

**MINUTES OF A  
REGULAR MEETING  
OF THE COUNTY  
BOARD OF COMMISSIONERS  
HELD ON  
SEPTEMBER 18, 2017**

The Jackson County Board of Commissioners met in a Regular Session on September 18, 2017, 6:00 p.m., Tuckasegee VFW Post, 10628 Highway 107, Tuckasegee, North Carolina.

Present: Brian McMahan, Chairman  
Charles Elders, Vice Chair  
Boyce Deitz, Commissioner  
Mickey Luker, Commissioner  
Ron Mau, Commissioner

Don Adams, County Manager  
Heather C. Baker, County Attorney  
Angela M. Winchester, Clerk to Board

Chairman McMahan called the meeting to order.

(1) **AGENDA**: Chairman McMahan amended the agenda by adding two items: (1) NCDOT Upcoming Road Projects (2) Mike Martin VFW Post 9493 Update. Commissioner Elders moved to approve the amended Agenda. Commissioner Mau seconded the Motion. Motion carried.

(2) **MINUTES**: Commissioner Deitz moved to approve the minutes of a Special Meeting – Health Department of August 28, 2017; a Public Hearing – Cullowhee of August 28, 2017; a Public Hearing – Cashiers of August 28, 2017; and a Regular Meeting of August 28, 2017. Commissioner Elders seconded the Motion. Motion carried.

(3) **CHAIRMAN’S REPORT**: None.

(4) **COMMISSIONER REPORTS**:

(a) Commissioner Deitz thanked all of the contractors that came and worked to help restore power in the county, it was appreciated.

(b) Commissioner Elders stated his appreciation to the Tuckasegee VFW Post for hosting the meeting and for all of the Veterans who served so that they had the freedom to have the meeting.

(c) Commissioner Luker stated he was thankful for all of the utility workers, emergency services and law enforcement and they did an amazing job. Utility workers appreciated the wonderful hospitality they received in Jackson County.

He attended the Canada Fire Department BBQ that past weekend and it was a great and well attended event. Also, he expressed his sympathy for the Norman family that lost their six year old son that weekend. He asked everyone to remember them in prayers.

(d) Commissioner Mau stated he attended Southwestern Community College’s annual event Bluegrass, Blue Jeans and Bling Gala that had set a goal three years ago to have \$1mil raised for their scholarship fund and they reached that goal Saturday night.

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

(a) **Speed Study Request**: He presented a draft letter formally requesting that NCDOT conduct a speed study on Old Cullowhee Road, between the southern intersection of Old Cullowhee Road and Highway 107 and the intersection of Central Drive and Old Cullowhee Road.

**Consensus**: *Place on Commissioners’ letterhead and send to NCDOT local division.*

**(b) Fireworks Applications:** At the last work session, a question was raised regarding the Board approving all fireworks applications. Ms. Baker researched the issue.

Ms. Baker stated she researched NC General Statute 14-413 and as Chairman McMahan had stated in the work session, the Board had an obligation to approve any permit for fireworks. The Board also had an obligation to issue the permits as well. The Permitting Director signed on behalf of the county, but the Board actually issued the permit. The Statute itself made it possible for the Board to delegate in one circumstance and that was to the city. One item that they were still researching would be to determine if the Board could give a standing permit to someone that did the fireworks show in the same place at the same time every year, but she still did not know if that would work in this circumstance and she did not know if they would recommend this. They would bring the item back after further research.

**(c) Nurse Family Partnership Program:** He spoke to Shelia Hoyle, Executive Director of Southwestern Child Development Commission, they did receive state funding and would know if they were awarded additional funding on November 1<sup>st</sup>. This item would be placed on the November 14<sup>th</sup> work session agenda for discussion.

**(d) Upcoming Meetings:**

Monday, October 2, 2017 – Cancelled

Monday, October 9, 2017 – Regular Commissioner Meeting at 3:00 pm

Tuesday, October 10, 2017 – Commissioner Work Session at 1:00 pm

Monday, October 16, 2017 – Regular Commissioner Meeting at 6:00 pm

Mr. Adams thanked everyone that served in the military, he appreciated their service that allowed his family to enjoy freedom.

**(6) NORTH CAROLINA DEPARTMENT OF TRANSPORTATION UPCOMING ROAD PROJECTS:** Michael Poston, Planning Director, stated he served as Jackson County's member on the Technical Coordinating Committee of the RPO, a staff level committee that helped digest some of the transportation issues. It was a recommending body to the elected official of the RPO, which was the TAC Board. The TAC Board voted and made decisions on behalf of the Southwestern RPO that included the six western counties. Chairman McMahan was on the TAC Board.

A few weeks ago the Board approved the Comprehensive Transportation Plan, which was the statement of need and was the first step to decide the transportation needs for the future. Now they were at the next step, which was to submit projects to be scored and prioritized. Every two years or so, they go through the process of looking at the project list and finding which projects they thought would score the strongest to get funded. The state had two tiers that included the first five year list of funded projects and the second five year list, which was unfunded, but programmed.

There were three categories of funding: state, regional and division.

The four projects from the county:

**(a) Statewide Mobility:**

- US 74 - US 441:
  - Directional medians
  - U-turn bulb outs
  - Replace monolithic median island with concrete median barrier

**(b) Regional Impact:**

- US 64:
  - Improve intersection
  - Add climbing lane on US 64
- US 23 Business:
  - Widen to four-lane divided boulevard

(c) Division Needs:

- SR 1336 (Monteith Gap Road) – SR 1337 (Ledbetter Road):
  - Modernize roadway
  - Provide bike lanes and sidewalks

All of the four projects had been approved through the CTP process and now the RPO would be asked to approve the list.

*Informational item.*

(7) **INFORMAL COMMENTS BY THE PUBLIC:** Davis Woodard of Sylva inquired why the Brian Bryson Memorial had not moved forward.

Chairman McMahan stated that the project was still a go and they would find out the status.

Commissioner Deitz stated that he was supposed to meet with Brian Bryson's parents and wife to work out the details and they had difficulties working out a time that everyone could meet. He stated they were all in favor of moving forward with the project.

Chairman McMahan requested that this item be placed on the next work session agenda.

(8) **CONSENT AGENDA:**

(a) Darlene Fox, Finance Director, presented the Finance Report for August, 2017 and a Budget Ordinance Amendments for fiscal year ending June 30, for approval.

(b) Ms. Fox presented, Tax Collector and Refund Reports for August, 2017, for approval.

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

(9) **MIKE MARTIN VFW POST 9493 UPDATE:** Chairman McMahan expressed his appreciation for the Veterans in attendance.

Paul Millsaps, Post Commander, recognized several of the Post Members in attendance.

Mr. Millsaps stated that approximately 1.5 years ago, they were in danger of losing their charter because of lack of membership. They were required to have 25 members and at that time they had 25 members. Currently, they had 35 members. The Ladies Auxiliary unfortunately lost their charter, but they were able to add more members and start another group called Lady Patriots.

They have had several successful events including last year they were able to help the Sheriff's Department's "Shop with a Cop" Program by raising \$7,000. They also had an appreciation breakfast for Law Enforcement where they served over 100 plates. They were very active in the community and county.

The top floor of the building was ADA approved with bathrooms. The downstairs bathroom was too small to be ADA approved. Christy Sims was instrumental in helping them obtain a \$10,000 grant from Lowes to remodel the downstairs kitchen. They now had many people in the community using the building for benefits or for meals for families after funerals, etc.

The VFW Members voted to finish the room downstairs and make an ADA approved bathroom. Below, they wanted to build a seawall and make the area outside at the bottom ADA accessible. They also wanted to build a deck up top so that anyone, including those in wheelchairs could enjoy the view of the river. He requested \$30,000 to help with the renovations and improvements.

*Informational item.*

(10) **CIRCLES OF HOPE:** Ron Robinson, Coordinator, stated their services were supported by over ten churches, 30 volunteers and a part-time coordinator. Their goal was to reduce poverty in the county by 10% by collaborating and cooperating with other non-profit agencies, public service agencies and the business community.

The people that were served were primarily young mothers with 1-3 children under the ages of 12. They provided twelve weeks of experiential learning to assist them to get better organized, develop goals and manage their finances more effectively. Additionally, to provide long-term support, they provided mentors to assist them accomplishing their goals and gain access to living wage jobs in the county.

The participants in each of the classes had increased their savings, increased their monthly income, increased the number of supportive people in their network and increased their sense of hope. Several people were now enrolled at Southwestern Community College and those working were earning higher or living wages. Every employed person in the program had reduced or eliminated the need for public assistance.

They were seeking to provide services to a greater number of individuals and families. To do so, they needed a full-time Case Manager to coordinate resources. They requested \$20,000 to match with other funds needed to have a Case Manager to support Circle Leaders as they overcome barriers to achieve living wage jobs that sustain their families and improve the economy.

***Motion:*** *Commissioner Mau moved to grant the request from Circles of Hope for \$20,000. Commissioner Deitz seconded the Motion. Motion carried by unanimous vote.*

**(11) WIRELESS COMMUNICATION TOWER APPLICATION:** Michael Poston, Planning Director stated that the Planning Department received an application for a new 180 foot wireless communications tower located at 617 Worley Farm Road, Cherokee NC 28789 (PIN # 7613-15-4610). The applicant was SBA Towers IX, LLC and the property was owned by William D. Hyatt. All new wireless communication towers required approval from the Board of Commissioners after the Board conducted a quasi-judicial hearing regarding the application. The hearing was open to the public and they were required to advertise it in the paper, notify adjacent property owners of the request by first class mail and post the property prior to the hearing. He requested that the Board of Commissioners call for a public hearing regarding the SBA Towers IX, LLC application on October 17<sup>th</sup> at 1:30 p.m.

***Motion:*** *Commissioner Elders moved to set a public hearing on October 17<sup>th</sup> at 1:30 p.m. to be held at the Justice & Administration Building, Room A201, 401 Grindstaff Cove Road, Sylva, North Carolina. Commissioner Mau seconded the Motion. Motion carried by unanimous vote.*

**(12) COMMUNITY SERVICE CENTER PROPOSAL:** Mr. Adams stated this was a follow-up from their previous work session meeting regarding the programming for the proposed new Health Department.

He presented the proposal from McMillan, Pazdan, Smith Architecture for the renovation of the Community Service Center to accommodate the Health Department, the Permitting and Code Enforcement Department and the Planning Department.

The Scope of Services was that McMillan, Pazdan, Smith would meet with the Permitting and Code Enforcement Department Staff and the Planning Department Staff to develop a spatial allocation program for their needs. Upon approval of the County Manager and Department Heads, McMillan, Pazdan, Smith would develop a conceptual plan for the building to house the three departments. A revised project cost estimated would be included. They could begin work within ten business days of the Notice to Proceed. The Architectural/Engineering Fee for the work described above \$9,860. Reimbursable Expenses, not to exceed \$600.00.

Chairman McMahan stated he wanted to clarify about the cost estimate. He had expressed an interest that as they evaluate space needs, that they would look at whether or not an addition could be added to the facility that would house at least part, if not all of those components. Would this be included in the estimate?

Mr. Adams stated it would be driven by the space needs. As they went through and look through the space upstairs and adding the new components, if it necessitated an addition, then yes he would get estimates for that. Also, they would be looking at parking at the facility.

***Motion:*** *Commissioner Elders moved to approve the proposal from McMillan, Pazdan, Smith Architecture, as presented. Commissioner Mau seconded the Motion. Motion carried by unanimous vote.*

**(13) LOCAL TAX REFERENDUM AND/OR BOND ISSUES ON NOVEMBER EVEN YEAR BALLOTS RESOLUTION (R17-16):**

***Motion:*** *Commissioner Luker moved to approve the Local Tax Referendum and/or Bond Issues on November Even Year Ballots Resolution R17-16, as presented. Commissioner Mau seconded the Motion. Motion carried by unanimous vote.*

**(14) TOURISM DEVELOPMENT AUTHORITY (TDA) REQUEST:** Nick Breedlove, Executive Director and Robert Jumper, Chairman, stated that at the August 16<sup>th</sup> regular board meeting, the TDA unanimously agreed to recommend to the Commissioners, for their consideration, a reduction in their board size from 15 to 9 members.

With one vacancy, five board members rotating off that year and one board member that would be stepping down in December, it would be the ideal time for this reduction. With those changes, they would have nine members on the board without removing any sitting board members.

They also suggested:

- At least one half of members should be active in the promotion of travel and tourism in Jackson County.
- Group One – (3) Lodging Properties; (2) Hotel/Resort/Inn Properties - North Jackson County; (1) from other occupancy tax remitters from establishments with 10+ units/rooms.
- Group Two – (3) Lodging Properties; (2) Hotel/Resort/Inn Properties - South Jackson County; (1) from other occupancy tax remitters from establishments with 10+ units/rooms.
- Group Three – (1) Tourism-related business representative from Jackson County At-Large.
- Group Four – (1) representative from the Cashiers Chamber of Commerce in a non-lodging, tourism related business (who is not employed by the CACOC). The Executive Director from the Cashiers Area Chamber of Commerce. The Executive Director will be an ex officio member with no term limit.
- Group Five – (1) representative from the Jackson County Chamber of Commerce in a non-lodging, tourism-related business (who is not employed by the JCCOC). The Executive Director from the Jackson County Chamber of Commerce. The Executive Director will be an ex officio member with no term limit.
- Section 9: Quorum. A majority of the number of directors fixed by these By-Laws shall constitute a quorum for the transaction of business at any meeting of the Board of Directors.

All of the recommendations had been vetted by the County Attorney and found to be compliant with the enabling state legislation. He requested that the Board of Commissioners call for a public hearing on October 16<sup>th</sup> at 5:55 p.m.

***Motion:*** *Commissioner Elders moved to set a public hearing on October 16<sup>th</sup> at 5:55 p.m. to be held at the Justice & Administration Building, Room A201, 401 Grindstaff Cove Road, Sylva, North Carolina. Commissioner Deitz seconded the Motion. Motion carried by unanimous vote.*

**(15) GOVERNOR’S HIGHWAY SAFETY PROGRAM RESOLUTION (R17-14):**

Major Shannon Queen stated he appreciated the tremendous support from the Tuckasegee VFW Post for the Shop with a Cop Program.

He presented a resolution for an annual application through the Governor’s Highway Safety Program for federal funding in the amount of \$43,000 and did not require a local match.

***Motion:*** *Commissioner Elders moved to adopt the Resolution R17-14. Commissioner Luker seconded the Motion. Motion carried by unanimous vote.*

**(16) INTERLOCAL AGREEMENT WITH THE TOWN OF SYLVA RESOLUTION (R17-15):**

Major Queen stated that the county intended to purchase a NetMotion Mobility Service, for use by the Jackson County Sheriff’s Office and Emergency Management, to allow Virtual Private Network communication with the County Emergency Dispatch System through the Mobile Data Information System application. The Town of Sylva, by and through the Sylva Police Department would also like to use NetMotion in their patrol vehicles. The Town would pay to the county the sum of \$5,903.01 consisting of \$4,725.00 to reimburse the county for the purchase of 15 NetMotion Mobility Universal Device Licenses at a cost of \$315.00 per license and \$1,178.01 to reimburse the county for the NetMotion Mobility Premium Software annual Support Maintenance fee for the first year. The County Information Technology Department would provide administrative support in the operation of NetMotion to coordinate needed support or maintenance.

***Motion:*** *Commissioner Mau moved to approve the Interlocal Agreement with the Town of Sylva for NetMotion Mobility Service Resolution R17-15, as presented. Commissioner Elders seconded the Motion. Motion carried by unanimous vote.*

**(17) TRANSIT PROGRAM GRANTS 5310, 5311 AND CAPITAL PROJECTS:**

Ms. Baker requested that a public hearing be set for October 16<sup>th</sup> at 5:50 p.m.

***Motion:*** *Commissioner Mau moved to set a public hearing on October 16<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 Elders seconded the Motion. Motion carried by unanimous vote.*

**(18) COMMUNITY ADVISORY BOARD FOR LONG TERM CARE:**

***Motion:*** *Commissioner Luker moved to reappoint Angeline fisher to serve another three year term on the Community Advisory Board for Long Term Care, term to expire October 03, 2020. Commissioner Elders seconded the Motion. Motion carried by unanimous vote.*

**(19) OTHER BUSINESS:**

(a) Commissioner Deitz stated that several areas of the county had suffered extensive wind damage last week. He did not want to see the residents charged for the yard debris they hauled to the transfer station. Was there a way to provide relief to those who had damage during the state of emergency in the county by waiving or refunding the fee.

A general discussion was held to find with the best option.

***Motion:*** *Commissioner Deitz moved to allow citizens of Jackson County to bring private, residential yard storm debris to the county transfer station site free of charge for the next six weeks. Commissioner Luker seconded the Motion. Motion carried by unanimous vote.*

(b) Commissioner Luker stated that he several calls from the elderly in the community that lost all of their food out of their refrigerators and freezers and they were looking to find out what agencies to contact to help them. If anyone could find out this information and get the word out where they need to go for help.

(c) Commissioner Luker requested that the request made earlier by the Mike Martin VFW Post, be placed on the next work session agenda for discussion.

*Informational item.*

(20) **PRESS CONFERENCE**: None.

There being no further business, Commissioner Mau moved to adjourn the meeting. Commissioner Elders seconded the Motion. Motion carried and the meeting adjourned at 7:28 p.m.

Attest:

Approved:

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Angela M. Winchester, Clerk to Board

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Brian Thomas McMahan, Chairman