

**MINUTES OF A
WORK SESSION
OF THE JACKSON COUNTY
BOARD OF COMMISSIONERS
HELD ON
JUNE 13, 2023**

The Jackson County Board of Commissioners met in a Work Session on June 13, 2023, 1:00 p.m., Justice and Administration Building, Room A201, 401 Grindstaff Cove Road, Sylva, North Carolina.

Present: Mark A. Letson, Chairman (Via Zoom)	Don Adams, County Manager
Todd Bryson, Vice Chair	Debra Bechtel, Interim County Attorney (Via Phone)
Mark Jones, Commissioner (Via Zoom)	Angela M. Winchester, Clerk to the Board
John W. Smith, Commissioner	Darlene Fox, Finance Director
Tom Stribling, Commissioner	

Chairman Letson called the meeting to order.

(1) CODIFY CASHIERS: Michael Poston, Planning Director and Chad Meadows, Principal, CodeWright Planners, were present for this item.

Mr. Poston stated this was a project approved last year to rewrite the entire code for Cashiers. It had been 20 years since the code was adopted and there had been a lot of changes in the Cashiers area. This was an implementation of the work that had been done with the Small Area Plan process in Cashiers with community input and the Urban Land Institute process. This information was the basis of the request from CodeWright for this project.

Mr. Meadows stated he had been an Urban Planner for 30 years and had drafted Development Codes for 20 years. He presented: Recodify Cashiers:

(a) Project Status

- 4th Cashiers CPC Meeting
- Webpage operational
- Three public forums completed
- Community character defined
- Blueprint for new UDO 9.3

(b) Hallmarks of Modern Development Regulations:

- Telegraph clear community expectations via codified UDO language
- Identify preferred forms of development and make these the procedural path of least resistance
- One size does not fit all so include flexible alternatives for preferred development forms
- Move away from cumbersome and legally perilous quasi-judicial reviews
- Illustrations, measurable criteria, precise language

(c) Anticipated Areas:

- Process:
 - Remove special use permits for most uses
 - Increase administrative decision making
 - CPC to focus on local policy and regulatory evolution, not administration of ordinance
- Districts:
 - Replace VC/GC with mixed, commercial and residential sub-districts

- Add a conditional rezoning district and process for the largest and most complex development proposals
- Uses:
 - Allow mixed use by right in the former VC sub-district area
 - Permit a wider range of residential use types throughout the district
- Community Character:
 - New descriptive statements and images
 - Purpose and intent, new application review criteria
- New Standards:
 - Open space set aside for all types
 - Street and pedestrian connectivity
- Flexibility:
 - Sustainable development incentives
 - Administrative adjustments for preferred development forms
- (d) Next Steps:
 - Refine community character standards: June 2023
 - Annotated Outline roadmap for the new standards: July 2023
 - Initial draft of new 9.3: August 2023
 - Rezoning of VC/GC areas with text amendment: October 2023

Commissioner Jones asked where the public could find the information and provide comments? Mr. Meadows stated the link could be found at recodifycashiers.com or the county website under the Planning Department.

Informational item

(2) **TRANSIT TITLE VI PLAN:** April Alm, Transit Director, provided two pages which contained corrections (page 6 and page 23). She stated Jackson County Transit was a recipient of Federal Transit Administration (FTA) funds from the NCDOT Integrated Mobility Division. Jackson County Transit established this Title VI Nondiscrimination Plan for the purpose of complying with Title VI of the Civil Rights Act of 1964, as required by FTA Circular 4702.1B and related requirements outlined within the FTA Certifications and Assurances, “Nondiscrimination Assurance”. The document detailed the nondiscrimination program, policies and practices administered by Jackson County Transit and must be reviewed and updated every three years.

NCDOT’s Office of Civil Rights reviewed and approved Jackson County Transit’s latest Title VI Plan for compliance. The Title VI Plan Coordinator was updated and the Service Area Population tables had been updated with the latest Census data. This plan was subject to approval by the Board of Commissioners.

Consensus: *Add this item to the next regular meeting agenda for consideration.*

(3) **VOLUNTEER APPOINTMENT PROCESS FOR BOARDS/COMMISSIONS:**

Mr. Adams provided the General Application and the Volunteer Application potential applicants would complete if interested in serving on a board or commission. The volunteer application provided consent for a background check to be performed. There were appointment nominations for individual Commissioners and there were general appointments. The entire Board voted on both types of appointments.

If the Board or an individual Commissioner had a particular person to appoint, they would request the person complete the Volunteer Application for the vetting process. If the background check returned as acceptable, Ms. Winchester would let the Commissioner and/or Board be aware the person would be ready for appointment.

If something came up in the background check, it did not necessarily preclude a person from being appointed. He would share that information with the individual Commissioner interested in appointing the person. If the Commissioner wished to proceed forward, he would then share the information with the entire Board. There were multiple ways applications were received. Commissioners may refer a person; a citizen may be interested on their own; or the Board may receive a recommendation from a board/commission.

Ms. Winchester stated when she received an application, she would check to see if there was an opening for the board that had been applied for. She would then share the information with Commissioners. If there was not an opening, she would file the application until there was an opening, unless directed otherwise by the Board. A list was maintained of all appointments with expiration dates she shared with the Board as appointments were coming up.

Mr. Adams stated in the past, if there had not been a person identified as interested, if the Board was debating a few different people or a Commissioner did not have enough time to research, it had been fairly common for a request to the Chair to table the item. In the past, deference had been given to the Commissioner and the item would be tabled until the next meeting. He had seen these items be tabled multiple meetings for various reasons.

A common practice would be for boards or committees to send a letter to recommend or request a reappointment to Ms. Winchester. It was up to the Board to take the recommendation or table the conversation until the next meeting. It was a challenge to find people willing to serve. There were was no one way for this to be accomplished.

Commissioner Smith stated if there were multiple applicants for a single position and no one on the Board knew them or one person did, how did they choose? He thought they needed more information to choose the right person. He would want to have a conversation with them if there were multiple candidates. He had a problem voting blindly for someone he had never met or had any conversation with.

Mr. Adams stated he had seen in the past where a Commissioner would speak up if they knew the person and they would proceed forward with the appointment. As far as being able to say all five Commissioners would know the person, he was not sure what the process would be other than tabling the item. Then, the Commissioner could follow up with a phone call or speak directly to another Commissioner who knew the person to get more background on the individual applying. The second issue would be when there were multiple candidates

General discussions were held.

Chairman Letson stated he thought it was on the Commissioner(s) to reach out and make contact with the applicant for additional information prior to having a vote to make sure they were making the right decision.

Commissioner Bryson stated it was the Commissioners' job to say they wanted to table an item for more time, so they could get more information.

Commissioner Smith stated it was not a matter of if they liked a person, it was a matter of finding out more information to make sure they were qualified.

Commissioner Jones stated he agreed with points that had been made. It was good to ask the Commissioner who nominated an individual, if they did not know the individual personally. Also, they could have a conversation with the applicant to find out their motivation and interests. With a request for reappointment, it was important to know if the organization or board supported reappointment as well.

Chairman Letson stated regarding the SCC Board of Trustees appointment, he thought it was important to reach out to the SCC Board of Trustees and to Dr. Tomas for their opinions or what they needed on the board. That would be a good avenue.

Mr. Adams stated this could be a continuing conversation. Staff would follow through with the current process.

Informational item.

(4) **FY 23-24 BUDGET:** Mr. Adams stated based on Commissioners' comments and requests, following was the Summary of Changes made to the Manager's Recommended Budget:

<u>Description</u>	<u>Amount</u>
At Risk Veterans	\$1,000
Capital Improvements - Dillsboro Complex	(\$50,000)
Capital Improvements - DOA Beams/Roof	(\$50,000)
Christmas Connection	\$5,000
Contingency	\$30,303
Contingency Capital - Code Enforcement Vehicles	(\$70,000)
DSS - Contracted Services - Foster Care	\$25,000
DSS - Stipend for Foster Care	\$50,000
Mountain Projects Grants	(\$18,617)
Contingency	\$18,617
Rolling Start NC	\$3,000
Sheriff - Vehicle	\$42,000
Sheriff - Detective Drug Enforcement Officer + Benefits	\$69,303
United Christian Ministries	\$5,000

Mr. Adams noted the amounts would not be known for the Dillsboro Complex or the Department on Aging beams/roof until the bids came in. The Code Enforcement vehicles had already been ordered, so that item was removed. The DSS Contracted Services and Stipend for Foster Care were only placeholders to continue the conversations. The Mountain Projects Grants was removed since it had to be voted on separately.

Informational item.

(5) **DEPARTMENT OF SOCIAL SERVICES FOR FOSTER CARE:** Mr. Adams requested the Board have a conversation about over-time versus stipend for DSS Foster Care.

Chairman Letson stated in his opinion, the Board was leaning toward stipend because the employees were already getting comp time. The stipend would be in addition.

Commissioner Smith agreed.

Commissioner Stribling agreed.

Commissioner Bryson agreed.

Commissioner Jones agreed.

Chairman Letson stated he thought they could rule out over-time and focus on the stipend policy for the emergency temporary use.

Mr. Adams presented an Emergency Temporary Stipend Policy for review. He recommended taking the policy to Cris Weatherford, DSS Director, for discussion with management regarding the stipend amounts and shift differentials. Previously, they were talking about a single stipend for all shifts. He would request the DSS Director discuss with management about differentials between holiday, weekends, nights, days. He thought those would be viewed differently. Also, he added the following:

- Prorated Stipend for incomplete shifts
- Prorated Stipend Payment for Employees that reach maximum compensatory limits

The original shifts were 5:00 p.m. to midnight and midnight to 8:00 a.m. He proposed to change to 5:00 p.m. to 12:30 a.m. and 12:30 a.m. to 8:00 a.m. On the weekends and holidays, the change would be proposed to 8:00 a.m. to 4:00 p.m.; 4:00 p.m. to midnight; and midnight to 8:00 a.m. He recommended to look at the higher rate for the shifts that were more difficult to fill.

Commissioner Smith asked who defined “emergency” or what constituted an “emergency”?

Mr. Adams stated the word “emergency” could be removed and changed to “temporary”. Language included in the policy stated:

“Jackson County reserves the right to suspend and/or change this policy at any time. This emergency policy is intended to be temporary. If and/or when the unprecedented rate of directly providing foster care services declines, it is the intention of Jackson County to end this temporary stipend policy”.

Mr. Adams noted this policy was solely for providing foster care services. This would encourage more DSS employees to participate. Also, the recommendation would remain for two additional employees for child welfare issues to offset some of the burden.

Commissioner Jones stated as Mr. Adams discussed these concepts with Mr. Weatherford, it would be interesting to compare to a qualified outside agency to determine the cost.

Mr. Adams stated he directed Human Resources to research the entire region to see how they were paying. He wanted to also explore direct part-time and those types of services. He thought long-term, they may attempt to utilize all of the above.

Informational item.

(6) DOGWOOD HEALTH TRUST OPIOID PLANNING GRANT: Mr. Adams stated he was informed that Dogwood Health Trust granted the county \$368,429 to help create a substance abuse recovery planning program for a two-year period. He provided additional information and the detailed budget previously approved by the Board to apply for the grant.

The grant would allow the county to hire a full-time substance abuse recovery coordinator position for a two-year period. It also provided funds for planning and creating an overall master plan of how to expend the Opioid Settlement dollars. This lined up directly with the Sheriff’s grant.

He requested to place this item on the next agenda to authorize the County Manager to sign the grant approval. He would direct Human Resources to come back to the Board mid-July with job descriptions for the Jail Coordinator and the Substance Abuse Coordinator positions to be approved and start the hiring process.

Consensus: *Add this item to the next regular meeting agenda for consideration.*

(7) EASTERN BAND OF CHEROKEE INDIANS, NC DIVISION OF PUBLIC HEALTH AND JACKSON COUNTY DEPARTMENT OF PUBLIC HEALTH MEMORANDUM OF AGREEMENT AND ADDENDUM:

Mr. Adams stated at the May 16th meeting, he brought the five-county regional Memorandum of Agreement between EBCI, North Carolina and the counties, before the Board. At that time, the Board discussed the infinity pool as being part of the MOA. The MOA authorized the state and the county health departments to go onto Tribal lands to provide health inspections, including restaurants, pools and info about communicable diseases.

The Board concluded a separate agreement should be discussed regarding the infinity pool. The county requested language to be included in a separate agreement for the state to direct the county to not inspect the infinity pool to indemnify the county because of liability concerns. Shelley Carraway, Health Director, expressed this to the state and EBCI after the meeting.

The state held a conference call with all parties on June 12th. Participants included the County Manager, County Attorney, State General Counsel, DHHS, EBCI Counsel and EBCI DHHS. The items were discussed from the state and EBCI levels. They were looking to have an Addendum prior to the end of June.

The Addendum recognized the authority of the State of North Carolina and Jackson County and recognized EBCI was a Sovereign Nation. Also, it stated EBCI did not authorize the State of North Carolina and/or Jackson County to inspect the infinity pool. EBCI completely indemnified the county should any losses or claims occur. Also, because EBCI was not allowing the county to inspect the pool, the State of North Carolina could not instruct the county to inspect the pool.

He presented the Agreement Addendum to Memorandum Agreement between Eastern Band of Cherokee Indians and North Carolina Division of Public Health and Jackson County Department of Public Health. It had been requested that the Board consider moving forward with this document. He would also bring the original MOA Agreement back to the Board as well.

General discussions were held.

Consensus: *Add this item to the next regular meeting agenda for consideration.*

There being no further business, Commissioner Smith moved to adjourn the meeting. Commissioner Stribling seconded the Motion. Motion carried and the meeting adjourned at 2:33 p.m.

Attest:

Approved:

Angela M. Winchester, Clerk to Board

Mark A. Letson, Chairman