

**MINUTES OF A  
REGULAR MEETING  
OF THE JACKSON COUNTY  
BOARD OF COMMISSIONERS  
HELD ON  
NOVEMBER 19, 2018**

The Jackson County Board of Commissioners met in a Regular Session on November 19, 2018, 6:00 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) **AGENDA**: Commissioner Deitz moved to approve the agenda. Commissioner Elders seconded the Motion. Motion carried.

(2) **MINUTES**: Commissioner Mau moved to approve the minutes of a Work Session of October 09, 2018; a Public Hearing (Transit) of October 15, 2018; a Regular Meeting of October 15, 2018; a Special Meeting of October 30, 2018; and a Reconvened Special Meeting of November 09, 2018. Commissioner Elders seconded the Motion. Motion carried.

(3) **CHAIRMAN’S REPORT**: None.

(4) **COMMISSIONER REPORTS**:

(a) Commissioner Mau stated that the TWSA Board met last week and was in favor of moving ahead on a potential policy to help with 107 business owners. They would need to find out what DOT would pay and how that would be classified, as moving or reestablishing expense. Mr. Harbaugh would be meeting with DOT after Thanksgiving to start working to clarify the information.

Also, he had a statement he wanted to read:

In the November 15th, 2018 issue of the Sylva Herald there is a letter to the editor penned by my oldest son related to an article that had been posted on the Jackson County Democrats website. I will not reread the letter but do need to add some information.

The author of the questionable post is a vice chair of the Jackson County Democrats. On September 27th, 2018 a number of people in leadership roles of the Jackson County Democrats were publicly made aware of the post in question during the commissioner’s debate held at SCC. Many people, including some in this room, let my wife and younger son know this post would be removed in short order. After the debate, I discussed the article with the Chairman of the Jackson County Democratic Party and was told I was on “shaky ground” in such a manner the comment was clearly intended to be a threat.

After I voted early at the Cullowhee rec center on October 17, 2018, I asked a former Jackson County Democrat Vice Chair, who currently serves as a precinct chair, and who had been present on September 27th why the post had not been removed. Among the many reasons given for the post not being removed and the one that I will never forget was:

“I could see you being upset if you had been compared to Hitler but being compared to Mao was not a reason you should be upset.”

Think about that. If I was compared to someone who was responsible for the deaths of millions of European white people, I could be upset. However, being compared to a Chinese dictator who was responsible for the deaths of millions of Asians was not grounds for me to be upset. At best that statement is insensitive and ignorant. At worst the statement is clearly racist. Rest assured my Jewish sister-in-law and Asian American daughter-in-law along with many other people would find that statement despicable no matter the spin.

The removal of the post in question appears to have occurred on November 8th, 2018 which was one day after my son's letter to the editor was submitted and received by the Sylva Herald.

On October 24th, 2018 a Jackson County public school teacher came home from work visibly upset. Someone had taken it upon themselves to call the Jackson County Public Schools district office and maliciously attack the integrity and ethics of one of our hard working teachers. Since the call occurred, an administrator from the district office had to be involved, the principal had to be involved, and a conversation with the teacher had to take place. The accusation was the teacher in question had been working car duty and while assisting children into their ride home was telling people to, "vote early and vote for my husband". On October 25th, 2018 while attending the 10-year anniversary of the Early College located at Southwestern Community College, I discussed the issue briefly with the superintendent of Jackson County Public Schools. I simply stated if someone is going to maliciously attack my wife and what she was supposedly doing while on car duty, they should at least make sure she was actually working car duty on the days in question.

This was not about gaining votes. There can only be one motive; this lie was clearly malice. When John McCain passed away our pastor talked about the divide in our country's politics. He mentioned the hate too many use to justify their political decisions, the need to be more civil, and the need to change; or as a country we will not improve. I agree with the statement, but it needs to start at home.

(b) Commissioner Deitz congratulated the Smoky Mountain High School Football team for a successful season.

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

(a) **Community Services Center/Health Department/One Stop Center**: McMillan/Pazden/Smith was proceeding with the development of the construction documents. The following were some milestones to be completed in the next few months:

- November 28, 2018: Construction documents submitted to Code Enforcement and Planning for review.
- December 2018–January 2019: Western Builders, Code Enforcement and Planning to complete the review of construction documents.
- January 2019: Renovate the temporary space located at 154 Medical Park Loop, Sylva.
- January 28, 2019–February 8, 2019: Health Department to move operations to the temporary location.
- It was being discussed whether or not to separate out the abatement and demolition from the main construction contract.

(b) **Green Energy Park Campus**: Withers Ravenel had been contracted to provide the county with a site master plan. They would be providing alternative design concepts by the end of November, 2018. He would be discussing a preliminary master plan and cost estimates with them in December, 2018. They would be ready to present public presentations in January, 2019.

(c) **Southwestern Community College Health Sciences Building**: Bids were received and opened November 3, 2018.

(d) **Savannah Community Park**: An update from Buchanan and Sons, Inc. was included their packets.

(e) **Conservation Fund – Blackrock Creek, Plott Balsam Range**: The NC Clean Water Management Trust Fund awarded the Conservation Fund \$1,021,600 to purchase 441.53 acres referred to as the Blackrock Tract. He would be meeting with Bill Holman, Conservation Fund State Director, on December 6, 2018 to discuss next steps.

**(6) INFORMAL COMMENTS BY THE PUBLIC:** None.

**(7) CONSENT AGENDA:**

(a) Darlene Fox, Finance Director, presented the Finance Report for October, 2018 and a Budget Ordinance Amendment for fiscal year ending June 30, 2019, for approval.

(b) Brandi Henson, Tax Collector, presented the Tax Collector and Refund Reports for October, 2018, for approval.

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

**(8) SOUTHERN OFF-ROAD BICYCLE ASSOCIATION MEMORANDUM OF UNDERSTANDING:**

Rusty Ellis, Recreation and Parks Director, stated that at the October work session, he presented the idea of SORBA wanting to design and construct a bike park on the Greenway. At the Board's request, he went back to SORBA for contract preparation for the Board to review and consider.

Ms. Baker stated that the purpose of the MOU was to establish a framework of cooperation upon which mutually beneficial work projects and bicycling activities may be planned and accomplished by Jackson County and SORBA, working cooperatively with the Greenway.

JP Gannon, President of the SORBA Nantahala Chapter, stated they had a general layout design of using fill dirt to create paths for ages 3-5 to adult, which would also include skills features. They were excited to have Ed Sutton of Trail Dynamics, who would be volunteering a couple of days of labor to the project.

***Motion:*** Commissioner Mau moved to approve the MOU with SORBA, as presented. Commissioner Luker seconded the Motion. Motion carried by unanimous vote.

**(9) MEETING SCHEDULE FOR DECEMBER:** Mr. Adams stated there were several changes he wished to propose to the Board for the December meeting schedule for consideration:

- Set a Special Meeting on December 3<sup>rd</sup> at 5:15 p.m.
- Set an Organizational Meeting on December 3<sup>rd</sup> at 6:00 p.m.
- Move the Regular Meeting on December 17<sup>th</sup> from 6:00 p.m. to 3:00 p.m.

***Motion:*** Commissioner Deitz moved to approve the changes to the December meeting schedule, as presented. Chairman McMahan seconded the Motion. Motion carried by unanimous vote.

**(10) 2019 HOLIDAY CALENDAR:** As stated in the personnel policy, Mr. Adams presented the 2019 Holiday Calendar for consideration and approval:

2019 HOLIDAY SCHEDULE		
Holiday	Observance Date	Day of Week
New Year's Day	January 1	Tuesday
Martin Luther King	January 21	Monday
Good Friday	April 19	Friday
Memorial Day	May 27	Monday
Independence Day	July 4	Thursday
Labor Day	September 2	Monday
Veteran's Day	November 11	Monday
Thanksgiving	November 28, 29	Thursday, Friday
Christmas	December 24, 25, 26	Tues, Wed, Thurs

***Motion:*** Commissioner Elders moved to approve the 2019 Holiday Calendar, as presented. Commissioner Mau seconded the Motion. Motion carried by unanimous vote.

**(11) SCC HEALTH SCIENCES BUILDING FINANCING:** Ms. Fox requested a public hearing be set for December 3<sup>rd</sup> at 5:40 p.m. to take public comment concerning the proposed financing contract for the SCC Health Sciences Building. The amount being proposed was \$10 mil.

***Motion:*** *Commissioner Mau moved to set a public hearing on December 3<sup>rd</sup> at 5:40 p.m. Commissioner Luker seconded the Motion. Motion carried by unanimous vote.*

**(12) RESOLUTION R18-14 AUTHORIZING THE FILING OF AN APPLICATION FOR APPROVAL OF FINANCING - SCC HEALTH SCIENCES BUILDING:** Ms. Fox presented Resolution R18-14 authorizing the filing of an application to the Local Government Commission for approval of financing for the SCC Health Sciences Building to the Board for consideration.

***Motion:*** *Commissioner Mau moved to approve Resolution R18-14, as presented. Commissioner Luker seconded the Motion. Motion carried by unanimous vote.*

**(13) RESOLUTION R18-15 TRANSIT 5310 ELDERLY AND DISABLED GRANT PROGRAM:** Norma Taylor, Transit Director, presented Resolution R18-15 for the Elderly and Disabled Grant Program 5310 for fiscal year 2020, for consideration. A public hearing was held prior to this meeting with no public comment.

***Motion:*** *Commissioner Deitz moved to approve the 5310 Elderly and Disabled Grant Program Resolution R18-15, as presented. Commissioner Mau seconded the Motion. Motion carried by unanimous vote.*

**(14) RESOLUTION R18-16 MASTER PEDESTRIAN PLAN:** Michael Poston, Planning Director, presented Resolution R18-16 Master Pedestrian Plan for consideration. He stated that this was an item previously discussed at the October work session. The NC DOT Bicycle and Pedestrian Division had a grant each year for planning purposes for counties and municipalities with less than 50,000 in population. They would use the grant to create a pedestrian plan for the county as they had many areas of need. The resolution was required as part of the grant process to show the local Board's support of the grant. He did have one recommended change in the resolution: under the fourth paragraph, change "transportation plan" to "pedestrian transportation plan".

***Motion:*** *Commissioner Mau moved to approve the Master Pedestrian Plan Resolution R18-16, with the above recommended change. Commissioner Deitz seconded the Motion. Motion carried by unanimous vote.*

**(15) ORDINANCE DECLARING TEMPORARY TRAFFIC REGULATION FOR SPECIAL 5K RUN COUNTY EVENT:** Ms. Baker stated the Recreation and Parks Department would be doing the annual 5K run on January 1<sup>st</sup>, which they have been doing for over ten years. The NCDOT rules and regulations require that the Commissioners adopt an ordinance approving the event. There would be no road closures and no public hearing was required.

***Motion:*** *Commissioner Luker moved to adopt the Ordinance for the 5K Run New Year's Day as presented. Commissioner Mau seconded the Motion. Motion carried by unanimous vote.*

**(16) ORDINANCE DECLARING TEMPORARY TRAFFIC REGULATION FOR GREENING UP THE MOUNTAINS 5K RACE COUNTY EVENT:** Ms. Baker stated the Recreation and Parks Department would be doing the annual Greening Up the Mountains 5K race on April 27<sup>th</sup>. The NCDOT rules and regulations, require that the Commissioners adopt an ordinance approving the event. There would be no road closures and no public hearing was required.

**Motion:** *Commissioner Luker moved to adopt the Ordinance for the Greening Up the Mountains 5K Race as presented. Commissioner Mau seconded the Motion. Motion carried by unanimous vote.*

**(17) FONTANA REGIONAL LIBRARY BOARD:**

**Motion:** *Commissioner Deitz moved to appoint Rebecca Bryson to serve a six year term on the Fontana Regional Library Board, term to expire on September 08, 2024. Commissioner Elders seconded the Motion. Motion carried by unanimous vote.*

**(18) PUBLIC LIBRARY BOARD:**

**Motion:** *Commissioner Mau moved to appoint Sheryl Rudd and Rebecca Bryson to serve three year terms on the Public Library Board, terms to expire on November 27, 2021. Commissioner Deitz seconded the Motion. Motion carried by unanimous vote.*

**(19) TOURISM DEVELOPMENT AUTHORITY:**

**Motion:** *Commissioner Luker moved to reappoint Tom Garcia and Ann Self and to appoint Jay Grissom to serve three year terms on the Tourism Development Authority. Terms to expire on December 02, 2021. Commissioner Mau seconded the Motion. Motion carried by unanimous vote.*

**Motion:** *Commissioner Luker moved to appoint Ann Self to serve as Chair of the Tourism Development Authority for a one year term, to expire December 02, 2019. Commissioner Mau seconded the Motion. Motion carried by unanimous vote.*

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

**(21) CLOSED SESSION:**

**Motion:** *Commissioner Mau moved that the Board go into closed session pursuant to G.S.143-318.11(a)(5) Real Property 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.

**(22) AGENDA:** Commissioner Mau moved to amend the agenda to add one item: Pepsi Plant Acquisition. Commissioner Luker seconded the Motion. Motion carried.

**(23) PEPSI PLAN ACQUISITION:**

***Motion:*** *Commissioner Luker moved to approve the contract presented by Pepsi, to purchase the Pepsi Building for \$500,000 and allow the County Manager and County Attorney to negotiate the remaining terms of the contract. Commissioner Mau seconded the Motion. Motion passed by a vote of 3-2 with Chairman McMahan and Commissioner Deitz voting “nay”.*

There being no further business, Commissioner Mau moved to adjourn the meeting. Commissioner Luker seconded the Motion. Motion carried and the meeting adjourned at 7:13 p.m.

Attest:

Approved:

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Angela M. Winchester, Clerk to Board

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Brian Thomas McMahan, Chairman