

**MINUTES OF A  
REGULAR MEETING  
OF THE JACKSON COUNTY  
BOARD OF COMMISSIONERS  
HELD ON  
FEBRUARY 19, 2015**

The Jackson County Board of Commissioners met in a Regular Session on February 19, 2015, 6:00 pm, Justice & Administration Building, Room A201, 401 Grindstaff Cove Road, Sylva, North Carolina.

Present: Brian McMahan, Chairman  
Mark Jones, Vice Chair  
Charles Elders, Commissioner  
Vicki Greene, Commissioner  
Boyce Deitz, Commissioner

Chuck Wooten, County Manager  
Angela M. Winchester, Clerk to Board  
J. K. Coward, Jr., County Attorney

Chairman McMahan called the meeting to order.

**AGENDA:** Commissioner Deitz moved to approve the Agenda. Commissioner Greene seconded the Motion. Motion carried.

**MINUTES:** Commissioner Elders moved to approve the minutes of a Regular Meeting of December 01, 2014 and a Regular Meeting of February 05, 2015. Commissioner Jones seconded the Motion. Motion carried.

**(1) COUNTY MANAGER REPORT:** Mr. Wooten reported:

**(a) Cashiers Library:** Following the last meeting, Dan Duckham, designer for the library addition submitted the proposed plans to the Inspections and Code Enforcement for review. The review determined the addition would exceed the allowable limit of 10,500 square feet which would require a fire suppression system. An alternate solution has been identified to add a room to the rear of the building that will have a fire wall separating the existing building and the addition. This solution is acceptable to everyone and Mr. Duckham is working to modify the plans. He believes the cost of this addition will not exceed the earlier estimate he had prepared. It should be noted that with this addition, the building has reached its maximum size before a fire suppression system would be required.

**(b) Employee Health Insurance Program:** Staff reviewed the 9 month activity report for employee health insurance. Overall, program costs are 8% higher than the same time in 2013-14. Medical costs and pharmacy costs have increased 11% and 13% respectively. The monthly medical costs for the first nine months of FY 14-15 averaged \$285,915 and they expect the monthly average to be closer to \$300,000 by the end of the 12 month period. This average would compare favorably with 4 of the last 5 years. FY 13-14 was an exception when they experienced a significant reduction in health care costs with a monthly cost of \$244,322. At this point, it is believed that the health care coverage can continue at the same monthly cost for both the county and the employee's dependents and this will be the third year without a rate increase. He believed the wellness program and the disease management programs are contributing to the improved health of the work force.

**(c) Possible Sales of County Property:** As was discussed during a work session, over the past couple of years the county has purchased several parcels throughout the county when there are no bidders on foreclosures as the result of delinquent taxes. They have received several inquiries about these properties and he advised the person who call, that the county will entertain an offer for any of those foreclosed properties. Any real property sold by the county must go through an upset bid process so even though an offer may be accepted there is an opportunity for someone to submit a higher bid. If offers are received they will be brought to the Board for consideration. He will also prepare a list of the parcels that have been obtained through foreclosure and include those on the county website.

**(d) Cashiers Water System:** In 2009, the county purchased a high producing well in Cashiers to assure that adequate water was available for anticipated county facilities. This well guaranteed the ability to have a sprinkler system in the Cashiers recreation center. At the time the well was purchased, there were 9 private homes that were also served by this well. Approval was received from the NC Utilities Commission to operate a private water system and they contracted with TWSA for monthly chemicals and required testing. Over the years, inquiries have received about connecting to the system; however, no new customers have been added. They now have a request for 10 water taps to serve new homes in a planned new development in the Cashiers area. At my request, Dan Harbaugh has evaluated the capacity of the well to determine if the system could accommodate these new customers and his review did confirm that capacity is available. There is no policy in place as to the cost for a new tap, procedures for water extensions, or in-house staff to complete the project. As part of the creation of TWSA, all the forming entities have agreed to transfer their utility assets to TWSA and to refrain from getting into the utility business in the future. Over the past four years, they have indicated a willingness to transfer this asset to TWSA which would allow them to own and manage this system like they do for all other public utilities in the county. It is his opinion, that they should ask the representative board members on the TWSA board to take this request to the TWSA Board and to begin plans for transferring this asset. Furthermore, he recommended that they advise the developer that they cannot honor their request and are hopeful that TWSA will be able to consider their request in the near future when the transfer is complete. Finally, there has been much conversation about the need for a community water system in Cashiers and this well could serve as one of the water sources for such a system.

Chairman McMahan stated he wanted to determine that there would be adequate water for existing county facilities and any potential future growth of the county facilities located along the corridor that would require additional need for water capacity in the future before transferring the asset to TWSA.

**(e) Future Meetings:**

February 24	Smoky Mtn. LME Commissioner Advisory Committee, Vicki Greene, Chair
February 26	Re-convened work session
March 2	Joint meeting of the County Governmental Entities – 5:30 pm
March 5	Regular meeting of County Commissioners
March 17	Month work session of County Commissioners NCACC – Strategic Plan Input Sessions – AB Tech, Enka Campus
March 19	Regular meeting of County Commissioners
April 1	NCACC District Meeting, WCU Ramsey Center, Hospitality Room – 5:30 pm

**(f) Cooperative Extension Meetings:** Cooperative Extension will be hosting two meetings: March 12<sup>th</sup> in Clay County, which requires a reservation and March 16<sup>th</sup> in Swain County, which does not require a reservation. The meetings are about proposed fracking rules and impact on landowner's rights.

**(g) ABC Hosting Reception:** Commissioners are invited to attend a reception honoring Peggy Queen and her retirement on February 27<sup>th</sup> from 11:00-1:00 at the Sylva ABC Store.

**(h) Frank Allen Road Connector:** Notification has been received that NCDOT has accepted the Frank Allen Road Connector for state maintenance. Now the entire Frank Allen Road is on the state system.

**Informal Comments by Public:** None.

**(2) CONSENT AGENDA:**

**(a)** Darlene Fox, Finance Director presented the Finance Report for January, 2015 and one Budget Ordinance Amendment for fiscal year ending June 30, 2015, for approval.

**(b)** Brandi Henson, Tax Collector presented Tax Collector and Refund Reports for January, 2015, for approval.

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

**(3) LEWIS CELL TOWER ORDINANCE WAIVER REQUEST:** Travis Lewis stated that he is proposing a business to provide improved broadband service to the residents of the county. After receiving suggestions from Commissioners, he has submitted applications to the Planning Director and is requesting that the formal cell tower review process be waived for an administrative review. He is also requesting a waiver of the \$4,000 fee and would in turn provide some broadband services to the Airport, EMS, etc.

Gerald Green, Planning Director stated that implementation of the business would require the installation of towers and other equipment to distribute broadband signals throughout the county. The towers proposed by Mr. Lewis to accommodate the equipment needed for his broadband service and to distribute the signal to service users are subject to the County's Cellular Telecommunications Ordinance as the ordinance applies to all towers accommodating equipment for commercial communication services. Based upon my review of the initial plans submitted by Mr. Lewis, it appears that the towers he is proposing will comply with the location, technical, and safety related requirements of the Cellular Telecommunications Ordinance. However the application fees mandated by the ordinance pose a challenge for him. The application fee as set forth in the county's schedule of fees and charges, \$4,000, is substantial and was established to cover the cost of review of applications submitted for towers accommodating cell phone providers. This fee was established to cover the cost of review of large and complex towers requiring an extensive review and included funds for outside consultants who might be required to assist with the review. The basic towers to be used for the internet service being proposed will not require the extensive review required for the complex towers used for cell phone service providers.

Due to the small scale of the business proposed by Mr. Lewis, and the desire to provide residents with broadband service at a reasonable cost, he stated that the review fees would create an obstacle to the implementation of his business. Mr. Lewis has requested a waiver of the fees levied by the schedule of fees and charges for new telecommunications towers. The Cellular Telecommunications Ordinance authorizes the Board of County Commissioners to grant waivers from the provisions of the ordinance. This authority is granted in Section 209 of the ordinance:

Any applicant desiring relief, waiver, or exemption from any aspect or requirement of this Ordinance may request such at the pre-application meeting, provided that the relief or exemption is contained in the submitted application for either a Special Use Permit, or in the case of an existing or previously granted Special Use Permit, a request for modification of its Wireless Telecommunications Facility and/or facilities. Such relief may be temporary or permanent, partial or complete. However, the burden of proving the need for the requested relief, waiver, or exemption is solely on the applicant to prove. The applicant shall bear all costs of the county in considering the request and the relief, waiver, or exemption. No such relief or exemption shall be approved unless the applicant demonstrates by clear and convincing evidence that, if granted, the relief waiver or exemption will have no significant effect on the health, safety, and welfare of the county, its residents and other service providers.

The Planning Board in developing the draft new Cellular Telecommunications Ordinance recommended that towers accommodating equipment providing broadband services only be exempt from the formal review process and the fees associated with the formal review. Such towers would be subject to administrative (staff) review to assure compliance with technical and safety, including structural, standards.

Waiving the application fee will have no effect on the health, safety, and welfare of the county, its residents, or other service providers, a finding required by the current ordinance for the granting of a waiver. Given the recommendation of the Planning Board in the new draft Cellular Telecommunications Ordinance and this finding, it appears reasonable to waive the review fees for the towers being proposed by Mr. Lewis.

Mr. Lewis is also requesting a waiver of the formal review process required for new cellular telecommunications towers. The review process mandated by the ordinance is a Conditional Use Permit review. The formal Conditional Use Permit review process is a complex process that requires review and approval of telecommunications tower applications by the Board of Commissioners following a quasi-judicial hearing. The process is lengthy and provides for extensive public input in the review of the applications. While this process is appropriate for the large and complex towers used for cell phone service providers, Mr. Lewis states it is not necessary for the smaller towers to be used for the internet service he proposes. Mr. Lewis is requesting that the requirement for the formal Conditional Use Permit review of the towers he is proposing to provide internet service be waived, with the towers subject to administrative (staff) review. The administrative review would assure that the proposed towers meet the location, safety, and structural requirements set forth in the County's Cellular Telecommunications Ordinance. Waiving the formal Conditional Use Permit review process, and allowing the towers to be reviewed by staff at an administrative level, would appear to have no effect on the health, safety, and welfare of the county, its residents, or other service providers.

***Motion:*** *Commissioner Elders moved to grant the two requests made by Mr. Lewis (1) to waive the fees levied by the schedule of fees and charges for new telecommunications towers in the sum of \$4,000.00 and (2) waive the formal Conditional Use Permit review process, and allow the towers to be reviewed by staff at an administrative level. Commissioner Deitz seconded the Motion. Motion carried by unanimous vote.*

Chairman McMahan stated there is a proposed timeline outlining additional steps going forward, which will require additional work from the County Attorney and staff including the County Manager, Department Heads, Emergency Management, Building Inspections and Maintenance. Inspections will need to be made at the location of the potential tower site on Kings Mountain. Also, preparation and processing all of the necessary documents, provided here, will need to be prepared so that Mr. Lewis can present back to the Commissioners at a later date.

**(4) RALPH J. ANDREWS PARK FEE CHANGES:** Jennifer Bennett, Outdoor Recreation Manager, stated that Ralph J. Andrews (RJA) Park is located on Lake Glenville and offers approximately 37 campsites ranging from primitive to full hook up. The park employs two year-round, full-time staff members, a manager and assistant manager and one part-time or intern staff through the summer. During the summer months there is a staff member at the park 24 hours a day 7 days a week. Amenities offered by the park:

- 2 shower houses
- 2 restroom buildings without showers
- Playground
- Picnic Shelter
- Playhouse
- 1 mile of unimproved lake shore

It is proposed to increase the camping rates at RJA effective for the 2015 camping season to be marketed beginning in early 2014. There is no record of the last rate increase and staff within the Parks and Recreation Department attest that there has not been an increase in at least the last ten years. The following are justifications for the proposed rate increase. Based on 2014 occupancy the proposed rates would increase RJA income by \$3,687.00.

- Consistency with industry standards: As shown below, the current fees are well below other campgrounds in the area offering camping. While amenities at said campgrounds vary the proposed fees will allow RJA to still offer affordable camping while working to become more aligned with industry fees. A value is created by the fee visitors pay, increasing fees will increase the value placed on the facility.
- Major renovations of the electrical system are currently taking place, upgrading all guest power hook ups from 30 amps to 50 amps. This will allow RV's and campers to run additional appliances without stressing the system and is in line with industry standards.
- Creation of a Group Site: The addition of a group campsite will allow schools, scouts, churches, and other groups to camp in an area all together without compromising other visitor's experiences. The proposed fee for this site is double that of single campsite and would accommodate 20 people (regular sites will accommodate 8 people).

As the demand for natural recreational spaces increases in the county the following are projects that the Parks and Recreation Department would like to pursue at RJA:

- Ralph J. Andrews Master Plan
- Multiuse recreational trails
- Disc Golf Course
- Site improvements including leveling sites, improving site drainage, and expanding sites to allow for larger RV's.
- Addition of interpretive signage about the local area and environment
- Addition of group lodging such as screen cabins or yurts
- Improvement of the access road to beach area
- Shoreline improvements including the beach areas

Fee increases are necessary to aid in the funding of potential projects and will also be warranted with the addition of amenities.

**Proposed Increase:**

<b>Site Type</b>	<b>Current Rate</b> in county / out of county	<b>Proposed Rate</b> (to begin in 2015)
<b>Primitive</b>		
Daily	\$10 / \$12	\$13 / \$15
Weekly	\$60 / \$72	\$78 / \$90
2 Weeks	\$120 / \$144	\$156 / \$180
<b>Power &amp; Water Hook Up</b>		
Daily	\$12 / \$14	\$15 / \$17
Weekly	\$72 / \$84	\$90 / \$102
2 Weeks	\$144 / \$168	\$180 / \$204
<b>Full Hook Up</b>		
Daily	\$14 / \$16	\$17 / \$19
Weekly	\$84 / \$96	\$102 / \$114
2 Weeks	\$168 / \$192	\$204 / \$228
<b>Group Site</b> (max 20 pp)	\$10 / \$12	\$26
<b>Shelter</b>	\$20	\$20

Commissioner Deitz stated he believed that in county rates should remain at the current amount to encourage locals to take advantage the campground.

***Motion:*** Commissioner Deitz moved to adopt the rate schedule with the exception of amending the in county rates to stay at the current amount. Out of county, Group Site and Shelter rates will be increased as shown. Commissioner Jones seconded the Motion. Motion carried by unanimous vote.

***Motion:*** Commissioner Elders moved to amend the Agenda by adding Recreation Membership Discounts for county retirees. Commissioner Jones seconded the Motion. Motion carried.

**(5) RECREATION MEMBERSHIP DISCOUNTS FOR COUNTY RETIREES:**

Mr. Wooten, stated presently the county provides its employees with discounted recreation fees. He believes it was an oversight that retirees were not included. He requests that the Board consider adding retirees so that they and their families would have the same discount that employees enjoy.

***Motion:*** Commissioner Elders moved to add county retirees and their families to receive the recreation membership discounts. Commissioner Jones seconded the Motion. Motion carried by unanimous vote.

**(6) AMENDMENT TO CASHIERS COMMERCIAL AREA DEVELOPMENT**

**ORDINANCE:** A public hearing was held on February 19th, at 5:50 p.m. Gerald Green, Planning Director presented proposed amendments to the Cashiers Commercial Area Development. No public comment were made. The Commissioners' requested the following amendment to Section 7.3.e.(2)(h):

(h) ~~Sound from~~ The kennels shall not permit sound to constitute a nuisance to neighboring properties.

***Motion:*** Commissioner Greene moved to adopt the Cashiers Commercial Area Development Ordinance as amended. Commissioner Elders seconded the Motion. Motion carried by unanimous vote.

**(7) PLANNING BOARD:**

**Motion:** *Commissioner Greene moved to appoint Sarah Graham to a one year term as Chair and to appoint Scott Baker to a one year term as Vice-Chair to the Planning Board beginning March 01, 2015. Commissioner Deitz seconded the Motion. Motion carried by unanimous vote.*

**Motion:** *Commissioner Jones moved to reappoint Sarah Graham to a two year term starting on September 8, 2015 and to reappoint Scott Baker to a two year term starting December 31, 2015 on the Planning Board. Commissioner Elders seconded the Motion. Motion carried by unanimous vote.*

**(8) REGION A AGING ADVISORY COUNCIL:**

**Motion:** *Commissioner Greene moved to reappoint Kristina Kiska to a three year term ending February 2, 2018, on the Region A Aging Advisory Council. Commissioner Jones seconded the Motion. Motion carried by unanimous vote.*

**(9) EQUALIZATION AND REVIEW BOARD:**

**Motion:** *Commissioner Elders moved to reappoint Gail S. Cooper, Chair; Robert T. Edwards, Vice-Chair; Richard Robson; David A. Noland; and Hart Goodson to one year terms ending on April 04, 2016 on the Equalization and Review Board. Commissioner Greene seconded the Motion. Motion carried by unanimous vote.*

**Press Conference:**

There being no further business, Commissioner Elders moved to adjourn the meeting. Commissioner Jones seconded the Motion. Motion carried and the meeting adjourned at 6:54 p.m.

Attest:

Approved:

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Angela M. Winchester, Clerk to Board

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Brian Thomas McMahan, Chairman