

**MINUTES OF A
REGULAR MEETING
OF THE JACKSON COUNTY
BOARD OF COMMISSIONERS
HELD ON
JUNE 18, 2019**

The Jackson County Board of Commissioners met in a Regular Session on June 18, 2019, 3:00 p.m., Justice and Administration Building, Room A201, 401 Grindstaff Cove Road, Sylva, North Carolina.

Present: Brian McMahan, Chairman
Boyce Deitz, Vice Chair
Ron Mau, Commissioner (via speakerphone)
Gayle Woody, Commissioner
Absent: Mickey Luker, 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 Woody seconded the Motion. Motion carried.

(2) MINUTES: Commissioner Woody moved to approve the minutes of a Special Budget Work Session of May 22, 2019 and a Special Budget Work Session of May 23, 2019. Commissioner Deitz seconded the Motion. Motion carried.

(3) CHAIRMAN'S REPORT: Chairman McMahan stated that Leadership Cashiers was in the audience. They had been going through a process to learn about county government that day and he hoped they had learned valuable information that could help them and their community. He welcomed them to the meeting.

(4) COMMISSIONER REPORTS:

(a) Commissioner Deitz stated that past week they lost a citizen of the county, Ray Kinsland. He may have accomplished more than anyone that lived in the county and probably did as much for the tribe in Cherokee. He started as the agriculture teacher in Cherokee and he started the Cherokee Boys Club. He could not tell all that Ray Kinsland had done, it would take many hours. It was awesome what he had accomplished and he was a friend to everyone.

(b) Commissioner Woody stated that she had the privilege of going to the meeting for the Greenways and she was pleased to see the participation they had for that committee and the efforts they were making to extend the Greenway.

Also, she echoed what Commissioner Deitz said. She had known Ray Kinsland and his family for years and it was a family that had contributed so much to the community.

(c) Commissioner Mau stated that June 29th would be another work day for the bike park at the Greenway and he was sure they were looking for volunteers.

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

(a) **May 2019 Zoning and Building Permits:** Planning and Code Enforcement developed a new report describing major zoning/building permits. The report listed the zoning district (if applicable), the owner/business name, the work permitted and the location of the project. The report was not intended to list all work being accomplished in these departments (i.e. residential building permits or planning slope analysis). Instead the report attempted to capture commercial projects.

(b) **Community Services Center:** Demolition had started and 7% of the total project was complete as of May, 2019. He provided the first field report as of May 29th.

(c) **Animal Rescue Center:** The schematic planning process had started. Two planning sessions had been scheduled for the month of July. The planning sessions would garner input from staff and stakeholders. This input would be used to develop the first set of rough schematics.

(d) **Other Announcements:**

- He provided the Permitting and Code Enforcement's Sedimentation and Erosion Control Program Review.
- He noted that there was an article "Hands on Jackson" in the NCACC County Quarterly Magazine.
- He shared a video of Chairman McMahan's encounter with Scout, one of four dogs at the Sheriff's Office to demonstrate one of the elements of the Sheriff's Office for the Leadership Cashiers group earlier in the day.

(6) INFORMAL COMMENTS BY THE PUBLIC: Pam Krauss of Webster stated she was a 2018 graduate of the Citizen's Academy. She was there to do some educating and engaging as part of her follow up. She shared signs that stated "Please" "Slow" "Down" "Fishing" "Running" "Cycling". She lived on South River Road and along with several neighbors, they formed an ad hoc citizen's group to set out signs. Their concern was their own safety and the people that used the Tuck.

She was looking for help on whatever level they could provide. The combination of speeding and recreational use was incompatible on the road. To add to this, there were many trucks, both dump trucks and semi-trucks that were speeding. Also, as an aside, the river turns orange after the rain and the economic engine of the river disappears until it cleared. To her, it all pointed to planning and enforcement. They planned to make additional requests to law enforcement and NCDOT.

Commissioner Woody stated that she had seen some of the signs and she thought they were well done. They were noticeable and it did make an impact. She lived on Mack Town Gap Road and they had seen an increase in trucks. She believed it was because of so many road repairs being done.

Sheriff Hall stated that he had a large volume of complaints and he had made an inquiry into it. He was willing to share information with her.

(7) CONSENT AGENDA:

(a) Darlene Fox, Finance Director, presented the Finance Report for May, 2019 and five Budget Ordinance Amendment for fiscal year ending June 30, 2019 and one Budget Ordinance Amendment for fiscal year ending June 30, 2020, for approval.

(b) Brandi Henson, Tax Collector, presented the Tax Collector and Refund Reports for May, 2019, for approval.

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

(8) AUDIT CONTRACT: Ms. Fox, stated that Dixon Hughes Goodman, LLC, submitted a contract for the audit period beginning July 1, 2018 and ending June 30, 2019. The audit fee was \$106,000 for preparation of financial statements and did reflect an increase from last year.

Motion: Commissioner Woody moved to approve the audit contract. Commissioner Deitz seconded the Motion. Motion passed by a vote of 3-1 with Commissioner Mau voting "nay".

(9) 2019-20 REPORT TO THE CITIZENS: Cody Eller, Intern, stated that this was the first Report to the Citizens of Jackson County and the 2019-2020 issue. The report contained a letter from the County Manager that stated in part that it was the intention of the County Manager's Office to release this report on an annual basis. The report would be updated and changed with the goals, department activities, pictures and what the citizens could expect to see that fiscal year from each department.

Some items contained in the report:

(a) Table of Contents. Each section of the report was broken down into overarching themes. Two themes that were not included in the report were Public Safety and Education, however, it was the intention to have them included in next year's report.

(b) Organizational chart for the county. This was included so that the readers of the report could see how all of the departments played into the county administration as a whole and how the order of the report was drawn out.

(c) Board of Commissioners. This page was to detail to the citizens who their representative was and the exact location they represented.

(d) Chapters. He used the Department on Aging as an example. Listed in their section:

- Departmental goals for FY 2019-2020
- Contact information
- Additional information the department wanted to include
- Projects
- Programs
- Services

Mr. Adams stated that Mr. Eller was a Western Carolina University MPA intern for his office. It would be the intention to bring in an MPA or intern to expound on Mr. Eller's work every year. Mr. Eller had the privilege of putting this together for the first time. He thought Mr. Eller had done a good job of getting the base for an ongoing, long-term annual report to the citizens.

Mr. Eller stated that he was originally from Wilkes County, North Carolina. He had previously interned in Wilkes County and also the Town of Wilkesboro.

Informational item.

(10) JACKSON COUNTY CONVEYANCE OF WHITTIER SANITARY DISTRICT SYSTEM TO TWSA: Dan Harbaugh, TWSA Director stated that in February, he came to the Board at a work session to discuss the final steps that needed to take place with regards to the transfer of the sewer system in Whittier to TWSA. The item brought to the Board was related to the underlying land title for the wastewater plant site itself, easement across the Drexel site and also a reserved piece of land on the site for archaeological remains that were identified during the construction of the project.

Since that time, they had been working with Ms. Baker to resolve the legal documents to make sure they were in order. He requested that the Board consider the transfer of that title to TWSA when they finalized the actual transfer of the ownership of the system from the Sanitary District to TWSA. As of the day before, the final documents were signed for the transfer by both the Whittier Sanitary District and TWSA. They were at the point of closure for this. He requested that the Board consider the last step, which was the ownership of that site.

Motion: *Commissioner Deitz moved to approve the deeds, as presented, for the conveyance of property for the Whittier Sanitary District System to Tuckaseegee Water and Sewer Authority. Commissioner Woody seconded the Motion. Motion carried by unanimous vote.*

(11) THOMAS VALLEY GROWERS, LLC LEASE AMENDMENT: Ms. Baker stated that this item was from the work session last week. William Shelton came before the Board with two requests. She presented a copy of the letter that was sent to Mr. Shelton in June, 2018, that allowed Thomas Valley Growers to use the property for eight RV's for housing for agricultural labor on a temporary basis during the months of the harvest.

The first request was to be able to use the RV's, but to extend the time, still on a temporary basis, but not just during harvest to allow them more time to find permanent housing. The quickest way to resolve that issue, if the Board wanted to move forward, would be to revise the letter as follows:

3. The RV units would be used on a temporary basis in any given year. ~~,as stated in the letter, temporary means they would only be occupied for around four months during peak harvest season.~~

The second request was a change of use, which was to modify the building to allow housing within the building. If the Board wanted to move forward with that request, it was her opinion that they would need to revise the lease. She thought the best way to approach this would be to do an amendment to the lease to allow the use for the housing to extend out, not just for the harvest and within the building. The lease would still contain that it needed the Board's permission for any major structural changes and would require written permission from the county so that they were aware of the changes before they happened.

After amending the lease, there would need to be a second letter authorizing the change in the use of the building and the modifications to the building. In the short term, Mr. Adams could send a revised letter that would take off the definition of temporary use and in the longer term, she could begin working with them to do an amendment to the lease. Later, they could do a letter to authorize the modification.

Chairman McMahan stated that at the work session, the consensus of the Board was that they were favorable to allow Mr. Shelton to use the facility for a bunkhouse. However, Mr. Shelton had some investigations to do to make sure it was feasible for him. They were not ready to make modifications to the lease to take on that project. All they could do that day would be to change the letter to allow for clarity on the use of the RV's and give direction to staff to continue to work with Mr. Shelton and Thomas Valley, LLC to work towards some type of lease amendment.

Mr. Adams stated that when Mr. Shelton knew more about the details for the inside, he could come back to the Board and be more specific on that request.

Motion: *Commissioner Deitz moved to approve the amendment to the letter as follows:*

"3. The RV units would be used on a temporary basis in any given year. ~~,as stated in the letter, temporary means they would only be occupied for around four months during peak harvest season~~" and reissue the letter. Commissioner Mau seconded the Motion. Motion carried by unanimous vote.

(12) OFFER TO PURCHASE FROM B&E MOUNTAIN HOLDINGS AND RESOLUTION R19-20:

Ms. Baker stated that one of the buyers, Mike Irwin was present for this item. This was an offer of \$43,000.00 for the common area at Bear Pen, which was one of the defunct subdivisions that was not occupied. There were no houses and the roads were grown over. The offer that the Board accepted previously of \$43,000.00 for the common area had a contingency that the buyers would be able to convey a few lots from the common area to recoup some cost for purchasing the common area and to bring the roads back into shape. However, they learned that they could not do this without high risk and they probably could not get title insurance. She presented a letter from the buyer's attorney stating that the common area could not be used for any other purpose than common area.

The buyers contacted her to move forward with the offer at a much lower amount. The tax assessed value of the common area was \$500.00. They wanted to figure out a way to offer the same amount as before and they did so by adding five lots out of the Bear Pen as follows:

Bear Pen common area PIN #7545-58-4733 67.19 acres
\$21,500.00 for Bear Pen common area PIN #7545-58-4733 67.19 acres
\$4,300.00 for Lot 1B PIN #7545-76-1352 1.18 acres
\$4,300.00 for Lot 26 PIN #7545-67-0957 1.48 acres
\$4,300.00 for Lot 35 PIN #7545-57-8653 1.15 acres
\$4,300.00 for Lot 39 PIN #7545-68-0717 2.75 acres
\$4,300.00 for Lot 78 PIN #7545-38-5265 0.59 acres

Mr. Irwin provided pictures of the subdivision to the Board. He stated that the pictures were of roads in Bear Pen, which were not drivable. It was estimated that it would cost \$40,000.00 just to have the roads cleared. He had to drive by this every day. Also, there had been an uptick in crime there as he had stated before. Some of his neighbors had bought lots and with the proposed five lots, they would have enough to activate the HOA and get it going. They wanted to turn the common area back over to the HOA, but the only way to do this was to go forward with what was presented.

Ms. Baker stated that if the offer was accepted, it would be advertised in the newspaper to start the upset bid process. She presented Resolution R19-20 for consideration.

Motion: Commissioner Woody moved to accept the offer with the addendum and adopt Resolution R19-20, as presented to begin the upset bid process. Commissioner Deitz seconded the Motion. Motion carried by unanimous vote.

(13) JULY MEETING SCHEDULE: Mr. Adams stated this item was discussed at the work session and it was requested to cancel the July 2nd regular meeting.

Motion: Commissioner Mau moved to cancel the July 2nd Regular Commissioners' Meeting. Commissioner Woody seconded the Motion. Motion carried by unanimous vote.

(14) AGRICULTURAL ADVISORY BOARD: Commissioner Woody recommended William Shelton be appointed.

Commissioner Deitz recommended that Joe Grasty be reappointed.

Motion: Commissioner Woody moved to reappoint Joe Grasty to an additional three year term and to appoint William Shelton to a three year term on the Agricultural Advisory Board, terms to expire June 7, 2022. Commissioner Mau seconded the Motion. Motion carried by unanimous vote.

(15) HEALTH BOARD: Carry over.

(16) REGION A AGING ADVISORY COUNCIL:

Motion: *Commissioner Deitz moved to reappoint Martha Chovan, Charlotte Cowan and Pat Buckner to additional three year terms on the Region A Aging Advisory Council, terms to expire July 06, 2022. Commissioner Woody seconded the Motion. Motion carried by unanimous vote.*

(17) PRESS CONFERENCE: None.

(18) CLOSED SESSION:

Motion: *Commissioner Woody moved that the Board go into closed session pursuant to G.S.143-318.11(a)(5) Real Property and G.S.143-318.11(a)(6) Personnel. Commissioner Deitz 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.

There being no further business, Commissioner Deitz moved to adjourn the meeting. Commissioner Woody seconded the Motion. Motion carried and the meeting adjourned at 4:52 p.m.

Attest:

Angela M. Winchester, Clerk to Board

Approved:

Brian Thomas McMahan, Chairman