\$382.00	\$176.14	\$71.64	\$33.07
Child	\$210.00	\$96.92	\$259.00	\$119.32	\$48.53	\$22.40
Children	\$310.00	\$143.08	\$382.00	\$176.14	\$71.64	\$33.07
Family	\$420.00	\$193.85	\$517.00	\$238.65	\$97.06	\$44.80

	Current Dental Rates		Rate After 23.11% Increase		Amount of Increase	
	Monthly	Bi-Weekly	Monthly	Bi-Weekly	Monthly	Bi-Weekly
Employee	\$27.00	\$12.46	\$33.00	\$15.34	\$6.24	\$2.88
Spouse	\$34.00	\$15.69	\$42.00	\$19.32	\$7.86	\$3.63
Child	\$22.00	\$10.15	\$27.00	\$12.50	\$5.08	\$2.35
Children	\$34.00	\$15.69	\$42.00	\$19.32	\$7.86	\$3.63
Family	\$56.00	\$25.85	\$69.00	\$31.82	\$12.94	\$5.97

It was recommended that the county paid rate become effective May 1, 2019 and that the dependent rates become effective July 1, 2019.

**(j) Tobacco Program – discounted rates and non-discounted rates:**

- Discounted monthly rates – Non tobacco users and voluntary cessation class participants:

	County Cost
Medical	\$1,059
Dental	\$33
Total	\$1,092

- Non-discounted monthly rates – those that did not voluntarily participate in cessation classes:

Discounted Rate	\$1,092
Employee 5%	\$55
Total Full Rate	\$1,147

Discounted Rate	\$1,092
Employee 10%	\$109
Total Full Rate	\$1,201

Additional premium to reach full rate	Monthly	Biweekly	Six months-105 EE
5%	\$55	\$25	\$34,398
10%	\$109	\$50	\$68,796

Chairman McMahan stated this had been a process where they had been presented a lot of information and went through several variations to get where they were. He asked if there were any follow-up questions by the Board.

Commissioner Deitz inquired if that the ability to have a nurse on site would be in this plan.

Mr. Adams stated they could have that service at a cost of \$18,000. If they proceeded forward with BCBS they could instruct Mr. Browder to go back to Crescent to see if they were willing to contract that service with the current nurse to continue with that service. If not, there were other services available to contract for ongoing disease management.

***Motion:*** *Chairman McMahan moved to select Blue Cross Blue Shield of North Carolina, on staff's recommendation, to administer the county's self-funded health insurance program; select Option 1, as an 80/20 plan; participate in the tobacco cessation program with a 5% non-discounted rate schedule; and approve the medical and dental rates, as presented. Commissioner Woody seconded the Motion. Motion passed by a vote of 4-1 with Commissioner Luker voting "nay".*

Mr. Adams stated that he would proceed forward to develop an onsite case management to provide options.

Chairman McMahan stated that also, the Board indicated that they wanted follow up discussions in the months ahead as they went through the budget and to look at the plan to see how it was performing, other aspects of the plan really focus on the service of trying to design a wellness program, which would include a component of having an individual to work with employees to help encourage them to make the right choices and follow through.

**(13) ABC BOARD:**

***Motion:*** *Commissioner Mau moved to reappoint Donald Ferguson to serve another three year term on the ABC Board, term expiring June 30, 2022 and to reappoint David Noland as Chairman of the ABC Board, to serve another one year term expiring June 30, 2020. Commissioner Luker seconded the Motion. Motion carried by unanimous vote.*

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

**(15) CLOSED SESSION:**

***Motion:*** *Commissioner Woody 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 Mau seconded the Motion. Motion carried.*

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

(16) **AGENDA**: Commissioner Deitz moved to amend the agenda to add four items: (1) Approve Settlement Agreement with Mallory and Evans Development, LLC, regarding the South Painter Road WCU Student Housing Project; (2) Utility Easement upon the Community Garden's Property with Mallory and Evans Development, LLC; (3) Resolution to Accept an Offer to Purchase for a land adjacent to South Painter Road Student Housing Project; and (4) Hire a Tax Administrator. Commissioner Mau seconded the Motion. Motion carried.

(17) **SETTLEMENT AGREEMENT WITH MALLORY AND EVANS DEVELOPMENT, LLC**: Chairman McMahan stated that the Board received a copy of a settlement agreement with Mallory and Evans Development, LLC for review. The agreement had been approved by the Cullowhee Planning Council unanimously.

**Motion**: *Commissioner Luker moved to approve the Settlement Agreement with Mallory and Evans Development, LLC, as presented. Commissioner Mau seconded the Motion. Motion carried by unanimous vote.*

(18) **UTILITY EASEMENT UPON THE COMMUNITY GARDEN'S PROPERTY WITH MALLORY AND EVANS DEVELOPMENT, LLC**: Chairman McMahan stated there was a request by Mallory and Evans Development, LLC to obtain a utility easement on the county property known as the Community Gardens (PIN #7559-26-9687) for the amount of \$10,000.

**Motion**: *Commissioner Luker moved to approve the Utility Easement with Mallory and Evans Development, LLC, as presented. Commissioner Woody seconded the Motion. Motion carried by unanimous vote.*

(19) **RESOLUTION R19-09 TO AUTHORIZE THE SALE OF PROPERTY**: Chairman McMahan stated that Resolution R19-09 authorized the sale of county property containing approximately 0.19 acres (portion of PIN #7559-26-9687) in the amount of \$25,000, to Mallory and Evans Development, LLC.

**Motion**: *Commissioner Luker moved to accept the offer and adopt Resolution R19-09, as presented, to begin the upset bid process. Commissioner Mau seconded the Motion. Motion carried by unanimous vote.*

(20) **TAX ADMINISTRATOR**: Chairman McMahan stated that it was recommended to the Board that Tabitha Ashe be appointed as the Tax Administrator, with a salary of \$69,411.26 at a Grade 32, Step 10, with a start date of April 29, 2019.

**Motion**: *Commissioner Luker moved to hire Tabitha Ashe as Tax Administrator at a Grade 32, Step 10. Commissioner Woody seconded the Motion. Motion carried by unanimous vote.*

There being no further business, Commissioner Mau moved to adjourn the meeting. Commissioner Woody seconded the Motion. Motion carried and the meeting adjourned at 8:39 p.m.

Attest:

Approved:

\_\_\_\_\_  
Angela M. Winchester, Clerk to Board

\_\_\_\_\_  
Brian Thomas McMahan, Chairman