

**MINUTES OF A  
REGULAR MEETING  
OF THE JACKSON COUNTY  
BOARD OF COMMISSIONERS  
HELD ON  
AUGUST 18, 2015**

The Jackson County Board of Commissioners met in a Regular Session on August 18, 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  
Jan Fitzgerald, Executive Assistant  
J.K. Coward, Jr., Attorney

Chairman McMahan called the meeting to order.

(1) **AGENDA**: Chairman McMahan amended the agenda by adding an item for the ABC Board Request. Commissioner Jones moved to approve the Agenda. Commissioner Elders seconded the Motion. Motion carried.

(2) **MINUTES**: Commissioner Elders moved to approve the minutes of a Joint Meeting with Municipalities of August 03, 2015 and a Regular Meeting of August 06, 2015. Commissioner Greene seconded the Motion. Motion carried.

(3) **COMMISSIONER REPORTS**:

Commissioner Deitz stated the joint meeting with municipalities was very successful and he was pleased at how the entities worked well together.

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

(a) **Travel and Tourism Expenditures**: The NC Department of Commerce has released the most recent information about travel and tourism expenditures for FY 14-15. The county expenditures increased by 4.99% to \$171.16 million. In addition, they saw increases in the number of jobs, increased wages, and increased state and local taxes. Overall, FY 14-15 was a good year for the travel and tourism industry in the county.

(b) **ABC Board**: The final revenues for FY 14-15 have been calculated. The ABC Board experienced an overall growth in revenues of \$985,604.93. For the most part, the increase can be attributed to the new Cashiers store. The Sylva revenues declined by \$364,257.43 while the Cashiers revenues increased by \$1,349,862.36. FY 14-15 was the first year of operation for the Cashiers store.

(c) **Capital Projects**: The improvements to the Justice Center were progressing and they were on target for implementing the single point of entry on September 8, 2015. The contracts for the pedestrian bridge projects were being prepared for execution as they have received the final encroachment agreements from NCDOT. The re-paving project at the SRC in Cashiers is out to bid and this project will be completed prior to the end of the 2015 paving season.

**(d) School of Government County Administration Course:** Danielle Wittekind has been admitted to the County Administration course of study for FY 15-16. This is a series of workshops over the next 12 months that will introduce the employee to all areas of county government and will provide them with a comprehensive understanding of all aspects of county government. Danielle was also the recipient of a scholarship from the NCLGCU, which will cover one-half of the \$2,900 tuition.

**(e) Upcoming Meetings:**

- September 1<sup>st</sup> – Regular Meeting to be held at Savannah Fire Department
- September 3<sup>rd</sup> – Mountain Projects 50<sup>th</sup> Anniversary Celebration
- September 7<sup>th</sup> – Labor Day and offices would be closed
- September 8<sup>th</sup> – 1<sup>st</sup> day of single point of entry at the Justice Center
- September 15<sup>th</sup> – Monthly work session – 10:00 am in A-227
- September 17<sup>th</sup> – Regular Meeting – Justice Center

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

Dick Darnell of Cashiers stated he thought the beach at Pine Creek was a huge success. He suggested that more fill dirt over the rocks would be safer.

**(6) CONSENT AGENDA:**

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

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

**(c)** Brandi Henson, Tax Collector presented, Tax Settlement Report for April 1, 2014 – June 30, 2015 for approval.

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

**(7) ABC BOARD REQUEST:** David Noland, Chairman, stated he was appearing before the Board to ask permission to purchase the building and land in Cashiers where the ABC store is currently located. The owner approached their board and offered to sell the property with owner financing. The ABC Board negotiated for several weeks and entered into a contract with the condition of receiving consent from the Jackson County Board of Commissioners and the Town of Sylva Board of Commissioners, which is required by the Merger Agreement. They will also be meeting with the Town of Sylva Board of Commissioners to ask for their consent as well.

The appraised value of the property is \$635,000 and the tax value is \$722,690. The purchase price is \$700,000, with no down payment down and an interest rate of 4.16%.

***Motion:*** *Commissioner Jones moved to offer consent to the ABC Board to move forward with the purchase agreement for the Cashiers property. Commissioner Deitz seconded the Motion. Motion carried by unanimous vote.*

**(8) HEALTHCARE SERVICES AT THE DETENTION CENTER:** Sheriff Chip Hall stated he was requesting additional funding to contract with TransformHealthCS, Inc. in order to continue efforts in making progress at the detention center by expanding mental health and medical services in the jail. Additionally, he wanted to remove the process of the Sheriff's Office administering medications inmates.

Captain John Buchanan, Jail Administrator and Laura Busby of TransformHealthCS, Inc. (THCS) stated that THCS is a “Georgia grown” business headquartered in Statesboro. They have been delivering correctional healthcare for over a decade and view themselves as the innovators in that space. They have the lowest litigation experience in the state. They do not incentivize their medical team to withhold care and put the county at risk for future lawsuits. They deliver care within a case management model, much like the county’s own medical plan. They will identify inmate needs and coordinate their care while in or outside of the facility.

Mr. Wooten stated that in the Sheriff’s Department currently has \$159,494.87 budgeted for this item. The proposed contract from THCS is \$201,405.64, a shortage of \$41,910.77, which would come from the contingency fund. He also noted that the county attorney had not reviewed the contract.

***Motion:*** *Commissioner Greene moved to approve the contract for healthcare services at the detention center with TransformHealthCS, Inc., in the sum of \$201,405.64 annually, subject to the approval of the county attorney. Commissioner Deitz seconded the Motion. Motion carried by unanimous vote.*

**(9) LANDSLIDE MAPPING:** Chairman McMahan stated that at one time, there had been an interest by the state to conduct landslide mapping. After performing some mapping, the state did not move forward with the project. Some of the individuals that performed the state surveys started their own company, Appalachian Landslide Consultants, PLLC (ALC), based out of Asheville. This company has performed landslide studies for several Western NC counties including Macon and Haywood and the Wayehutta watershed in Jackson County. The Commissioners have discussed and reviewed this item several times.

They would be considering contracting with ALC to provide landslide mapping service for the county. ALC would survey the entire county and present a list of documents with the major goal being presenting a map that would be available to the public, which would determine landslide prone areas in the county. This service has been requested by members of the Planning Board and suggested by several citizens. Commissioners would continue to discuss and research whether or not the county would actually adopt the maps or make them official maps of the county. The total cost of the service was \$143,000, which would come out of contingency, half being paid out of this fiscal year and half being paid out of the FY16-17 budget.

***Motion:*** *Chairman McMahan moved to approve the contract with Appalachian Landslide Consultants, PLLC, for a cost of \$143,000. Commissioner Jones seconded the Motion. Motion carried by unanimous vote.*

**(10) FIRE DISTRICT MODIFICATIONS SYLVA / QUALLA:** Chairman McMahan stated that in 2011 the county went through a process where they rated several fire departments and several fire district maps were produced using the GIS mapping system. The current layout of the fire district maps with the boundary between the Sylva Fire District and the Qualla Fire District shows individuals in the six mile district of Sylva, which were not eligible for the discounted insurance premium that the people in the five mile district currently receive. The request is to modify the map to bring the six mile parcels into the five mile district. This could be accomplished by moving the boundary between the Sylva Fire Department and the Qualla Fire Department.

Sylva Fire Chief Mike Beck stated this had been going on for a while and asked that the Commissioners table the item to allow himself, Qualla Chief and Chairman McMahan to work out an equitable solution that would be suitable to both departments. The members of the Sylva Fire Department did not support the proposed map as presented.

Chairman McMahan stated that the main purpose of Commissioners entertaining a motion to make a change to the map was to give as many property owners the opportunity to have a lower rating and receive significant savings, as much as 35% for those who qualify, on their homeowner's insurance. Also, to clear up any kind of confusion of driving from one fire district into another and then back into another. They were trying to eliminate as much confusion as possible. That is the goal of the Board.

Qualla Fire Chief Kent Moore stated that the chiefs had met a couple of times and tried to work this out. His concern is not necessarily for the department, but to save citizens money. Qualla had their rating for nearly a year and those people lost out on the savings for nearly a year. Also, the map is confusing as is.

Chief Beck stated he was also in this to help the people. He understood the six mile district and had no problem with moving that into Qualla's five mile district to give them the class six insurance rating. But he would like to have a meeting to settle it between the fire chiefs.

Commissioner Greene stated that they have already met once, and things did not work out at that time. She asked if Chief Beck thought they could come up with something that would be agreeable to both, if Commissioners agreed to postpone the vote.

Chief Beck stated he thought they could in a meeting with Chairman McMahan and Chief Moore.

Chairman McMahan stated that at some point Sylva could potentially have a substation in Dillsboro, but that has not yet been determined. At that point, that may change the way the map would look, but they did not know whether that would move forward or not.

Commissioner Elders stated that any decision Commissioners would reach that night, they had the authority to go back and make changes at a future time. Since they have attempted and he and Commissioner Deitz had been through a meeting with them and nothing happened, he would put a motion forward to vote on the changes as they have discussed.

Commissioner Deitz stated that Commissioners did not want to make this decision. They wanted the fire chiefs to make the decision and Commissioners would have supported what they came up with, but they could not come to an agreement. This is not about the chiefs or the people in the fire departments, this is about citizens paying the fire insurance.

Chief Beck agreed it was about the citizens, that is why he agrees with putting the folks in the six mile into the Qualla district, but there was no reason to move the five mile folks, it does not help anyone.

Commissioner Deitz stated they appreciated what the chiefs and fire departments do and the service that they provide to the citizens.

***Motion:*** *Commissioner Elders moved to approve the revised fire district maps as presented for Sylva and Qualla, with the option to revisit boundaries in the future if Sylva does get a substation in the Dillsboro area. Commissioner Greene seconded the Motion. Motion carried by unanimous vote.*

**(11) MOUNTAIN AND HILLSIDE DEVELOPMENT ORDINANCE:**

***Motion:*** *Commissioner Elders moved to set a public hearing on Tuesday, September 22<sup>nd</sup> at 6:00 p.m. to be held at the Justice & Administration Building, Room A201, 401 Grindstaff Cove Road, Sylva, North Carolina. Commissioner Greene seconded the Motion. Motion carried by unanimous vote.*

**(12) GOVERNOR'S HIGHWAY SAFETY PROGRAM RESOLUTION (R15-12):**

The resolution is an annual application through the Governor's Highway Safety Program for federal funding in the amount of \$20,000 and does not require a local match.

***Motion:*** *Commissioner Elders moved to adopt the Resolution R15-12. Commissioner Jones seconded the Motion. Motion carried by unanimous vote.*

**(13) WIRELESS COMMUNICATION ORDINANCE AMENDMENTS:** Mr. Coward stated the latest changes and highlighted what had occurred since the last meeting. The instructions from the Commissioners at their last meeting was to carry this item over in order to get more input from the public. They did receive more input and made some of the suggested changes as follows:

(a) They deleted the section that would allow someone to build a taller tower if they did certain items such as camouflaging the tower. It is still possible to build a taller tower than 100', but that would require review and discretion from the planning department.

(b) Another change was the consideration of alternative. The application process will require the applicant to present to the planning department for review, and ultimately for the Board of Commissioners to make the decision, as to whether the applicant considered and identified other reasonable, possible alternative locations.

Mr. Coward stated he believed this ordinance is fair to the applicant and to the community. It allows for the process to be open and transparent.

Chairman McMahan stated it was important to note that this ordinance applies to the entire county, not just one community.

Commissioner Jones thanked the public and individuals involved for their input. They had received tremendous guidance each time they had a work session or public hearing. Those comments had been taken and worked through to help come up with the final document to be functional and practical.

**Motion:** *Commissioner Greene moved to adopt the amendments to the Wireless Communication Ordinance (formerly known as Cellular Telecommunications Ordinance) as presented. Commissioner Jones seconded the Motion. Motion carried by unanimous vote.*

**(14) JUSTICE CENTER SECURITY ORDINANCE:**

**Motion:** *Commissioner Elders moved to set a public hearing on Thursday, September 17<sup>th</sup> at 5:50 p.m. to be held at the Justice & Administration Building, Room A201, 401 Grindstaff Cove Road, Sylva, North Carolina. Commissioner Greene seconded the Motion. Motion carried by unanimous vote.*

**(15) PRESS CONFERENCE:** None

**(16) CLOSED SESSION:**

**Motion:** *Commissioner Deitz moved that the Board go into closed session pursuant to G.S.143-318.11(a)(5) Real Property and G.S.143-318.11(a)(3) Legal. Commissioner Greene seconded the Motion. Motion carried.*

Chairman McMahan called the regular meeting back to order and stated no action was taken in closed session except the approval of the Executive Session Minutes of July 09, 2015 and the Closed Session Minutes of July 09, 2015.

There being no further business, Commissioner Greene moved to adjourn the meeting. Commissioner Jones seconded the Motion. Motion carried and the meeting adjourned at 8:28 p.m.

Attest:

Approved:

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Angela M. Winchester, Clerk to Board

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Brian Thomas McMahan, Chairman