

**MINUTES OF A  
REGULAR MEETING  
OF THE JACKSON COUNTY  
BOARD OF COMMISSIONERS  
HELD ON  
APRIL 07, 2016**

The Jackson County Board of Commissioners met in a Regular Session on April 07, 2016, 6:00 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) **PROCLAMATION**: Chairman McMahan read a Proclamation declaring April as Child Abuse Prevention Month. Commissioner Elders moved to approve the Proclamation. Commissioner Deitz seconded the Motion. Motion carried.

(2) **AGENDA**: Commissioner Jones moved to approve the Agenda as presented. Commissioner Elders seconded the Motion. Motion carried.

(3) **MINUTES**: Commissioner Greene moved to approve the minutes of a Work Session of March 15, 2016 and a Regular Meeting of March 17, 2016. Commissioner Elders seconded the Motion. Motion carried.

(4) **CHAIRMAN'S REPORT**: Chairman McMahan requested a special meeting be set on April 28<sup>th</sup> at 1:00 p.m. for the purpose of reviewing applications for the county manager position.

(5) **COMMISSIONER REPORTS**: Commissioner Deitz stated that the state had been doing more litter pickup in the county and he was appreciative. He hoped that the citizens would take pride and keep the roadways clean.

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

(a) **State Litter Campaign**: The State DOT had a planned litter campaign for later in April. They were hopeful that every group that had adopted a highway would participate in picking up litter on their adopted highway. The county would assist with bags, vests, etc.

(b) **Food and Nutrition Services**: Previously, he had reported about the food stamp issue in North Carolina that could impact the administrative reimbursement the county received for the program. The state received an "Advance Warning Letter" from the U.S. Department of Agriculture indicating that the state must achieve and maintain an 85% timeliness processing rate for the 6 month period from July 2015 through December 2015 and a 95% timeliness rate for the 6 month period from January 2016 through July 2016. These rates would be determined by random sampling of all transactions statewide; consequently, the larger counties with the most transactions are likely to be selected for review.

For Fiscal Year 2014, the NC processing rate was 73%. The state has made significant progress by maintaining a timeliness rate between 91% and 93% since October 2015. There are specific benchmarks that must be met to assure the client has access to the benefits; otherwise, the transaction will be determined as untimely. For the most part, the Jackson County DSS Department has met or exceeded the 95% timeliness rate; however, the USDA will measure the statewide rate. Statewide, \$80 million in administrative reimbursements are at risk. The NCACC has suggested that each Board appoint a liaison between the Commissioners and DSS to regularly monitor the timeliness of reports for their respective county. He requested that Bob Cochran provide an update at a future meeting.

(c) **Whittier Sanitary District**: The joint meeting of stakeholders in this utility system was held on March 23<sup>rd</sup>. There was an open and honest discussion about the current state of the system and the future needs. Funds will be depleted in mid-2017 and additional contributions will be required from some or all stakeholders to continue the operation of the system. Obviously, the county has a real interest in seeing this system continue to operate since it provides sewer service to the Smokey Mountain Elementary School. The District has asked each entity to appoint a representative to continue discussions about next steps. He was glad to serve in that capacity through the remainder of his tenure; however, the Board should consider naming someone who can continue after June 30<sup>th</sup>.

(d) **Planning and Permitting Monthly Reports**: He asked both departments to provide him with monthly activity reports to keep him informed of current projects and future activities. The Planning Department report is both a narrative update of department activities and statistical information about various permitting and subdivision approvals. The Permitting and Code Enforcement Report is a listing of all permits with pertinent information about the project, contractor and property address. The information was available on their website for the public. In addition, they will continue to provide statistical comparisons between current and previous year. During the first quarter of 2016, 60 new residential construction and renovation permits were issued as compared to 70 during the same time in 2015. From a commercial standpoint, 2 new permits were issued in 2016 while 4 permits were issued during the first quarter of 2015. Miscellaneous permits, which represent the largest segment of permit activity totaled 306 during January, February, and March 2016 as compared to 283 during the first quarter of 2015. March was the most active month in the quarter and he believed this activity was attributable to the improved weather conditions.

(e) **Work Session on April 19<sup>th</sup>**: This would be the primary budget workshop and they would have a number of entities and individuals appearing before the Board. The meeting would convene at 9:00 a.m. in Room A-227 of the Justice Center.

(f) **Region A Executive Director**: Sarah Thompson has been appointed as the new Executive Director of Region A replacing Ryan Sherby who is leaving the position at the end of the month. Sarah has been very active in the county and most recently served as Chair of the Planning Board.

(g) **Pedestrian Bridge**: They received \$159,000 from Duke Energy in support of the pedestrian bridge to the greenway. This represents 75% of the total \$212,000 contribution. According to the project manager, the project will be completed by mid-June.

(h) **Drexel Property**: A short-term lease had been signed on the Drexel property with Thomas Valley Growers, LLC, which would allow them to evaluate the property. At the May 5<sup>th</sup> regular meeting, Commissioners would receive any public comments and consider ratifying a long-term lease.

(i) **Goodson Property**: A closing had taken place that day on the Goodson property, which was located beside the historic courthouse. They will be working to clean-up that property and take the trees down.

(j) **Budget Hearings**: He and Darlene Fox had spent each morning that week in budget hearings with Department Heads and would continue through the end of the next week as they prepare for April 19<sup>th</sup>.

(k) **Upcoming Meetings**:

Wednesday, April 13<sup>th</sup> - NCACC District Meeting, Waynesville Country Club

Tuesday, April 19<sup>th</sup> – Commissioners Work Session

Thursday, April 21<sup>st</sup> – Commissioners Regular Meeting

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

(a) Jason Clark of Sylva, stated that he was the president of the Smoky Mountain Youth Football and Cheer Program. On behalf of the organization, he wanted to express their full support for the organic turf project at the high school. Their organization relied solely on attendance to the games and concessions as they did not request funds from the county and if they were not allowed to play on the field due to rain, it cuts into their budget.

(b) Carl Iobst of Cullowhee stated artificial turf was more unsafe than natural grass and only had a 10-15 year life cycle and he was opposed to it. Also, he had a concern about fantasy sports gambling in the schools. He suggested that everyone donate their money to teachers for school supplies instead of the turf project.

(c) Dick Darnall of Glenville stated improvements had been made in the Sheriff's Office. He thought there were still issues in the legal system where breaking and entering was considered a mundane crime in the county. Also, Judaculla Rock had been desecrated.

(d) Andrew Umphlett of Sylva stated he was the Band Director at Smoky Mountain High School and had been teaching the band program for 11 years and they had been doing the best they could with what they had. When it rained, it was unsafe at that point for the children to be on the field. The organic turf has a layer of rubber at the bottom that was less G force than natural grass. This was more about the kids and community having something to be proud of and they deserved it.

**(8) CONSENT AGENDA:** Tony Elders, Director of Permitting and Code Enforcement, stated that two applications had been received for a fireworks displays:

- October 8, 2016 at Western Carolina University
- May 9-20 in downtown Sylva

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

**(9) SMOKY MOUNTAIN HIGH SCHOOL TURF PROJECT:** Cindi Simmons, Athletic Director, stated it had been an eventful 13 days. They had reached out to the public and they had responded. It had been a very passionate and united group demonstrating their support in efforts to see the project through. They had individuals, organizations and businesses step up and provide support in a number of ways. Many had been involved behind the scenes walking the streets, on the phone, emails and some that could make a certain connection to provide support.

In the beginning, when they started the process, applying for the grant, the first thing they did was involve all of the stakeholders that utilized the field at Smoky Mountain High School and it was clear the need was there, with 19 teams/organizations on one field. They were very proud of the fact that all of the different entities were able to manage the field, but a need was there. There was representation in the group from the school, recreation department, medical community, businesses, youth sports and at the county level. She thanked them all for their continued support.

As of April 7<sup>th</sup>, cash and pledges totaled \$33,765 with \$21,025 cash in hand. Darrell Mathis and Harrison Construction Company made an offer to provide stone at a reduced cost, which, according to the engineer, the value of that contribution could be close to \$25,000. She thought the community had responded in a very positive way, but they needed the Commissioners help to cross the finish line. On behalf of Dr. Michael Murray and Jackson County Public Schools, she requested consideration to access remaining reserve funds to provide the funding needed to complete the organic turf project.

Commissioner Deitz asked if the longevity of the turf would be ten years and what would be the cost to replace it. It was his understanding the cushion that is on top of the stone is left and not replaced then the organic material being replaced could be recycled. There was a lot of maintenance that went into an athletic field but, there was maintenance of the organic turf also.

Ms. Simmons stated that is what they had found to be true in the information they had received, an 8-10 year warranty.

Commissioner Elders asked if they had a breakdown at today's cost of replacement of the rug.

Mr. Wooten stated that the bids submitted were \$324,000 for the base/drainage, which will not have to be replaced and \$511,660 was for the padding, turf and infield, which the padding did not have to be replaced. The anticipated estimate at today's price would be \$450,000 to replace the rug. It had an eight year warranty and some schools had taken the position that once the warranty period had expired, they felt the turf should be replaced, even though the turf may appear to be in great condition. He thought the school system should expect to spend \$400,000-\$500,000 in 8-10 years to replace the rug and infield.

Ms. Fox presented: Estimated Costs and Sources of Funding as of April 7, 2016:

	<b>Engineer's Estimate of Units needed</b>	<b>Medallion</b>	<b>Sports Construction Management</b>
Base price bid		\$273,300	\$324,000
Alt #3 zeolite & walnut		\$573,335	\$511,660
Excavation:			
Mass rock (in CYDS)	10	\$4,200	\$2,000
Trench rock (in CYDS)	30	\$4,355	\$6,000
Undercut/replace w/ compact stone (in CYDS)	100	\$5,500	\$5,600
Washed stone (in tons)	500	\$16,650	\$22,500
Conduit (in LF)	500	\$8,000	\$5,000
Civil Design Concepts (engineering, soil tests)		\$65,000	\$65,500
<b>Total Estimated Cost</b>		<b>\$950,840</b>	<b>\$942,260</b>
<b>Funding Available:</b>			
JCPS	\$315,000		
NFL	\$200,000		
Jackson County	\$200,000		
Contributions to date	\$21,025		
SMHS Jersey Sales	\$600		
<b>Total Funds to date</b>	<b>\$736,625</b>		
<b>Estimated Shortfall</b>		<b>\$214,215</b>	<b>\$205,635</b>

Ms. Fox stated that currently, in the school capital reserve account, which the county holds from sales tax proceeds, they had \$303,022.11 of undesignated funds available, if Commissioners choose to appropriate funds.

Chairman McMahan stated that the funds were from the two articles that statutorily go towards school construction costs. These funds can only be spent on capital projects they cannot be spent on classroom materials or paying for salary supplements.

Mr. Wooten stated that this amount did not take into consideration the potential savings from the stone contribution. Also, there was every reason to believe that there would still be some funds raised towards the project. The \$205,635 would be the maximum amount needed. The actual amount needed would be approximately \$150,000-\$175,000. Also, they should take into consideration that the engineer estimated the particular unit prices on rock, these are estimates and they may not need any or all of those, so those amounts could be reduced as well.

Chairman McMahan stated that when they started the process in March of 2015, this was a project that came before the Commissioners that they signed off on and were fully supportive of. They were fortunate to be just one of a handful of schools nationwide to receive the funds from the NFL, which basically allowed them to have a much far superior field, if they go with organic. The Commissioners will not meet again before the deadline and the School Board had already authorized the project and they too would not meet again before the deadline.

Commissioner Deitz stated that this was a lot of money for the project. He thought if they looked back to 1960, they could find many reasons why they should spend this money because in the past, they had not spent the money like they should have for the kids. They could not have predicted all of the teams and organizations that would be using the field through the years. He would vote against the project if it were not for all the use people would get out of it. He thought it was something they would all be proud of. He was for the project.

Commissioner Elders personally thanked everyone that had been involved with the fundraiser and encouraged them to continue on with it so that any funds in excess could go back into the capital fund to be used later.

Commissioner Jones stated that he played football on that field. Coach Deitz was his defensive coach and Coach Howell was his offensive coach. If you had ever been tackled on a field in November at night and the grass was gone and the field was frozen - it was terrible. He had been tackled on the WCU field and he would much rather had been tackled on that field than the Smoky Mountain field.

Also, that past Saturday he attended opening day for Little League at Fairview where he learned about the 12<sup>th</sup> Man jersey program. First thing Monday morning he bought 2 jerseys. For \$100 you get a limited Smoky Mountain High School jersey with the #12. He went to school with and played ball with Steve Streater and #12 was his number. In honor of Steve Streater he purchased two jerseys. He encouraged everyone to purchase a jersey and wear it proudly to the Mustang football games.

In closing, Coach Howell's granddaughter was in attendance at the meeting and he respected both Coach Howell and Coach Deitz. They helped to keep the players out of trouble, helped them focus on athletics, health and the ripple effects of that experience were felt in his life years later.

Commissioner Greene stated she did support the need for the turf project. She also hoped that they are able to look at other athletic facility needs next year, including moving the softball field and making the baseball field more accessible.

Chairman McMahan stated that he agreed with Commissioner Deitz about how little, as a government, they had supported athletics in the county through the past years. He thought it should be a rally call to them to look forward at how they were going to continue to support athletics. This was more than just about one sport. This was about the kids in the band, soccer, youth sports, football, P.E., there were so many good things that would come out of this.

Also, it had been mentioned that Coach Howell's ashes were distributed on the field. He thought they could take a small section of the turf and build a place to display and keep it growing for years to come in memory of Coach Howell and the field would still be Babe Howell Field. He felt obligated to support the extra funds because when they started talking about the opportunity to do the field project, one of the issues mentioned was a possible link to cancer with the crumb rubber. If it meant spending the extra money to insure they did not have those concerns and that argument was off the table, it is worth it. Also, there were other benefits, from an environmental standpoint, by not having the crumb rubber, from a heat standpoint and quality of the turf being far more superior.

***Motion:*** *Chairman McMahan moved to transfer funds from the school capital account in the amount of \$205,635 to meet the need for the project, with the understanding they do not know the actual cost. Commissioner Greene seconded the Motion. Motion carried by unanimous vote.*

**(10) SAFE KIDS COALITION:** Michael Forbis, Fire Marshal, presented

**(a) The Problem - Accidental childhood injury:** Accidental injury is the number one cause of death among children ages 14 and under in the United States. Also, each year one out of every four children needs medical attention for an accidental injury.

**(b) The Solution – Safe Kids:** Safe Kids Jackson County is one of more than 300 grassroots coalitions in all 50 states, the District of Columbia, and Puerto Rico that bring together health and safety experts, educators, governments, and volunteers to educate and protect families. Safe Kids Jackson County is a member of Safe Kids Worldwide, a global network of organizations dedicated to preventing accidental injury. They know their efforts are needed because 90% of accidental injuries can be prevented.

**(c) About Safe Kids Jackson County:** Created in 2013 by its lead agency, the Department of Public Health. The coalition has grown to include representation from numerous agencies in and around the county. The mission of the coalition is to reduce accidental death and injury to children ages 0-19 years in the county through prevention, education, and intervention.

**(d) Programs:** Safe Kids Jackson County works with local schools, community groups, and more to implement child injury prevention programs:

- Child Passenger Safety
- Pedestrian and Bike Safety
- Water Safety
- Poison Prevention
- Fire Safety
- Smoke Alarm Canvassing
- Awareness Campaign Requirements

**(e) Risk Area Requirements:** Coalitions are required to address 3 risk areas through education and awareness campaigns.

**(f) Professional Development:**

- Attend Safe Kids NC Injury Prevention Conference– Annually in May
- Fire and Life Safety Conference – Annually in February
- Buckle Up NC Conference – Annually in May

**(g) Resources:**

- Safe Kids Worldwide: [www.safekids.org](http://www.safekids.org)
- Safe Kids NC Website: [www.ncsafekids.org](http://www.ncsafekids.org)
- Safe Kids NC Facebook Page: <https://www.facebook.com/NCSafeKids>
- Safe Kids Jackson County Facebook Page:  
• <https://www.facebook.com/safekidsjacksoncounty/>

**(h) Smoke Alarm Canvassing Program:** In April of 2015 Safe Kids Jackson County revived a grant through the North Carolina Department of Insurance - Office of State Fire Marshal for smoke alarm education and installation. This program is designed as a total community canvassing project to provide both education and long-life smoke alarms as needed. They identified high fire risk areas in the community to target and conduct fire safety sweeps. In addition to the smoke alarms, they received carbon monoxide alarms through the local Wal-Mart to install in residences throughout the county. In the past year, 313 smoke alarms were installed in the county.

*Informational item only.*

**(11) RESOLUTION: REGISTER OF DEEDS OFFICE CLOSED ONE DAY (R-16-04):** Ms. Baker stated this resolution would allow the Register of Deeds Office to close for one day to allow for the staff to attend training. Notice would be provided to attorneys, paralegals, surveyors and the public.

***Motion:*** Commissioner Deitz moved to adopt Resolution R16-04 that would allow the Register of Deeds to close for one day on April 20, 2016. Commissioner Jones seconded the Motion. Motion carried by unanimous vote.

**(12) FOREST HILLS PLANNING BOARD:**

***Motion:*** Commissioner Greene moved to appoint Jack Brown to serve on the Forest Hills Planning Board. Commissioner Deitz seconded the Motion. Motion carried by unanimous vote.

**(13) CULLOWHEE PLANNING COUNCIL:**

***Motion:*** Commissioner Deitz moved to appoint Joel Setzer to serve on the Cullowhee Planning Council. Commissioner Greene seconded the Motion. Motion carried by unanimous vote.

**(14) SEDIMENT CONTROL APPEALS BOARD:**

***Motion:*** Commissioner Deitz moved to reappoint William Owen and Lloyd Green to serve four year terms on the Sediment Control Appeals Board, terms expiring March 9, 2020. Commissioner Elders seconded the Motion. Motion carried by unanimous vote.

**(15) WATERSHED REVIEW BOARD:** Mr. Wooten stated that they were looking at combining this board with the Board of Adjustments. It would require an amendment of the current ordinance, so this would be brought back before Commissioners at a future meeting.

**(16) HISTORIC PRESERVATION COMMISSION:** Carry over.

**(17) BUSINESS AND INDUSTRY ADVISORY COMMITTEE:**

***Motion:*** Commissioner Greene moved to reappoint Jim Turner, Tiffany Henry and Wendy Cagle to serve three year terms on the Business and Industry Advisory Committee, terms expiring December 31, 2019. Commissioner Elders seconded the Motion. Motion carried by unanimous vote.

**(18) PRESS CONFERENCE:** None

There being no further business, Commissioner Deitz moved to adjourn the meeting. Commissioner Elders seconded the Motion. Motion carried and the meeting adjourned at 7:25 p.m.

Attest:

Approved:

\_\_\_\_\_  
Angela M. Winchester, Clerk to Board

\_\_\_\_\_  
Brian Thomas McMahan, Chairman