

**MINUTES OF A  
REGULAR MEETING  
OF THE JACKSON COUNTY  
BOARD OF COMMISSIONERS  
HELD ON  
MARCH 05, 2018**

The Jackson County Board of Commissioners met in a Regular Session on March 05, 2018, 3:00 p.m., Justice & Administration Building, Room A201, 401 Grindstaff Cove Road, Sylva, 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) **PROCLAMATION FOR SOCIAL WORK MONTH**: Chairman McMahan read a Proclamation to proclaim March as Social Work Month and presented the proclamation to Jennifer Abshire, Department of Social Services Director. Commissioner Elders moved to approve the Proclamation. Commissioner Mau seconded the Motion. Motion carried.

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

(3) **MINUTES**: Commissioner Elders moved to approve the minutes of a Work Session of February 13, 2018; a Public Hearing (Rezoning Request) of February 19, 2018; a Public Hearing (Smoking in County Buildings Ordinance) of February 19, 2018; a Regular Meeting of February 19, 2018; and a Budget Retreat of February 20, 2018. Commissioner Mau seconded the Motion. Motion carried.

(4) **CHAIRMAN'S REPORT**: Chairman McMahan reported that he and Mr. Adams attended the Vaya February Board Meeting. The Medicaid transformation was an ongoing process and they were still unsure what the impacts would be for counties and agencies. Also, there were continued discussions on the opioid crisis and substance abuse and how they could attack the problem.

(5) **COMMISSIONER REPORTS**:

(a) Commissioner Mau stated that regarding TWSA, they were going through the process with impact fees or development fees. They were using different methods to figure out the maximum amount that TWSA could charge perspective clients or customers. Anyone could go to TWSA's website to look at the methods. Using the methods prescribed by the law, TWSA could be charging higher system development fees. This did not mean that they would. TWSA still had to go through the budget process to figure out what the fees would be.

(b) Commissioner Luker stated that he, along with Mr. Adams, attended a workforce development meeting in Cashiers and it was a very good meeting. Between two different sized companies, they employed about 300 seasonal employees and they discussed the demands of finding individuals to fill those positions. There were some great dynamics coming together in that area.

Also, he attended the Cullowhee Fire Department ground breaking event. There were a couple of members there that had served 47 years in volunteer service, which was amazing.

(c) Commissioner Elders stated he appreciated Commissioner Mau's remarks regarding TWSA, there were a lot of people concerned.

(d) Commissioner Deitz stated he attended the ground breaking at WCU for the new Sciences Building, which was well attended and he felt this would be great for the university. Dr. Belcher was a brave man and they all needed to continue to keep him in their prayers. Also, Randy Hooper, a very good business man in the community, passed away.

**(6) COUNTY MANAGER REPORT:** Mr. Adams stated he had no formal report, but wanted to follow up on TWSA in Whittier. The Whittier Sanitary District did run a sewer and water system in the Whittier area. The sewer system was installed years ago based on grants and was proposed to be self-sufficient based on growth. Dan Harbaugh, TWSA Executive Director, had taken the initiative to pull together the major stakeholders, which would be the primary customers. A solution was needed by the end of this fiscal year, because the sewer portion was not self-sufficient. They were making progress and would be holding another meeting at the end of the month. He was hopeful to come back to the Board of Commissioners in April or May with a proposed partnership from the county.

The county had budgeted \$35,000 in that year's budget to help solve the situation. They would need to figure out how to take care of the immediate financial need and they would need to come up with rules and regulations that would eventually make the system self-sufficient.

**(7) INFORMAL COMMENTS BY THE PUBLIC:** Jeff Brotherton of Cullowhee, stated he wanted to go on the record that he was not opposed to Mr. Debnam having an office in the proposed area, but he was opposed to having permanent rezoning. He thought this was a case of classic spot zoning because it was predominantly a residential area.

**(8) REGISTER OF DEEDS REFUND:** Ms. Baker stated that a deed was recorded with the Register of Deeds that listed a revenue amount as \$840.00. The amount should have been \$0.00 and a corrective deed had been recorded to reflect the correct amount. This was due to an error made by First American NVOD Las Vegas. According to Register of Deeds procedures, a written refund request must be made to the Commissioners.

***Motion:** Commissioner Elders moved to approve the refund as requested to First American NVOD Las Vegas in the sum of \$840.00. Commissioner Mau seconded the Motion. Motion carried by unanimous vote.*

**(9) SECURITY ORDINANCE UPDATE:** Ms. Baker presented the annual Security Ordinance Report:

The Ordinance Governing Jackson County Justice Center Security calls for an annual update on the Ordinance from the Security Committee to the Commissioners. The committee was comprised of the Chief District Court Judge, the Senior Resident Superior Court Judge, District Attorney, Sheriff of Jackson County, Clerk of Superior Court, County Manager and Local Bar President or their designee.

The committee met on February 26, 2018 to review the Security process and to review the roster of attorneys and non-attorneys with ID access cards to make sure that the county was aware of any change in status that would require revocation of the ID access card. Danielle Wittekind, Human Resource Director, presented to the committee the current roster and shared her process for updating the status of county employees, attorneys and non-attorneys with ID access cards. The committee was impressed with the records and spread sheets kept by Ms. Wittekind and the detail given to maintain the database. Major Shannon Queen with the JCSO worked with Ms. Wittekind on a regular basis to update the list and keep it current. The committee read over the roster and provided updated information.

The committee discussed updates on items from last year's report as well as new security concerns of the committee. The following items were discussed but no change to the ordinance was requested. The current security needs discussed were as follows:

(a) The committee heard updates on the possibility of video arraignment taking place in one of the two unused rooms in the secure area behind the Judge's Chambers and near the court holding cell. The committee discussed that this would allow inmates to remain at the jail while having their 48 and 96 hour hearings, which would increase safety as it would reduce the number of inmates transported during court days and would improve the speed and efficiency of the process. In addition to the software and hardware needs to make this work, a television or monitor would be needed for the room.

(b) The committee discussed the need for increased cameras, staffing and monitoring for security purposes.

(c) The upcoming courthouse renovation was discussed and the committee agreed that the renovation would take care of many of the security needs that the group discussed. It was emphasized that planning for the renovation should make sure that any system used in the newly renovated areas would work with the existing security systems and jail systems currently in place.

(d) The items from last year discussed and updates provided were as follows:

- Last year there was discussion about attorneys requesting access in the back hallway area (excluding the Judges' Chambers) to allow easier back and forth during court days to see clients in jail. Now that attorneys and others have adjusted to the new system, there had not been requests for this access.
- Additional lighting outside the front of the building and the addition of two cameras. Those needs were met.
- Small lockers in the atrium to temporarily keep items not allowed in the Justice Center so citizens do not have to return to their car. Public Works and the Sheriff's Office would discuss a small locker system to be placed immediately behind security.

Overall the committee thought the security process was running smoothly and there were no additional changes that needed to be addressed at this time.

*Informational item.*

**(10) JOINT MEETING WITH THE BOARD OF EDUCATION:** Mr. Adams requested a joint meeting with the Board of Education on March 15, 2018 at 6:00 p.m. to be held at the Department on Aging Heritage Room.

Also, JCPS would hold a student forum on March 14<sup>th</sup> at 6:00 p.m. at the High School Auditorium, for students, teachers and community members.

***Consensus:*** *Set a special joint meeting with the Board of Education on March 15, 2018 at 6:00 p.m. to be held at the Department on Aging Heritage Room.*

**(11) REZONING APPLICATION:** Commissioner Mau requested that Ms. Baker's explain spot zoning.

Ms. Baker stated that spot zoning was the practice of zoning a relatively small area, usually owned by a single individual, which was different from the surrounding property. Spot zoning was not illegal in North Carolina. It was her opinion that this was not spot zoning.

Commissioner Mau inquired if the rezoning would be inconsistent with what was already designated around it?

Michael Poston, Planning Director, stated he did not believe so, looking at the way the area had developed and may likely continue to develop. He pointed out that in the Cullowhee Zoning document, residential was allowed in all zoning districts, including commercial.

Commissioner Deitz stated he thought the Board wanted to do what was best and legal.

Mr. Poston stated that he would remind the Board that this was the third public hearing and the third Board that this process had been to. The Cullowhee Planning Council was the local board that really looked at the zoned areas and recommended that this be rezoned and the Planning Board concurred.

Chairman McMahan stated that they had a very defined and detailed process built into the framework of the ordinance to allow these requests to take place. Mr. Debnam had made the request, met all the standards, went through all the public hearings and boards necessary and the request had met every letter of the law.

**Motion:** *Chairman McMahan moved to approve the Debnam rezoning request. Commissioner Mau seconded the Motion. Motion carried by unanimous vote.*

**(12) EQUALIZATION AND REVIEW BOARD:** Bobby McMahan, Tax Assessor, provided recommendations for the Equalization and Review Board.

**Motion:** *Commissioner Elders moved to reappoint Richard Robson; David Noland; Gail Cooper as Chair; Robert Edwards as Vice-Chair; and to appoint Norman West. All to serve one year terms on the Equalization and Review Board, expiring April 04, 2019. Commissioner Deitz seconded the Motion. Motion carried by unanimous vote.*

**(13) TOURISM DEVELOPMENT AUTHORITY:**

**Motion:** *Commissioner Luker moved to appoint Tom Garcia to fill the unexpired term of Mark Jones on the Tourism Development Authority, term to expire December 02, 2018. Commissioner Mau seconded the Motion. Motion carried by unanimous vote.*

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

**(15) CLOSED SESSION:**

**Motion:** *Commissioner Mau moved that the Board go into closed session pursuant to G.S.143-318.11(a)(3) Legal for one item and G.S.143-318.11(a)(4) Business Expansion for one item. Commissioner Luker seconded the Motion. Motion carried.*

Chairman McMahan called the regular meeting back to order and stated that no action was taken in closed session except the approval of the minutes.

**(16) AGENDA:** Commissioner Deitz moved to amend the agenda to add one item: Termination and Release Agreement between Jackson County and WNC Outdoor Development, LLC. Commissioner Mau seconded the Motion. Motion carried.

**(17) TERMINATION AND RELEASE AGREEMENT:** Chairman McMahan stated the county had been in an agreement with WNC Outdoor Development, LLC for them to facility and develop a waterpark in Dillsboro. It had been agreed upon that it would be in the best interest of all parties to terminate the agreement. The Board had been presented with a termination signed by Kelly T. Custer, as Managing Member of WNC Outdoor Development, LLC.

**Motion:** *Commissioner Mau moved to accept the Termination and Release Agreement between Jackson County and WNC Outdoor Development, LLC and authorize the Chairman to execute the document. Commissioner Luker seconded the Motion. Motion carried by unanimous vote.*

There being no further business, Commissioner Elders moved to adjourn the meeting. Commissioner Mau seconded the Motion. Motion carried and the meeting adjourned at 4:57 p.m.

Attest:

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Angela M. Winchester, Clerk to Board

Approved:

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Brian Thomas McMahan, Chairman