

**MINUTES OF A  
WORK SESSION  
OF THE JACKSON COUNTY  
BOARD OF COMMISSIONERS  
HELD ON  
JANUARY 10, 2023**

The Jackson County Board of Commissioners met in a Work Session on January 10, 2023, 1:00 p.m., Justice and Administration Building, Room A201, 401 Grindstaff Cove Road, Sylva, North Carolina.

Present: Mark A. Letson, Chairman  
Todd Bryson, Vice Chair  
Mark Jones, Commissioner  
John W. Smith, Commissioner  
Tom Stribling, Commissioner

Don Adams, County Manager  
Heather C. Baker, County Attorney  
Angela M. Winchester, Clerk to the Board  
Darlene Fox, Finance Director

Chairman Letson called the meeting to order.

**(1) PUBLIC SCHOOL BUDGET:** Dr. Dana Ayers, School Superintendent and Kristie Walker, School Finance Officer, were present for this item.

**(a)** Mr. Adams stated the following was part of the County Manager's Fiscal Year 2022-2023 Budget Message presented to the Board of Commissioners on May 17, 2022. The Board of Commissioners approved the recommended funding allocation to the Board of Education:

*"It is proposed to allocate \$8,600,097 (a 2% - \$168,629 increase) to the public schools for FY 22-23. This includes \$7,168,303 for current operations, \$141,928 for PILT, \$847,067 in teacher supplements and \$442,799 for counselors.*

*Public schools have received a significant amount of ARPA funds. Assuming that State allocations are not decreased, the public schools' request from the County (along with ARPA & State funds) may lead to a fund balance increase. Actual impacts onto the public schools' budget will not be known until a State budget is passed. It is recommended that an additional 5.4% (\$445,300) be reserved in a special contingency line item until the State budget is approved. The public schools can come back to the Board of Commissioners after the State budget has passed to provide detailed information regarding all expenses and revenues. Combined, the total increase could be 7.4% (\$623,929). 7.4% matches the year end 2021 annualized Consumer Price Index (CPI) overall increase."*

Mr. Adams stated that Dr. Ayers would request that the reserved \$445,300 be released to the Board of Education. As stated in the original budget message, releasing the additional funds would increase the allocation to the Public Schools to \$623,929. This would equate to a 7.4% increase, which matched the year end 2021 annualized CPI.

(b) Dr. Ayers presented history and background:

- May 2022:

	<u>2021</u>	<u>2022</u>	<u>2023 Proposed</u>	
Salaries	\$5,183,566	\$5,242,052	\$6,918,092	
Operations	\$3,004,221	\$3,369,416	\$3,478,137	
Total	\$8,187,787	\$8,611,468	\$10,396,229	
County Funding	\$7,908,941	\$8,431,468	\$8,600,097	2% increase
			\$306,852	JCPS Fund Balance
			\$455,300	5.4% set aside - revisit
			(\$727,128)	

- August 2022:

	<u>2021</u>	<u>2022</u>	<u>2023 Proposed</u>	
Salaries	\$5,183,566	\$5,242,052	\$6,836,343	
Operations	\$3,004,221	\$3,369,416	\$3,541,044	
Total	\$8,187,787	\$8,611,468	\$10,377,387	
County Funding	\$7,908,941	\$8,431,468	\$8,600,097	2% increase
			(\$160,000)	Fines and Forfeitures
			(\$500,000)	JCPS Fund Balance
			(\$455,300)	5.4% set aside - revisit
			\$661,990	Budget signed

- December 2022:

	<u>2021</u>	<u>2022</u>	<u>2023 Proposed</u>	<u>2023 Actual Budget</u>	<u>2023 YTD Expenses</u>	<u>2023 Projected Expenses</u>	<u>TOTALS</u>	<u>Difference between Actual and Projected</u>	<u>2023 YTD Revenues</u>
Salaries	\$5,183,566	\$5,242,052	\$6,836,343	\$6,805,831	\$2,762,450	\$2,795,250	\$5,557,700	\$1,248,131	
						\$250,165	\$250,165		
Operations	\$3,004,221	\$3,369,416	\$3,541,044	\$3,571,556	\$1,628,928	\$2,119,494	\$3,748,422	(\$176,866)	
Total	\$8,187,787	\$8,611,468	\$10,377,387	\$10,377,387	\$4,391,378	\$5,164,909	\$9,556,287		
County Funding 2% Inc.	\$7,908,941	\$8,431,468	(\$8,600,097)	(\$8,458,169)					\$4,300,045.56
Fines & Forfeitures			(\$160,000)	(\$160,000)					\$82,232.98
JCPS Fund Balance			(\$500,000)	(\$1,617,290)			\$956,190		
5.4% set aside; revisit when state budget signed			(\$455,300)						
			\$661,990		\$4,391,378				\$4,386,278.54

**State allotment overages**

Teacher Assistant	\$214,654
Custodians	\$14,991
Instructional sup	\$20,520
Local budget	\$250,165

	<u>2022 Fund Balance</u>	<u>Appropriated</u>	<u>Total</u>
Capital outlay	\$802,024	\$207,000	\$595,024
Local current expense budget	\$3,319,280	\$1,617,290	\$1,701,990
Local current expense goal	\$3,319,280	\$500,000	\$2,819,280

Dr. Ayers stated that at this time, she requested the funds that were set aside in the amount of \$455,300. They had been able to make budget and it did not appear they would have the \$661,900 shortfall. The reason for this was because they had not been able to fill all of their positions. In the future, they would still need those amounts of money because they would want to fill those positions.

Mr. Adams noted that these numbers were projections. If the Board moved forward and allocated the \$455,300 that was reserved, the Public Schools projected to use \$500,000 of their own fund balance. They would continue to have these conversations and update the numbers.

General discussions were held.

(c) Dr. Ayers requested that the Board consider a joint meeting with the Board of Education. She suggested January 31<sup>st</sup> at 6:00 p.m.

**Consensus:** *Add both items to the next regular meeting agenda for consideration.*

## **(2) MUNICIPAL GRANT APPLICATIONS:**

(a) Bernadette Peters, Town of Sylva Main Street Economic Development Director and Greg McPherson, Town of Sylva Commissioner, were present for this item.

Ms. Peters presented the Town of Sylva's application: Requested \$5,000.00 to start a Sylva Art Walk that included murals, marketing rack cards for the walk and kiosks to hold brochures and other promotional materials.

General discussions were held.

Commissioner Jones asked if there were reoccurring costs to the Town of Sylva's budget and if so, had those the future funds been considered?

Ms. Peters stated, yes, the town did budget money to replace certain items that would need to be replaced as they faded over time. Also, they had a maintenance agreement for the large mural and funds were allocated for that.

Commissioner Stribling stated that this was a great idea, but he would rather see the funds go towards fixing Bryson Park. It had been dilapidated for a while. He wanted to see that fixed first.

Commissioner McPherson stated Bryson Park was one of the Town of Sylva's major projects for the year.

Ms. Peters stated they were in the process of doing that, but it was heavily tied to the slope failure, which was requiring technical work to be done.

Commissioner McPherson stated it would be at least a year before they could look at Bryson Park, but it was definitely a priority for the Town Sylva Board.

Commissioner Bryson asked if the Board moved forward with the grant, would the money only be used for artwork and those types of things? Would the funds be used for the open carry social districts?

Commissioner McPherson stated the funds would only be used for what was stated in the application.

*Informational item.*

(b) Debbie Coffey, Town of Dillsboro Clerk, presented the Town of Dillsboro's application: Requested \$5,000.00 to add additional benches along Front Street and purchase new directional signage and traffic cones for events.

General discussions were held.

*Informational item.*

(c) Jim Wallace, Village of Forest Hills Mayor, presented the Village of Forest Hill's application: Requested \$4,000.00 to clear and enhance a vacant lot at the enhance the Village.

General discussions were held.

*Informational item.*

(d) Tracy Rodes, Town of Webster Mayor and Leigh Anne Young, Town of Webster Vice Mayor, were present for this item.

Mayor Rodes presented the Town of Webster's application: Requested \$5,000.00 to purchase park equipment to include garbage and recycle receptacles to be placed on property leased by the County Parks and Recreation Department located behind the ballfield on Webster Road. They would also purchase a bench to be placed in front of Town Hall.

They had been discussing and working on a potential pavilion behind the ballfield since 2015. Over the past few years, they used the municipal grants to buy park equipment for the project. Vice Mayor Young wrote a letter to Senator Corbin requesting funds for the pavilion. Senator Corbin did allocate \$90,000 to Webster for the pavilion.

On November 2<sup>nd</sup>, Webster Commissioners voted for the funds from the grant to go through Southwestern Commission to be disbursed to the county. The property was owned by the Board of Education, but had been leased to the county in preparation for this project to happen.

General discussions were held.

*Informational item.*

Commissioner Jones stated that since the Town of Sylva was picking up the future budget needs for their project, he thought they should move forward with the request.

Chairman Letson stated that it would get them off the ground and going.

Commissioner Smith stated he would like to have more information to make sure the artwork was family friendly for families walking in the downtown area.

Commissioner Bryson stated he wanted to know what the artwork was also. If it was not family friendly, he was not in favor of it.

Commissioner Stribling stated he agreed. He would like to see that money go towards Bryson Park.

Chairman Letson stated they would hold off on the Town of Sylva's request to get more information on the type of art that would be allowed.

General discussions were held.

***Consensus:*** *Add the Town of Dillsboro, the Town of Webster and the Village of Forest Hills municipal grant applications to the next regular meeting agenda for consideration.*

(3) **WEBSTER PARK:** Rusty Ellis, Parks and Recreation Director, stated as Mayor Rodes previously stated, they had met for several years to propose the Webster Park. They hoped to have a community park similar to the park in Savannah with a pavilion, playground, walking trail, bathrooms and benches. They had three benches currently installed with some trash cans. They had also upgraded the existing bathrooms with heat and to be ADA compliant. Senator Corbin and Representative Clampitt secured a \$90,000 grant to go toward the pavilion.

He presented the following:

(a) Picnic Shelter and Playground Concept Plan

(b) ADA Parking Detail

(c) Estimate of costs: All Prices below were updated as of January 9<sup>th</sup>

- Playground (installed): \$75,000
- With pour in place surface and some inclusive pieces: \$132,000
- Swings (installed): \$6,000
- Inclusive playground: \$305,000
- Shelter 26 x 44 (installed): \$65,000
- Electric/Lights at the shelter: \$12,000
- Picnic tables (6): \$6,500
- Pet Waste Stations (2): \$1,000
- Protective netting: \$10,000

- Trail Screenings: \$1,000
- ADA Parking and sidewalk: \$9,500
- Total: \$186,000
- +57,000 for ADA components to universal playground: \$243,000
- Total with Inclusive playground minus universal playground: \$416,000  
(Inclusive playground)

Mr. Adams stated that the inclusive playground had increased in price drastically since it was originally discussed. They had the \$90,000 grant for the shelter with electric/lights. He requested the Board to consider, at minimum, adding funds to the \$90,000 grant, for the ADA parking and the netting. This would allow them to continue conversations for the future playground area and how they wished to move forward with the park.

If they were able to start with these elements by spring, they would have a functioning amenity and then the Board could make decisions in the future regarding the playground. Also, he wanted to make sure everyone was comfortable with the netting because it would change the visuals of what was seen from Main Street.

Mr. Ellis stated the netting would consist of a series of approximately 16 poles that would be 16 feet high and spaced approximately every 15 feet with the netting connected to each pole around the field.

Mr. Adams stated that he believed they needed the netting and ADA parking to go along with the pavilion. If the Board was agreeable to move forward with a minimum of these elements, that would put a facility in place to be utilized in the spring and summer.

Mr. Ellis stated that in response to Commissioner Bryson’s comments at the last work session, he was also checking into netting on the right field side at the field at the Cullowhee Recreation Center.

Commissioner Bryson stated that he would like to see it around both fields in Cullowhee because of the walking path around both fields. He thought they needed it at Mark Watson Park also.

Mr. Ellis stated that he did not think the netting would have to be as high in Cullowhee. Also, there was an issue at Mark Watson with the walking trails there also.

General discussions were held.

Mr. Adams stated that since they had the \$90,000 grant, the request would be for the Board to approve moving forward with the netting and ADA accessibility so that Mr. Ellis could plan for this as one contract to move forward in the spring.

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

**(4) STIP PROJECT EXCHANGE:** Rose Bauguess, Senior Planner at Southwestern Commission Council of Governments and Michael Poston, Planning Director were present for this item.

Ms. Bauguess stated that she wanted to discuss with the Board an opportunity the county had regarding the transportation projects that were funded in the NCDOT State Transportation Improvement Program (STIP).

She presented: Potential Project Swap for the 2024-2033 STIP:

**(a)** NCDOT’s State Transportation Improvement Program (STIP) was a 10-year funding and scheduling document for transportation projects. It was typically updated every two to three years and NCDOT was currently developing the STIP for 2024-2033. Due to unprecedented budget issues and cost increases, there was not enough money available to fund all the projects previously programmed in the STIP. Therefore, NCDOT had to remove funding for many projects to balance funds. The methodology for doing this included a “flexibility option”, whereby a defunded project could be swapped for a funded project, if the cost was within 10% and the swap was agreed on by the RPO and the Division.

(b) Jackson County Project Status in the 2024-2033 Draft STIP:

- Fully funded, not eligible for swap:

<u>Project ID</u>	<u>Description</u>	<u>ROW</u>	<u>Const.</u>	<u>Cost</u>
EB-5923	Skyland Dr sidewalk	complete	2022	\$960,000
R-5600	NC 107 Access Management from downtown Sylva to Fairview	2022	2025	\$121,839,000

- Fully funded and eligible for swap with unfunded projects in the STIP:

<u>Project ID</u>	<u>Description</u>	<u>ROW</u>	<u>Const.</u>	<u>Cost</u>
R-5841A	NC 107 modernization from Shook Cove Rd to Lake Tuckasegee Dam	2028	2030	\$20,699,000
R-5907	US 74 from Gateway Interchange to West Piney Mtn Rd including Wilmot bridge	2028	2030	\$23,600,000

- Not funded and eligible for swap with funded projects in the STIP:

<u>Project ID</u>	<u>Description</u>	<u>ROW</u>	<u>Const.</u>	<u>Cost</u>
R-5881	US 64 / NC 107 Intersection Improvements	Not Funded	Not Funded	\$22,400,000

(c) Key considerations:

- Cost: R-5881 was within 10% cost of the funded projects and therefore would be eligible for swap with a funded project. The \$20 million cost estimate was considered appropriate. However, the \$20 million cost estimate for R-5841A was considered far too low and would likely result in extensive project delays to acquire the needed funding.
- Constructability/feasibility: Project R-5841A was needed and important, but was also very complex and would likely face numerous hurdles during the environmental permitting process resulting in significant delays. The R-5881 project, while not easy, was more straightforward and would likely be feasible and delivered on schedule.
- Project Development Schedule: Once a project was funded, work would begin to collect data, develop preliminary designs, collect public input, determine the final design and eventually begin construction. The projects under consideration were scheduled for construction in 2030.

Mr. Adams stated that with the two projects that were eligible for swap, they were told that the funds budgeted for the R-5841A project was not an accurate number. Looking at the history of these types of projects that were significantly underfunded and estimates were low, they tended to get pushed out further and further. The reality of this project getting achieved under its current approval was not high. They would have to go back and get a re-estimate on the project.

Ms. Bauguess stated the section that was currently under construction had significant delays and complications. It was a needed project, but was extremely difficult. The feasibility and constructability issues would mean it would be delayed further out as they tried to acquire enough funds to build it. The R5881 project was more straightforward and could likely be delivered for the cost in that timeframe.

Mr. Adams stated if the Board wished to swap projects, for example R-5881 with R-5841A, part of the conversation would be about getting the project funded. It would have to go through a design process and a public input process the same as any other project.

Ms. Bauguess stated once the project had a contract with an engineering firm to start collecting the initial data, rough, conceptual ideas could be presented at a public meeting to get input on the design they preferred. Once the preferred alternative was selected, they worked in final design to refine the details.

General discussions were held.

Mr. Poston stated that as far as the timeline, NCDOT needed input from the RPO, which the county was a part of. They would be looking for a consensus that this was a project swap the county wanted to engage in to allow staff to work with Ms. Bauguess and the RPO to make these decisions by mid-March.

Mr. Adams stated this was the process the Board could go through to empower Chairman Letson, as their RPO Representative, to take this to the RPO because it did require approval from the RPO. It was due to NCDOT on March 17<sup>th</sup>.

Chairman Letson stated that this project had been discussed among the Planning Council for years.

Commissioner Bryson asked how the community felt about it?

Chairman Letson stated that he thought everyone felt that something needed to be done, otherwise it was not going to get any better.

Commissioner Jones stated that approximately 20 years ago, there were discussions of a two lane roundabout, but the community was resistant at that time, so the project got put off. In his conversations, a one lane roundabout would fit better in the right-of-way, reducing extra cost, but that design had not been set in stone yet. Roundabouts worked wonderfully to keep traffic flowing. He had been in conversation with NCDOT for 2-3 years on this project. Something had to be done. He would rely on the engineers to come up with that design. He would like to see the Board consider this swap.

Mr. Poston stated at that time, they did not know what the design would look like. The DOT would go through a public input process.

Chairman Letson stated that it made sense to go ahead with the swap if they were afforded the opportunity. If not, when would the next opportunity be?

Mr. Poston stated as it stood, the county and RPO would have to re-prioritize the Cashiers Crossroads, which would go back into the mix with all other projects. They did not know where it would score. At this time, they had a chance to move the project from the unfunded category to the funded category. Once the project had funding, it could begin to move forward to construction.

Commissioner Bryson stated that he wanted the community to want it and like it. He did not want half the people to want it and half the people to not want it.

Mr. Poston stated that this project had been discussed for the better part of two decades. The past couple of years, they did a Small Area Plan for that area. They discussed this with the Planning Council where they reaffirmed they were supportive. The Planning Council was a community based group that received community input and was a representative of the government. It was reaffirmed in the Small Area Plan that intersection improvements at the Crossroads were important at that time.

Since that time, ULI came in and reaffirmed that concept with the community. A majority of folks that engaged in these processes stated something needed to be done at the intersection. When they had a better idea of what was being proposed, they could debate the merits of each different design they may be presented with from DOT, as a community.

Mr. Adams stated R5881 was not funded. The review of that intersection was not in the funded category and no work was being done to improve the facility. The Board was being presented with an opportunity to put the project back into a funded category where engineering and surveying would start occurring for potential engineering solutions and public input processes.

**Consensus:** *Add this item to the next regular meeting agenda to consider swapping Project R5881 with Project R5841A.*

The Board took at ten-minute break.

Chairman Letson called the meeting back to order.

**(5) SUBDIVISION APPROVAL PROCESS:** Mr. Poston and John Jeleniewski, Senior Planner, were present for this item.

Mr. Adams stated he invited Mr. Poston to provide the Board with an overview of the Subdivision Approval Process with a specific example of the Planning Board approved Camp Creek Housing Development. He asked Mr. Poston to talk about approval so that they were all on the same page about any subdivision in the county and how that processed worked. Since questions had been generated about the Camp Creek Subdivision, he wanted to use it as the example.

Mr. Poston stated in 2007, the county adopted the Subdivision Ordinance, which created the rules in the county about how anyone that owned or developed land could divide the land. At that time, the county adopted regulations on how they would divide land and broke it down into two categories and what was required for each level and size of subdivision.

**(a)** There were four levels of subdivision:

- Family Subdivision: Division among families; approve through administrative review
- Minor Subdivision: Less than 9 lots; approve through administrative review
- Major Subdivision Level One: Between 9-99 lots; approve through administrative review
- Major Subdivision Level Two: Over 100 lots; Planning Board for review to make administrative review

If the applicant could demonstrate they could meet all of the standards of the ordinance, there was no ability for the Planning Board to ask the applicant to do something that was not included in the ordinance. The County Commissioners adopted a Subdivision Ordinance. If the applicant was following the rules in the Subdivision Ordinance and they could confirm that with the plans that were being submitted to staff, most of the time, they should approve the site plan or subdivision.

If there were concerns not being addressed, they would go back to the Planning Board to work on amendments to the Subdivision Ordinance to present to the Commissioners and be able to have the conversation about why they would recommend the change to the Subdivision Ordinance. This process was done from time to time with all of the ordinances.

**(b)** He provided a project summary for the EBCI Camp Creek Housing Development:

The Eastern Band of Cherokee Indians was proposing a major subdivision that would consist of up to 495 dwelling units on 188.38 +/- acres in four phases. Access to this proposed subdivision would be from Camp Creek Road, which was an NCDOT maintained roadway (S.R. 1406) and had an approximate average pavement width of 20'. Phase 1 of the development would consist of 74 dwelling units of mixed types, two community buildings, a sales office and a post office. This phase would be served by three roads all 20' in width and two one-way roadways, 12' in width that would serve individual cottage dwellings. The proposed single-family home lots would range from 0.06 to 0.18 acres in land area.

Site amenities for phase 1 would include community buildings (meetings/conference), community garden with garden shed, bus shelter, playground and walking trails. Site grading (cut and fill) would be moderate for infrastructure improvement as the submitted plans indicated that the proposed road network would take advantage of the existing topography while site grading for structures would be built by graded pads and walls. The submitted plans indicate responsible storm water and erosion control measures, which have been designed by a registered engineer. Water and sewer services for this proposed major subdivision would be provided by EBCI Tribal Utilities and fire protection would be provided by the Qualla Fire Department.

The property was not located within a designated flood hazard area (Floodway/100-year flood plain). The total land area of this property was 188.38 +/- acres; however, Camp Creek Road artificially subdivides the property creating two tracts, 28.81 +/- acres to the west and 159.57 +/- acres to the east. The average slope of the west side tract was 21%, which did not prompt the administration of the Mountain and Hillside Development Ordinance (density standard). The average slope of the east side tract was 45%; however, 70.97 +/- acres of this tract would be maintained as "protected/non-buildable", in so doing, reducing the average slope of the remaining east tract (88.60 acres +/-) to 31%, which did not prompt the administration of the Mountain and Hillside Development Ordinance.



The protected/nonbuildable areas could not be developed and were required to be recorded with the Jackson County Register of Deeds Office. This subdivision was required to provide a minimum of 20% open space overall and the applicant was providing approximately 38% of open space for this development. The applicant was hopeful of entering into a Development Agreement with Jackson County, which would come before the Planning Board for review and recommendation.

This development was subject to review under the county's subdivision ordinance as a major subdivision, tier 2 and this subdivision type included a development with more than 99 lots/structures. The role of the Planning Board in this review was to assure the submitted Principal Concept Plan complies with the standards established in the subdivision ordinance. The subdivision ordinance established standards for road design and construction, site grading, storm water management, provision of water and wastewater treatment and other matters related to the proposed development. Other county ordinances, notably the erosion and sediment control and water recharge ordinances, addressed other matters related to the development of the project. Staff would assure these standards were met with plans meeting specifications established by Jackson County ordinances having to be approved prior to commencement of construction activities. The Planning Board would be kept informed of the status of approval of the plans and schedule for construction activities.

General discussions were held.

Commissioner Smith asked if they had reviewed to make sure it met the standards of the Planned Community Act?

Mr. Poston stated that the Planned Community Act was not something that local government enforced. They did not review state statutes and rules they did not have the authority to enforce as a local government. They did look at and enforce what the Commissioners had adopted. If there were state statutes that directed local governments to review certain things, they would do that. A good example of that would be Watershed Classification.

Commissioner Smith stated that he knew they did not have the authority to enforce them, but should they at least review those to make sure there was no conflict between statutes and what they were approving?

Ms. Baker stated the Planned Community Act was a civil process. That would be something a property owner within the development could use to have action against the developer if they did not comply with the Planned Community Act when it was enforced. It was not something local government had the ability to review or make any judgments on. It would be the same as if a property had restrictive covenants. That did not fall under the county. They looked at things through ordinances and state laws, which was the only review they could legally do on property coming up for development.

General discussions were held.

Commissioner Bryson asked if anyone could live in this development?

Mr. Poston stated that it was his understanding that it was not just meant for tribal members. But he could not say that could not happen because what they looked at was how the style of development fit into the county ordinance.

Commissioner Bryson stated that he did not have a problem with that. His problem was that EBCI was doing this, but Jackson County's Sheriff's Office would have to send deputies. If a fire broke out, Jackson County would have to send the fire department out. What advantage was there for Jackson County? They would receive taxes, but there was no other advantage for the county.

Mr. Poston stated that it could be any developer coming to them with a set of proposed plans.

Chairman Letson stated that from his experience sitting on the Planning Council, there were hundreds of these going on throughout the county that had to meet the same standard, whether it be EBCI or anyone else. Also, if it were another developer, they would still have to provide the same services with Sheriff and fire.

Commissioner Bryson stated that he felt they should have a say in approving a plan this size. It was his understanding they did not have a say.

Mr. Poston stated that what the Commissioners did when they adopted the ordinance was set the standard of how development happened.

Chairman Letson stated that if the Commissioners felt there was a need to change the standards to state a maximum community size, unless they needed a special use permit, that was what they had to direct Planning to establish. It would not change this project, but could change future projects.

Commissioner Bryson stated that he did not have anything against EBCI, he just used that as an example.

Commissioner Smith stated he thought they could agree this would create an additional strain on Qualla Fire Department and Sheriff's resources. It would take taxes a while to catch up and how they funded that would be different. How would they fund those services? The court already ruled that impact fees were unconstitutional in North Carolina, so they could not charge those.

General discussions were held.

Mr. Poston stated that he thought some of the answer would be to continue having these conversations, which would lead to areas they could identify where they could improve on in the ordinance structure. Some areas may be to work with communities so they could plan future growth. They had done that with a few of the communities and this may be an opportunity to start those conversations in other communities that were going to be experiencing growth.

Chairman Letson stated they certainly did not want to negatively impact those already there. They could identify a lot of areas that were being developed, based on topography and what was available. The Board could look at this to make sure they were not over developing or pushing someone out.

Mr. Jeleniewski stated that he thought it was important to note that this project would not happen unless they had public utilities. EBCI public utilities would come down from the tribal boundary to this property.

Chairman Letson asked if it was mentioned to improve Camp Creek Road?

Mr. Poston stated DOT did require a traffic impact analysis. A report would be prepared based on the existing infrastructure and what additional traffic would be produced by the development. DOT would review the report to determine what improvements may be necessary to the facilities. They understood they would require Camp Creek Road to be improved between the property lines of the development.

General discussions were held.

Mr. Adams stated there was a second part of this conversation regarding an upcoming potential Development Agreement, which would come back before the Board.

Mr. Poston stated that state legislators gave local government the ability to enter into long-term agreements with community developers when there were larger projects that may have a multi-year implementation. The Subdivision Ordinance stated if someone came to them with a subdivision, they had to have that recorded within three years or they had to come back to the approving authority to get re-approved or, if there had been changes in that time, they would have to account for those changes.

A development agreement allowed both parties to enter into an agreement for a longer period of time, usually 20 years, with an expectation of how the development would occur. There may be things the county would want to reiterate in an agreement that would be in force for the entirety of the agreement, which would allow the developer, the Tribe in this case, to continue the development beyond three years.

Because of the phased development, currently the county's ordinance would allow up to five years. They could not record the plan at that time because they had not met the standards of the ordinance. The state did require the Board to hold a public hearing before entering into a development agreement.

*Informational item.*

**(6) RESOLUTIONS FOR NCDOT FEASIBILITY STUDY GRANT:** Mr. Poston stated this item was discussed at the December work session about a grant that NCDOT made available. The applications had been formally submitted and they were allowing counties leeway with getting resolutions approve because of the timeframe. If awarded, there would be no match from the county. The projects would be fully funded by NCDOT.

He presented the two resolutions he would request consideration for at an upcoming regular meeting:

**(a)** Resolution supporting the county’s application for the NCDOT’s Paved Trails and Sidewalk Feasibility Study Grant for Fairview Road and Big Orange Way.

**(b)** Resolution supporting the county’s application for the NCDOT’s Paved Trails and Sidewalk Feasibility Study Grant for US 64 East.

General discussions were held.

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

**(7) TRANSIT POLICIES:** April Alm, Transit Director, stated that as mandated by the NCDOT Integrated Mobility Division, a Proficiency Review was conducted for Jackson County Transit on October 19, 2022. This review typically occurred every three years for each NC transit agency. Upon review of Transit’s policies and procedures, two policies were affected and subject to Board approval.

Based on two findings, NCDOT IMD recommended creating a policy on Cost Allowability for charges against Federal Awards and updating the current Americans with Disabilities Act of 1990 (ADA) policy regarding fixed route stop announcements. All findings must be corrected on or before the deadline date of January 29, 2023.

**(a)** Corrective Action: A policy should be prepared by the subrecipient that addressed the procedures for determining the allowability of costs in accordance with Subpart E - Cost Principles of 2CFR §200 and the terms and conditions of the Federal award. A template was provided.

**(b)** Correction Action: The subrecipient must revise its ADA Policy and training materials to ensure that all drivers and staff were aware of the bus stop announcement requirement for deviated fixed route service.

Upon approval of the ADA Policy by the Board of Commissioners, the new policy would be posted on the Transit website.

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

**(8) OPIOID SETTLEMENT FUND:** Mr. Adams presented information from the North Carolina Association of County Commissioners, NC Opioid Settlement Strategies, Resources and Collaborations:

**(a)** Memorandum of Agreement (MOA) Guiding Principles from previous discussions:

- Spend the money to save lives.
- Use evidence and data to guide spending.
- Invest in prevention of root causes.
- Focus on equity and populations disproportionately impacted. Include people with lived experience.
- Transparency and accountability. Fair and transparent process for deciding where and how to spend the funding.

**(b)** How should counties and cities spend their settlement funds: The MOA offered local governments two options:

- Under Option A, a local government may fund one or more strategies from a shorter list of evidence-based, high-impact strategies to address the epidemic.
- Under Option B, a local government engages in a collaborative strategic planning process involving a diverse array of stakeholders and may then fund a strategy from the list or a longer list of strategies included in the national settlements.

(c) Option A: High Impact Abatement Strategies:

- Collaborative strategic planning
- Evidence-based addiction treatment
- Recovery support
- Housing
- Employment
- Early intervention
- Naloxone
- Post-overdose response
- Syringe service programs (SSPs)
- Legal system diversion
- Addiction treatment for incarcerated persons
- Reentry programs

(d) Early Intervention:

- Risk factors, root causes
- Trauma was the gateway to drug use
- Help young people who may be struggling with drug use
- Adverse community environments

Mr. Adams asked if the Board was comfortable continuing the conversations with the information that had been presented so far? Also, did the Board, as individuals, have any interest in these options? His recommendation for next steps would be to put together a team, starting with internal staff, consisting of people from Social Services, the Health Department and potentially law enforcement. Those were the people he would consider boots on the ground that he would bring together to start a real conversation about the funding and make sure they were all on the same page of where the funds could be expended.

This team could to start presenting concepts and ideas and to Board and to the public. He was offering this as a starting point and solution that would pull together professionals, who they already employed and were involved in these categories. He requested feedback from the Board and/or individual Commissioners if they had particular interests. He would take those back to the committee to be addressed. He provided this as a recommendation to get the conversations going at a professional staff level.

Chairman Letson stated that he thought they could all be in agreement that all steps were important, but he felt that Evidence Based Addiction Treatment, Recovery Support and Addiction Treatment for Incarcerated Persons were important.

Commissioner Smith added Early Intervention in the school phase with a program to bring recovered addicts in and talk to students.

Chairman Letson requested staff to bring back information regarding those named strategies.

Commissioner Smith stated that there was an Early Intervention Program in the schools that School Board Member Kim Moore was a part of.

Mr. Adams stated that he would speak with Dr. Ayers and invite the school system in on some of the concepts.

Commissioner Bryson stated that he thought with the Early Intervention, they could get DSS involved with those already in contact as kids from their parents being addicts. That was hard to overcome. He knew many families where it was a chain reaction where parents did it and their children end up doing it. They had to have someone come in and give direction and support. He thought it was a great idea to have a committee and bring in people that specialized in this from different areas in the county.

Mr. Adams stated that many of these strategies were interconnected. DSS could provide significant input into Early Intervention, along with the public school system.

Commissioner Bryson stated that Early Intervention and Recovery Support were at the top of his list. If they nipped it early, they would not have such a problem later on. It was much harder to get someone off it. There were some good people on that stuff, good friends. He was for anything that had to do with the drug recovery.

Commissioner Smith stated that he thought the current DARE Program stopped at 7<sup>th</sup> grade. They needed to have some type of program in the high school.

Chairman Letson stated he wanted to hear input from Sheriff Farmer regarding the points of contact he had in the community every day that were already afflicted by the addiction issue. There may be a strategy Sheriff Farmer saw as better that would be impactful for the Board.

Mr. Adams stated one of the Guiding Principles was: "Focus on equity and populations disproportionately impacted. Include people with lived experience". With the previous Board, there were things set into motion that were not completed. There was a desire to have an open process to include people with lived experiences. There was a desire, at some point, to have those conversations at the Board level.

With the Board's approval, he would give a directive to the committee to develop a comprehensive process for people with lived experience to share their story. He would like to discuss with the committee how to involve people with lived experience and give them a voice and recognize the tragedies and issues these families were dealing with. He wanted to work with this committee to have a comprehensive way to hear from those folks.

Commissioner Smith thought this would be part of early intervention going to the classrooms or auditorium with students. It was not just drugs, but alcohol as well.

Commissioner Bryson stated that he thought bringing people in that were recovering would be great for kids or anyone that wanted to listen. He thought it would be beneficial for the entire community to hear what these people had been through because the county had an uphill battle they were facing, as well as the Sheriff's Office. If they did their part, he thought they could change the way it was going.

Commissioner Stribling stated that it was not just kids. There were adults that were addicted too.

Mr. Adams stated he wanted to develop a strategy with this committee on how to go through mechanisms to get people involved to tell their story. There were people living through this themselves and people who had suffered loss. Also, include peer support specialists that went through recovery themselves and were now providing support.

General discussions were held.

Mr. Adams stated he would form the committee and have an initial meeting to start developing strategies and report back to the Board on what they were attempting to accomplish.

Commissioner Jones stated he liked the idea of the committee. In Option A, all of the strategies did overlap each other. He would ask to charge the committee to bring all the strategies in the best way they could. Some had more emphasis than others in the community.

***Consensus:*** *Mr. Adams to work to form a committee and report back to the Board at a future meeting.*

**(9) FY2023-2024 BUDGET CALENDAR:** Mr. Adams requested any general comments from the Board about the budget calendar and to discuss the date and time for the budget retreat.

He presented the Proposed FY2023-2024 Budget Calendar:

January 10	Regular Commissioner Work Session – Set budget calendar- 1:00 pm
February 21	Commissioner's Budget Retreat, time, location and meal TBD Regular Meeting at 6:30 pm
February 28	Manager's preliminary meeting with Departments and Offices
March 1	Nonprofit Grant Applications Disseminated
March 14	Special Called Budget Meeting-Revenue Discussions, if needed Work Session at 1:00 pm
March 24	All requests submitted to Finance
March 31	Nonprofit Grant Applications Due

April 11	Regular Commissioner Work Session –summary of all new requests- 1:00 pm
April 17–April 28	Manager / Finance Budget Meeting with Departments and Agencies
May 1–May 5	Finance Officer inputs changes from Manager/Finance Budget Meetings
May 8–May 12	Manager finalizes recommendations / Finance/Manager finalize budget recommendations presentation
May 9	Regular Commissioner Work Session – Capital Projects, update on new requests- 1:00 pm
May 16	Regular Commissioner Meeting – Manager’s Recommended Budget- 6:30 pm
May 18–May 19	Special called budget work sessions to hear presentations if needed (safety, education, non-profits, other departments) – Time TBD There would be two weeks left in May that could be utilized, if needed
June 6	Regular Commissioner Meeting – Budget Public Hearing - 6:00 pm
June 8-9, 12-14	Special called budget meetings as needed to make final adjustments
	Work Session on June 13 <sup>th</sup> at 1:00 pm
June 20	Adoption of budget- 6:30 pm

Chairman Letson suggested they discuss the budget retreat date, time and location. General discussions were held.

***Consensus:*** *Add this item to the next regular meeting agenda to consider the revised Budget Calendar, which would include the following amendments: Setting the budget retreat for Tuesday, February 21<sup>st</sup> at 10:00 a.m. with a location TBD; Setting Tuesday, May 23<sup>rd</sup> at 9:00 a.m. in place of the proposed May 18-19; Setting June 8<sup>th</sup> and 9<sup>th</sup> for 9:00 a.m., if needed.*

**(10) COUNTY ORGANIZATIONAL STRUCTURE:** Mr. Adams stated at the Essentials of County Government class, they provided general organizational information for county government and roles of Commissioners and other departments.

(a) He presented and discussed Jackson County’s organizational chart to the Board, which listed operations in the county that had payroll and/or expense checks going through the county finance office. He also discussed agencies that worked with multiple advisory boards and acted as staff to many other boards. Examples of these boards were associated with Recreation, Transportation, Department on Aging, Economic Development, Planning Department, Code Enforcement, E911 Addressing and others.

(b) Other funded program: These entities had their own governing bodies and bank accounts. The county provided funding in lump payments to these entities.

- Board of Education
- Southwestern Community College
- Fontana Regional Library
- Smoky (Vaya) Mental Health
- Fire Departments and Rescue Squads
- NC Forestry Service
- EMS – Harris
- Tourism Development Authority (TDA)
- Nonprofits

He thought it was important to know the different relationships they had with the different entities. An example would be the Sheriff. The Sheriff had complete autonomy, as far as his personnel and had his own legal authority. The relationship with the county was policymaking and financing, so it was really a partnership as far as coming to an agreement.

Chairman Letson asked if there was an outlier in terms of the standard with the state and with the county’s current setup? Did the county’s organizational chart follow other surrounding counties? Or was there something different they were doing that Jackson County was not doing?

Mr. Adams stated that SCC was a regional system that three counties agreed to participate in, so there was control regarding participation. Also, Jackson County had control in appointments to the SCC Board of Trustees, but it was state regulated, so there was not much leeway in changes in that type of organization. It was the same way with nonprofits. They had their own boards, so the county had a financial partnership with them.

General discussions were held.

(c) Mr. Adams stated there were alternative mechanisms of how DSS and the Health Department were governed. The community had been through the debate previously regarding DSS and the Health Department and was switched back and forth.

There were four options:

- DSS and Health Board (county's current setup)
- Board of Commissioners directly act as these two boards
- Board of Commissioners appoint a Human Services Board, which would provide oversight to one or both of these organizations
- Board of Commissioners assume the duties of the Human Services Board and would provide oversight to one or both organizations

If the Board chose to not go with a separate board, the Health Department would require an advisory board with it. Haywood County was in the model of a Human Services Board where they hired a Human Services Director, who was over both DSS and the Health Department. Regionally, multiple counties had exercised different versions of these options.

General discussions were held.

Mr. Adams stated that previously, the county went to a separately appointed Human Services Board. Under this model, they took recommendations from the existing Health Board and DSS Board, so several of the same individuals went from the existing boards to the new Human Services Board.

He and county staff worked with the new Human Services Board to attempt to move forward with hiring a Human Services Director. The County Manager hired the Human Services Director, but had to receive a recommendation from the Human Services Board. As they were going through the process, he never got to the point of hiring a Human Services Director. An election occurred and a new Board came in and chose to have a public hearing to switch back to the current DSS Board and Health Board.

Commissioner Bryson asked if there was an advantage to having the boards together?

Commissioner Smith stated he thought it would give more oversight.

Commissioner Jones stated he was previously on the Board of Health for ten years. He was educated when the State Legislature allowed for the combination of the two boards. Generally speaking, a county or municipality of 100,000 or more was helped by combing the two boards and it did show efficiency with non-duplication of certain services. If the county was not of significant size, those efficiencies were minimal to none.

Mr. Adams stated that all he had seen previously with the pros and cons, there was no true financial efficiency model. Because of confidentiality rules, information could not be shared as much between DSS and Health Department workers as it may seem, even though they may be working with the same clientele.

That was where initially they thought some of the savings could happen. With 100,000 or more, there was more administration that would be able to collapse together and that was where the savings were. Getting down to social workers and health department nurses, it was hard to collapse those. That was why they did not really see financial efficiency.

Chairman Letson asked about efficiencies with septic, well, inspections and permitting, etc. Were those within the health department or code enforcement?

Mr. Adams stated they had two separate entities that were over the development process and they currently had the One Stop Center. It was dependent upon the people working well together, not the organizational structure.

General discussions were held.

Mr. Adams stated the other debate and discussion with this would be the type of oversight provided to the Health Director and DSS Director. Currently, the specific membership of the Health Board was prescribed, for example, members had to be an engineer, veterinarian, etc. In the previous transition, there was debate and criticism as to whether the appropriate professional oversight would be provided to the Health Director or DSS Director. A pro to this may be a more direct connection between the citizens to the elected officials to professional oversight.

Commissioner Smith stated that having the elected officials have oversight would be positive. Currently, he did not think they had a lot of oversight except the director of the Health Department and DSS. He knew there would have to be a conversation about policies matching the state.

Commissioner Bryson stated it should not be political either way. It should be what was best for the citizens of the county. They should not politicize that in any way.

Mr. Adams stated that both the Health Department and DSS were under the state personnel act. The Health Director had to have certain qualifications to be a health director. A health director had certain powers enumerated to them by state statute. If they stayed under the State Personnel Act, that would dictate the job descriptions and qualifications. They had to have qualified directors.

Chairman Letson requested staff to bring back those options for explorations at a future meeting.

Commissioner Bryson stated he was for that.

Commissioner Jones stated that he was comfortable with the organizational chart as it was currently. He was open to conversation, but it had worked for a long time. With the Health Board, it required many professionals. The DSS Board had similar requirements for being appointed.

Chairman Letson stated that he thought opening it up for discussions was worthwhile to explore and see if there was something they needed to address or if they felt it was adequate as it was, as a Board.

Commissioner Bryson stated his concern was what the people of the county wanted, not what he wanted personally.

Commissioner Smith stated people wanted more oversight of what was going on in these departments.

Mr. Adams stated he would bring information back to the Board on the topic at a future meeting.

*Informational item.*

There being no further business, Commissioner Stribling moved to adjourn the meeting. Commissioner Smith seconded the Motion. Motion carried and the meeting adjourned at 4:47 p.m.

Attest:

Approved:

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Angela M. Winchester, Clerk to Board

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Mark A. Letson, Chairman