

**MINUTES OF A
REGULAR MEETING
OF THE JACKSON COUNTY
BOARD OF COMMISSIONERS
HELD ON
JANUARY 26, 2016**

The Jackson County Board of Commissioners met in a Regular Session on January 26, 2016, 3:00 p.m., 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
Heather C. Baker, County Attorney

Chairman McMahan called the meeting to order.

(1) **AGENDA**: Chairman McMahan amended the agenda by adding an item for the Animal Care Needs Assessment. Commissioner Greene moved to approve the amended Agenda. Commissioner Elders seconded the Motion. Motion carried.

(2) **MINUTES**: Commissioner Elders moved to approve the minutes of a Reconvened Quasi-Judicial Hearing for a Cell Tower Application of January 05, 2016 and a Regular Meeting of January 07, 2016. Commissioner Jones seconded the Motion. Motion carried.

(3) **CHAIRMAN'S REPORT**: Chairman McMahan stated he appreciated all the hard work that had been done over the last several days, during the winter storm. Numerous county employees from various departments, worked hard to help citizens through the storm. Everyone did a good job getting the message out, which helped this be a fairly insignificant event.

(4) **COMMISSIONER REPORT**: Commissioner Deitz stated that Don Morgan, who was the former CEO of the hospital for many years, recently passed away and he wanted to pay tribute to him as he had done many wonderful things for the hospital and the community.

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

(a) **CDBG Grant**: Five properties had been identified for rehabilitation or renovation and the total estimated cost of these properties was \$142,000. Obviously, they did not have enough money to do all the projects; however, they had been prioritized, which would allow for flexibility to move down the list if they encountered problems with a particular property. A bid on three properties from a contractor had been received and another bid was expected that day. All the other contractors had been contacted and reminded to submit bids. Awards would be made on Monday, January 25th.

(b) **TWSA**: Dan Harbaugh, Executive Director, delivered a copy of the annual audit and notified Mr. Wooten that the annual meeting of the forming entities of TWSA would be held on Tuesday, March 1st, at which time the results of the audit would be discussed as well as an update on current and future projects. Individual invitations would be sent in the next couple of weeks.

(c) **Joint Meeting of Governmental Entities:** On February 1st, all local elected officials and TWSA Board members have been invited to the semi-annual meeting of government entities. The focus of the meeting will be to endorse the upcoming bond referendum, Connect North Carolina, on March 15th that if approved, will provide much needed financial support to SCC and WCU. Chancellor Belcher and President Tomas will provide an overview of the bond campaign and a joint resolution of support from all entities will be offered for consideration. The meeting will begin at 5:30 pm in the Heritage Dining Room at the Department on Aging with a light dinner followed by the joint meeting.

(d) **Pedestrian Bridge:** The pedestrian bridge at Locust Creek was installed and the final work to construct the access ramps would begin as soon as weather permits. The project manager has estimated two months to complete all the tasks, except for paving around the ramps and that will be done as soon as asphalt plants are open.

(e) **River Access Areas:** The recent high water event made it evident that they need to have security measures in place to restrict access to the sites during a high water event. They met with Duke Energy officials and discussed how best to manage these areas. They will be installing a couple of gates as well as signage to restrict access and warn the public about the high water. The Shook Cove Road and East Laporte Park are the two areas where there was flooding and high water concerns.

(f) **Adverse Weather:** The emergency services throughout the county are to be commended for the work they did during Jonas. In addition to emergency services personnel, the public works employees were working to clear the snow and to support emergency services by providing medical transports or responding to special needs. These folks are not thanked enough during weather events like was just experienced.

(g) **Upcoming Meetings:**

- February 1st: Joint Meeting of Governmental Entities beginning at 5:30 pm
- February 4th: Employee Service Awards Reception – 4:00 pm – Department on Aging
- February 4th: Commissioners Meeting
- February 16th: Work session beginning at 10:00 am
- February 18th: Commissioners Meeting

(6) **PLANNING BOARD REPORT:** Mr. Wooten stated that Scott Baker, Planning Board Chair, was unable to attend today's meeting. The Planning Board did have their first meeting last Tuesday and it was very productive. The new Director of Planning attend the meeting and he has been working to develop an action plan for training for these type of boards in the future.

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

(a) Bob Cochran, DSS Director, stated that he was there on behalf of Jackson Neighbors In Need and expressed their appreciation for the strong support the Board of Commissioners and the county had extended to them over the last couple of years to help keep people warm in the winter. The shelter committee had previously shared information about what their budget looked like for the remainder of the winter with Chairman McMahan.

Their major fundraiser of the year was upcoming, "Charlie's Challenge" named for Charles McConnell, who was very involved with Neighbors In Need and provided strong leadership with getting the organization well established in the county. The fundraiser was Saturday, January 30th at 6:00.

Chairman McMahan stated that he had placed this item on the agenda for the first meeting in February for discussion. There was a shortfall in their budget and to have enough funds available to meet the need, Commissioners would need help. At a work session in June of last year, Commissioners indicated that they would be willing to hear additional requests and try to meet those needs. He appreciated all that Neighbors in Need had done.

(b) John Leopard of Tuckasegee, stated that at the Thorpe kayaker yard, the water ditches had been filled with concrete and now the water goes across the road, which makes a dangerous situation when it freezes in the winter. Also, he worked for Nantahala for 33 years and his main job was to work around the dams and spill water. They worked with the county emergency services and only spilled the water allowed. He felt the flood was made worse than it needed to be because of the spilling of water from the dams.

(8) CONSENT AGENDA:

(a) Darlene Fox, Finance Director, presented the Finance Report for December, 2015, for approval.

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

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

(9) **AUDIT REPORT:** Brian Broom of Dixon Hughes, PPLC, presented a summary of the audit report for fiscal year ending June 30, 2015. The audit reflected county assets exceeded its liabilities at the close of the fiscal year by \$55,766,001. The general fund balance increased approximately \$3,147,422. The unreserved fund balance was approximately \$24,337,283 million and represents 45% of general fund expenditures. The average for similar size counties in the state was 30% fund balances. The Local Government Commission recommended maintaining available fund balance equal to at least 8% of expenditures. The report contained an unqualified opinion and the county was in compliance with all federal and state program requirements. The property tax collection was 96.76%, which was above the previous year.

Informational item only.

(10) **HUMANE SOCIETY (ARF) MATCHING GRANT:** Jean Lewis, Secretary, stated ARF received word that Two Mauds Foundation would award a \$5,000 grant to ARF for animal spay/neuter for low income individuals, if they received a match of the Two Mauds grant in the amount of \$5,000 from local government. Ms. Lewis requested matching funds from the county.

***Motion:** Commissioner Greene moved to provide the matching funds of \$5,000 to ARF so that they may be awarded the Two Maud grant in the sum of \$5,000. Funds to come from contingency. Commissioner Elders seconded the Motion. Motion carried by unanimous vote.*

(11) **ANIMAL CARE NEEDS ASSESSMENT AND FEASIBILITY STUDY CONTRACT:** Paula Carden, Health Director, stated a contract had been received from Design Learned, Inc. to conduct an animal care needs assessment and feasibility study in the sum of \$15,200, which includes \$3,200 for travel expenses. Ms. Baker has reviewed and approved the contract.

***Motion:** Commissioner Jones moved to approve the contract in the sum of \$15,200 to Design Learned, Inc., for an animal care needs assessment. Commissioner Greene seconded the Motion. Motion carried by unanimous vote.*

(12) **EMERGENCY PROCEDURES FOR HIGH WATER EVENTS:** Todd Dillard, Emergency Management Director, stated he wanted to give a brief overview of the recent weather events that took place in the county.

(a) Flooding Event: The flooding event that took place the last week of December came after a month of large rainfall totals. The largest amount was from the Hogback rain gauge, which received 21” in the month of December.

- The first rainfall event happened on December 23rd-24th, which was when the Caney Fork and John's Creek area received most of their flooding.
- The next event happened on the 28th-29th, which was the larger event where there was a range of 1.5 – 6 inches in a 24 hour period.
- They deployed the Cullowhee Fire Department to the Tuckasegee area the night of the 28th and evacuated citizens from the trailer park at Fred Smith Road, with the assistance of the Sheriff's Department. There was a huge amount of inflow coming into the river and it took them by surprise, but citizens were evacuated in plenty of time. There were no reports of injuries, only property damage.
- On the 28th-29th the 911 center processed over 30 water related weather type CAD's (Computer Aided Dispatch). He thanked his staff, the 911 dispatchers for doing such a great job.
- At the height of the storm, the Moody Bridge stream gauge was at its highest level at 13.75 feet, with a cfs of 7,490 per second. The threshold that Jackson County Emergency Management and Duke Energy use is 5,000 cfs, which tells them they will probably have flooding in various locations. They worked very well with Duke Energy and Lisa Leatherman.
- Some of the action items they have taken:
 - Updated the call list in the 100 and 500 year flood plain maps with Code Red.
 - Received new 911 maps from the state.
 - With Code Red, they were able to call the 100 year flood plain area on the Tuckasegee River.
 - Created quick maps to give to first responders to knock on doors.
 - Updated the call list in the Tuckasegee area.
 - Placed a Code Red flyer in both local newspapers.
 - They have started a community outreach for folks to sign-up for Code Red with one of the avenues available: landline, cell phone, email, texts. One important item was that Code Red only had access to traditional landlines. Cell phone users would need to register their numbers.
 - They added Code Red frequently asked questions on the website.

(b) Winter Storm Event:

- Last Wednesday was the first small amounts of snow, but came during the worst time of the day. They did have a lot of traffic problems with multiple, temporary road closures.
- The major storm happened Friday and on Thursday night they sent out a county wide Code Red message reminding citizens to be prepared.
- They pre-deployed American Red Cross cots to the Department on Aging and the Cashiers Rec Center, in the event they needed to open shelters. DSS, Department on Aging and the Health Department were notified.
- They activated the EOC at 7:00 p.m. on Thursday and it remained open 24 hours a day until 5:00 p.m. on Sunday.
- Chairman McMahan declared a State of Emergency at 7:00 a.m. on Friday for the county and all municipalities, which were rescinded as of 5:00 p.m. on Monday.
- Through the EOC, they processed almost 50 missions during the event. Such as transporting medically fragile citizens, nurses, home health care workers and assisted stranded motorists.

He thanked Chad Parker, Ira Jones and their crews. It was a quiet storm and he believed that Code Red does work.

Commissioner Jones requested that after they went through the media campaign, to update Commissioners on how many citizens were signed up for Code Red.

Informational item only.

(13) DUKE ENERGY'S PROCEDURES FOR WATER RELEASES: Lisa Leatherman, Duke Energy District Manager, stated that as a general rule, she shared information with the emergency management directors in all counties west of Haywood County anytime Duke thought there may be a major weather event. During the high water event in December, she shared information about weather outlooks, information about lake levels, forecasts and generation schedules. The generation schedules and lake levels are also on their website and available via a phone line. She was also appreciative that the information was provided to the public through The Sylva Herald.

During a high water event, as it becomes apparent that Duke could spill water, Duke internally has conference calls at least four times a day and she shares that information with Mr. Dillard. Also, they have a new operating license that has been in place since May, 2011, which dictates ranges for each of their reservoirs. The stream gage has been placed at the Moody Bridge because of the flow requirements and generational flow requirements. This was the way they track to make sure they are in compliance with their license.

Commissioner Greene asked that Ms. Leatherman address Mr. Leopard's concerns.

Ms. Leatherman stated there was a culvert that was clogged up at the Thorpe site. Duke did work with the property owner to resolve that issue, which has helped. She was aware of Mr. Leopard's concerns and passed those on to other Duke departments about where the access area and point was so they could look there for runoff.

Commissioner Deitz inquired if the flooding in Tuckasegee was an emergency spill?

Ms. Leatherman stated that at the Thorpe Powerhouse, they could discharge about 300cfs, which was the amount that went through the generator. During the first event, the reservoir was able to take the stream flow in. The next event, they could not hold anymore.

Commissioner Deitz asked if there could be a situation where this could happen and a decision must be made within a couple of hours to spill.

Ms. Leatherman stated that that could happen, but generally they would already be in communications with the emergency management directors.

Informational item only.

(14) TRANSIT – DRUG AND ALCOHOL POLICY: Chuck Norris, Transit Director stated that in order to comply with Federal Transit Administration (FTA) regulations, changes were made to the Jackson County Transit Drug and Alcohol Testing policy. Ms. Baker has reviewed and approved the revisions.

Motion: *Commissioner Elders moved to adopt the updated Transit Drug and Alcohol Policy as presented. Commissioner Deitz seconded the Motion. Motion carried by unanimous vote.*

(15) TRANSIT – SMOKING POLICY: Chuck Norris, Transit Director stated that to ensure the safety and well-being of all passengers and staff, while utilizing transit services, he requested that the Board adopt the Tobacco Policy, as presented. The policy includes all tobacco products as well as electronic cigarettes.

Motion: *Commissioner Jones moved to adopt the Transit Smoking Policy as presented. Commissioner Greene seconded the Motion. Motion carried by unanimous vote.*

(16) SAVANNAH PARK - BOJON ENTERPRISES, INC. PROPERTY: Ms. Baker stated that the due diligence and title search had been completed with no issues. They had a preliminary title policy, a new survey and a HUD closing statement, which showed that cash due from the county was \$35,319.25. They were ready to move forward with closing, which, if approved, could occur then next day.

Mr. Wooten stated part of the due diligence was to ask a recreation planner to look at the site and come up with a conceptual plan to confirm that the site would accommodate a community park. It was yet to be determined exactly what will go in at the site, but he presented one concept that would work. Also, they had discussed using PARTF as a source of funds to build the park and they could use the actual property purchase amount to go towards the matching funds. Also, they understood that about midway through the property was the 100 year flood plain. They have confirmed that the flood plain would not restrict them from being able to use the property for a park.

Chairman McMahan stated that the conceptual masterplan created could be modified or changed to accommodate the needs based on community input.

Motion: *Commissioner Greene moved to approve moving forward with the closing and the purchase of the Savannah Park – Bojon Enterprises, Inc. Property. Commissioner Elders seconded the Motion. Motion carried by unanimous vote.*

(17) PLANNING BOARD: *Carry over.*

(18) HEALTH BOARD:

Motion: *Commissioner Greene moved to appoint Victor Lofquist and Kathy Farmer and to reappoint Ronald Fisher and David McGuire to three year terms on the Health Board, terms expiring October 15, 2018. Commissioner Elders seconded the Motion. Motion carried by unanimous vote.*

(19) JOINT COMMITTEE WITH HEALTH BOARD: *Carry over.*

(20) PRESS CONFERENCE: None

(21) CLOSED SESSION:

Motion: *Commissioner Greene moved that the Board go into closed session pursuant to G.S.143-318.11(a)(3) Legal and G.S.143-318.11(a)(5) Real Property. Commissioner Jones 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 Closed Session Minutes of November 19th, December 8th and January 7th.

(22) AGENDA: Chairman McMahan amended the agenda by adding two items: Offer to Purchase Real Property PIN 7653-33-1200 and Offer to Purchase Real Property PIN #7529-62-6412 and 7529-62-8531. Commissioner Deitz moved to approve the amended Agenda. Commissioner Elders seconded the Motion. Motion carried.

(23) OFFER TO PURCHASE REAL PROPERTY FROM WILLIAMSON: The County received an offer from Travis S. Williamson to purchase 4.03 acres (PIN# 7653-33-1200) located in Sylva Rural Township off of Fisher Creek Road for the sum of \$7,000.00. The offer was subject to the upset bid process.

Motion: *Commissioner Deitz moved to accept the offer with the understanding that all adjoining property owners be notified of the offer. Commissioner Elders seconded the Motion. Motion carried by unanimous vote.*

(24) OFFER TO PURCHASE REAL PROPERTY FROM GREGORY: The County received an offer from Michael and Sharon Gregory to purchase 4.46 acres (PIN#'s 7529-62-6412 & 7529-62-8531) located in Savannah Township off of Cabe Road for the sum of \$6,570.00. The offer was subject to the upset bid process.

Motion: *Commissioner Deitz moved to accept the offer with the understanding that all adjoining property owners be notified of the offer. Commissioner Elders seconded the Motion. Motion carried by unanimous vote.*

There being no further business, Commissioner Greene moved to adjourn the meeting. Commissioner Deitz seconded the Motion. Motion carried and the meeting adjourned at 5:02 p.m.

Attest:

Approved:

Angela M. Winchester, Clerk to Board

Brian Thomas McMahan, Chairman