

**MINUTES OF A  
REGULAR MEETING  
OF THE JACKSON COUNTY  
BOARD OF COMMISSIONERS  
HELD ON  
SEPTEMBER 17, 2019**

The Jackson County Board of Commissioners met in a Regular Session on September 17, 2019, 3:00 p.m., Justice and Administration Building, Room A201, 401 Grindstaff Cove Road, Sylva, North Carolina.

Present: Brian McMahan, Chairman	Don Adams, County Manager
Boyce Deitz, Vice Chair	Heather C. Baker, County Attorney
Mickey Luker, Commissioner (via speakerphone)	Angela M. Winchester, Clerk to Board
Ron Mau, Commissioner	
Gayle Woody, Commissioner	

Chairman McMahan called the meeting to order.

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

(2) **MINUTES**: Commissioner Deitz moved to approve the minutes of a Public Hearing (Transit Grant) of September 03, 2019 and a Regular Meeting of September 03, 2019. Commissioner Mau seconded the Motion. Motion carried.

(3) **CHAIRMAN’S REPORT**: None.

(4) **COMMISSIONER REPORTS**: Commissioner Woody reported that they had three more businesses pledge to be partners in the Litter Campaign and they were very excited and moving along. Also, she attended the meeting for the Task Force and Chad Parker, Public Works Director and Kim Shuler were doing a wonderful job spearheading that cleanup effort. They had great participation from WCU and businesses as well.

(5) **COUNTY MANAGER REPORT**: Mr. Adams reported:

(a) **August 2019 Zoning and Building**: He provided a report that listed the zoning district (if applicable), the owner/business name, the work permitted and the location of the project where the permit was issued. The Planning Department issued one commercial zoning permit and one renovation/addition permit in the month of August. Code enforcement issued one commercial permit and two renovation/addition permits in the month of August.

(b) **Savannah Park**: Mulch was delivered to Savannah Park on Friday, September 13<sup>th</sup>. This delayed the opening of the playground area by three weeks, but the park was now fully functional.

(c) **Community Services Building**: The project was 17% complete through August and demolition and asbestos removal was complete. Approximately 40% of plumbing was complete (primarily slab work). Some footers had to be removed, replaced and modified and electrical and elevator work had started. Facility wall layout continued and storm sewer installation was underway.

(d) **Animal Rescue Center:** MPS Architect Cary Perkins was scheduled on the agenda to provide a schematic update to the Board. A financial analysis of potential revenues for both the Animal Rescue Center and Green Energy Park would be discussed with the Board at the October 8<sup>th</sup> work session. Cost estimates for the various plans would be presented to the Board at the November 5<sup>th</sup> regular meeting and the projects would continue to be discussed at the November 12<sup>th</sup> work session. Final direction from the Board would be requested at the November 19<sup>th</sup> regular meeting.

(e) **Indoor Pool:** A kick off meeting was held between Clark Nexsen and staff. He provided the minutes of the meeting to the Board. The objectives of the meeting included introductions, identification of key stakeholders, overview of the project, scheduling and information gathering for the operational assessment. The next meeting with staff and stakeholders was tentatively scheduled for October 2<sup>nd</sup>.

Chairman McMahan requested to include Tim Hall with the stakeholders.

Commissioner Woody requested to include someone from Harris Regional Hospital with the stakeholders.

(f) **Other Announcements:**

- Pesticide Pick-Up Day: September 25<sup>th</sup> 10am to 2pm at the Cullowhee Recreation Center
- He provided the 2019-2020 Project F.I.R.E event schedule
- Document Shred Day: October 14<sup>th</sup> 10am to 2pm in lower parking lot of the Justice and Administration Building
- Rich Price, Economic Director, started a Shop Local Campaign. He provided a letter with details of the marketing program.
- Response to Request for assistance with Hurricane Dorian. He recognized Todd Dillard, Emergency Management Director, Dale Broom and Randy Bryson of the Maintenance Staff, for their assistance with Hurricane Dorian.

(6) **INFORMAL COMMENTS BY THE PUBLIC:**

(a) Eric Myers of Webster stated that he, like most other citizens in the county used NC 107 for most of his local transportation needs. He had followed the NCDOT project for NC 107 since February 23, 2017. In the September 2018 NCDOT Project Newsletter, they reported that Alternative 2A had been selected and that engineering would commence without information provided on impacts to businesses along the corridor. Earlier in 2019, information came out on the number of businesses subject to relocation. To date, NCDOT refused to look at redesigns to reduce project impacts. His sense was that the public would like to see redesign efforts to reduce business relocations and impacts. He thought NCDOT may only listen to local government. Also, the cost of the project had risen from \$33mil to \$70mil and according to an article in the Smoky Mountain News, it was up to close to \$100mil. He requested that the Commissioners look into the matter seriously.

(b) TJ Walker of Dillsboro provided pictures to the Board of the “Dillsboro drop” at low water. He stated that after the dam removal they had major obstacles in the river. On a daily basis, he saw rafters and kayakers navigate this and they had a hard time. He saw many kayakers leave to drive to Nantahala because of Dillsboro drop. The Nantahala Outdoor Center was a \$20mil industry. The Tuckasegee River was warmer than the Nantahala River. As far as the new Tourist Development Impact Study, he read about in the paper, there was no mention of the Tuckasegee River being a draw. Dillsboro had lost a number of businesses because it were not a destination point for tourist.

(7) **CONSENT AGENDA:**

(a) Darlene Fox, Finance Director, presented the Finance Report for August, 2019 for approval.

(b) Brandi Henson, Tax Collector, presented the Tax Collector and Refund Reports for August, 2019, for approval.

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

**(8) ANIMAL RESCUE CENTER:** Cary Perkins, AIA, Project Manager/Project Architect for McMillan, Pazdan, Smith Architecture was present for this item.

Mr. Adams stated that they acquired the services of McMillan, Pazdan Smith Architecture to help with schematic design and eventually construction documents for the Animal Rescue Center. They were at a stage to proceed forward with cost estimates. They also had an opportunity to have a conversation with the stakeholders earlier in the day and received a lot of good feedback from them.

Ms. Perkins stated that the last time the Board had an update was after they held two visioning sessions with many of the stakeholders. They left from those two days to map that out into a plan to fit a 10,000 SF allotment on the Green Energy site. She shared an updated footprint of the Animal Rescue Center on the site that they programmed and how the interior would lay out.

They studied the existing steel structure and were asked to engage a structural engineer to assess the structure. They were staying mindful of the existing pad and the existing columns so that the design would work whether they used the structure or not. However, they determined, at that point, they did not recommend reusing that structure for the building. The structure was not complete as it was missing pieces and had pieces and needed to be replaced. If that were done, it would drag out the construction timeline unnecessarily.

Also, they would have to cut out much of the slab because with an animal shelter, they would need a lot of plumbing under slab as there were many drains and slopes. Once they cut the slab, it would start to compromise the pre-engineered metal building. That would start to add time, complications and cost to the reuse of the structure.

Their recommendation would be to not reuse the structure. If they took it down, they recommended to use it for something such as canopies, sculpture or recycle. With that said, the plan she presented would still work if they decided to try and reuse the steel, if that were preferable.

She shared the schematic floor plan programmed into the following areas:

- Admin
- Cat Holding
- Circulation
- Community
- Dog Holding
- Medical
- Non-Profit Lobby
- Outdoor Under Roof
- Public Lobby
- Support
- Temporary Holding

There were options that could be more cost-effective:

- Reduce square footage
- Different structural systems

The next step would be to send the architectural drawings, along with narratives, to the engineers about the types of systems they would recommend. Those would be priced and then they would present the findings to the Board.

Commissioner Deitz asked if the existing metal frame was not there, would they still put the Animal Rescue Center in the same location?

Ms. Perkins stated that they would recommend shifting up slightly and turning it a bit just to maximize the parking area, green space and expansion space.

Commissioner Mau inquired about the types structural systems.

Ms. Perkins stated that they were looking at masonry with steel joists, masonry with wood joists and a pre-engineered metal building. There were pros and cons for all of those and they all had a big impact on the aesthetic of the building. It was worth it to get the different prices to make sure they were making the right decision.

Commissioner Woody stated that Cullowhee Fire Department's new building was a metal building, but they put panels on exterior that were very attractive. She requested that they look into those.

Mr. Adams stated those came in modules and had the insulation built into them.

Commissioner Woody stated that she appreciated them taking input from the different organizations in the county that had long served the animals and animal owners, it meant a lot.

Ms. Perkins stated that it had benefited the project. It was amazing how many groups existed in the county that were trying to help animals. It was something that should be celebrated in the new building.

Mr. Adams stated that they had a met, prior to that meeting, with the leadership of the nonprofit groups and Health Department Management to review the information. He wanted to make sure everyone understood that they called an area on the plans "nonprofit space", but the intentions were for that office, meeting room and/or storage room, depending on what was selected, to be some type of lease agreement to be made with ARF. That had been openly discussed with the groups prior to the meeting. The other nonprofit groups associated could reserve the community room for functions. They would also, hopefully, have the storage built that could be used by more than one nonprofit. This would all have to be finalized when they started construction of the building.

*Informational item.*

**(9) ECONOMIC IMPACT STUDY:** Jay Coward of Smart Roads Alliance, stated he would be repeating an appeal made to the Town of Sylva last week regarding the Highway 107 improvements. Smart Roads Alliance was not opposed to making improvements to Highway 107. They believed that the improvements could be made with a smarter design than what they had been given by the engineers so far. They continued to have strong resistance from the DOT about changing anything.

Discussion in the community had revealed that there were always facts and figures about what would happen, but no one really knew exactly what would actually happen. The number 55 had been repeated many times by the media as the number of businesses that would be affected, but they did not really know what that number would be. Estimates had been made about the number of employees that would lose jobs as a result of businesses being closed and they varied from 100 to 500.

He read an excerpt from an article in the Asheville Citizen Times by Bill McGoun: Opinion: N.C. 107 could destroy much of Sylva in order to save it.

"And what of the impact on jobs? DOT has said the 55 businesses employ 189, but research by the Smoky Mountain News shows that this figure is absurdly low. For instance, Speedy's Pizza is listed as employing eight, but general manager Charlie Schmidt told the paper about 28 people work there, most of them full-timers.

One spot where impact is overestimated is Ryan's Steakhouse. DOT says it employs nine. In fact, it employed 40 when it was closed permanently almost a year ago. Now it employs no one.

Apparently, job figures are slapdash because neither state nor federal highway officials consider this to be a relevant issue when evaluating highway impacts."

Mr. Coward stated that to him, that was an absurd situation and not how a government should work. In 1994, when they created the Economic Development Commission, the county spent hundreds of thousands of dollars to go out and make businesses happen and get people employed. All through the years since then, the county had made efforts to make sure there were jobs available for their children. Now, there was a highway improvement that was absolutely going to cause an impact that was predictable and severe. He thought they should not proceed without an economic impact study that they could rely on.

On behalf of Smart Roads Alliance, he contacted Steve Ha, WCU Professor, regarding what WCU may be able to do. He proposed that WCU could make a neutral assessment about what was actually going to happen as a result of the construction process and the end result to the businesses along the corridor. He felt they needed someone to make an academic, scholarly assessment analysis of what the impact would be and present it to the county and town.

He would be meeting with Arthur Salido, PhD, MBA, Executive Director, Community and Economic Engagement and Innovation, WCU. They have done these kinds of studies repeatedly in the community with good results. He would propose to ask Dr. Salido to help create a proposal of what the project may be. He did not ask the Town of Sylva to vote on this, but he did ask for a consensus so that he would have backing for the effort to come up with a proposal. He did receive consensus from the Town of Sylva. They would then present the proposal to the county and to the town so they would know what it was designed to do, who would be involved in the process, how long it would take, what the proposed result may be and how much it may cost, if anything.

He thought that before it was too late, they could have the opportunity to say they thought it was worth it or that it was not worth it and make a decision about it. Of all the meetings he had been to in the past year, he thought it was about 98% against and 2% for as far as the road was concerned. The public was interested in knowing real facts. He requested a consensus in support of the project. He would then bring the information back to the Board in a more refined condition so that they could make a decision about whether to continue with it at that time.

Chairman McMahan asked if anyone was opposed?

Commissioner Deitz asked how did they get a group together to study the impact of this when they did not know where the road was going?

Mr. Coward stated they did know where the road was going. There was a 65% completion benchmark and that plan was written on paper. Those things were set in stone unless the town and county said to the DOT “stop, we need you to go back to the drawing board”. They were trying to get adjustments to fine tune this, but DOT did not want to do this.

Chairman McMahan stated that he did not hear a lot of discussion about what the improvements would be to potential properties that maybe were not accessible. Once the design and construction had taken place and driveways and accesses were altered – maybe certain businesses or properties were eliminated and then it opened up opportunities for other properties, which may never have been usable and were now useable. So, it could create a whole new opportunity.

Mr. Coward stated that it could and he thought it was a fair statement to say that it was a possibility. This was why he asked for the approval of the study.

Commissioner Woody stated that she was at the first meeting and the people from Asheville Design asked how many did not want to see anything done to 107. It was standing room only and two people raised their hands. When he said that 98% of people did not want to see something happen, she did not think that was accurate.

Mr. Coward stated that he was saying 98% of the comments he had heard, did not want the plan as presently drawn out.

Commissioner Woody stated that she had not seen the final plan, they kept saying it was not final yet.

Mr. Coward stated that they had now published the 65% edition and those were available. It was not that people did not want improvements, they did not want the kind of improvements that would kill businesses. That was where the 98% came from. Everyone wanted a safer road that was easier to travel. No one that he had heard was advocating to destroy 55 businesses, if that was the number.

**Consensus:** *Support the study as request.*

Commissioner Woody stated that in the paper a couple of times, it stated that the County Commissioners had been strangely silent. She had been talking to people and had gone to individual business owners and asked how it would impact them. She personally did not have direct authority over that land because it was in a municipality. She did know that as a Commissioner, she did have a voice in the community and she took that very seriously. So, she had not made public statements about it, but she was asking people. People were concerned, but the biggest thing she saw was the property owners and the businesses that were leased to tenants and there was a divide there.

**(10) LAND CONSERVATION INVESTMENT POLICY/PROCESS:** Mr. Adams stated that the policy recognized there was a benefit for the county to partner with appropriate entities when it came to land conservation. This document provided policy statements and associated rules. The Board had reviewed the document at the last work session and did make suggest the change to of the reference from the 2040 Land Use Plan to be more generalized. He requested the Board take action on the policy.

***Motion:*** *Commissioner Mau moved to adopt the Land Conservation Investment Policy/Process, as presented. Commissioner Woody seconded the Motion. Motion carried by unanimous vote.*

**(11) OFFERS TO PURCHASE AND CONTRACT FROM HARTLEY:** Ms. Baker stated she received four offers from David Hartley:

(a) Lot 38 Lowland Glade Drive, 1.6 acres (PIN #7566-02-8201) in the amount of \$3,000.00.

(b) Lot 31, Lowland Glade Drive, 1.46 acres (PIN #7566-01-8971) in the amount of \$3,000.00.

(c) Lot 3, Lowland Glade Drive, 1.66 acres (PIN #7566-01-9393) in the amount of \$5,882.00. This was a full price offer because the property had been owned by the county for less than one year.

(d) Lot 41, Lowland Glade Drive, 0.92 acres (PIN #7566-02-3374) in the amount of \$2,000.00. She presented Resolutions R19-25, R19-26, R19-27 and R19-28, for consideration.

***Motion:*** *Commissioner Mau moved to approve Resolutions R19-25, R19-26, R19-27 and R19-28, as presented. Commissioner Woody seconded the Motion. Motion carried by unanimous vote.*

**(12) OFFERS TO PURCHASE AND CONTRACT FROM MARVIN RIDGE, LLC:** Ms. Baker stated she received two offers from Marvin Ridge, LLC:

(a) Lot 7, Section B, Big Laurel Acres #2, 1.78 acres (PIN #7622-06-1924) in the amount of \$3,340.00.

(b) Lot 8, Section B, Big Laurel Acres #2, 0.68 acres (PIN #7622-06-2823) in the amount of \$3,340.00.

She presented Resolutions R19-29 and R19-30, for consideration.

***Motion:*** *Commissioner Mau moved to approve Resolutions R19-29 and R19-30, as presented. Commissioner Woody seconded the Motion. Motion carried by unanimous vote.*

**(13) GOVERNOR'S HIGHWAY SAFETY PROGRAM RESOLUTION R19-31:** Major Shannon Queen presented a resolution for an annual application through the Governor's Highway Safety Program for federal funding in the amount of \$20,000 and did not require a local match.

***Motion:*** *Commissioner Deitz moved to adopt the Resolution R19-31, as presented. Commissioner Mau seconded the Motion. Motion carried by unanimous vote.*

**(14) CREATION OF THE 2020 COMPLETE COUNT COMMITTEE RESOLUTION R19-32 AND 2020 CENSUS PARTNERSHIP RESOLUTION R19-33:**

Michael Poston, Planning Director, stated that the Census Bureau contacted them to ask if they would be willing to consider the two resolutions in support of the Census in general and that they would create a Complete Count Committee.

***Motion:** Commissioner Mau moved to adopt the Resolutions R19-32 and R19-33, as presented. Commissioner Deitz seconded the Motion. Motion carried by unanimous vote.*

**(15) SOUTHWESTERN COMMUNITY COLLEGE BOARD OF TRUSTEES:**

***Motion:** Commissioner Mau moved to ratify Macon County's appointment of Brett Rogers to the Southwestern Community College Board of Trustees, as requested. Commissioner Woody seconded the Motion. Motion carried by unanimous vote.*

**(16) PRESS CONFERENCE:** Beth Lawrence of the Sylva Herald asked if a county declined or resisted a DOT project, would that county lose funding from the state?

Mr. Adams stated that it was more complicated, but if a project was unfunded and there were multiple ways a project could be unfunded – one way would be if all the government entities made a unanimous decision to get a project unfunded, which included the RPO and State Board of Transportation, then the funding would get lost and that project would then have to go back through a reprioritization process, which would take a significant amount of time. If 107 became unfunded, it was his understanding that it would have to start over in the prioritization process, which could take decades.

There being no further business, Commissioner Mau moved to adjourn the meeting. Commissioner Woody seconded the Motion. Motion carried and the meeting adjourned at 4:32 p.m.

Attest:

Approved:

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Angela M. Winchester, Clerk to Board

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