

**MINUTES OF A
REGULAR MEETING
OF THE JACKSON COUNTY
BOARD OF COMMISSIONERS
HELD ON
OCTOBER 15, 2019**

The Jackson County Board of Commissioners met in a regular session on October 15, 2019, 3:00 p.m., Justice and Administration Building, Room A201, 401 Grindstaff Cove Road, Sylva, North Carolina.

Present: Brian McMahan, Chairman	Don Adams, County Manager
Boyce Deitz, Vice Chair	Heather C. Baker, County Attorney
Mickey Luker, Commissioner (via speakerphone)	Angela M. Winchester, Clerk to Board
Ron Mau, Commissioner	
Gayle Woody, Commissioner	

Chairman McMahan called the meeting to order.

(1) **AGENDA**: Commissioner Mau moved to approve the agenda. Commissioner Woody seconded the Motion. Motion carried.

(2) **MINUTES**: Commissioner Mau moved to approve the minutes of a Regular Meeting of October 01, 2019. Commissioner Woody seconded the Motion. Motion carried.

(3) **CHAIRMAN’S REPORT**: None.

(4) **COMMISSIONER REPORTS**:

(a) Commissioner Mau reported:

- On Tuesday, October 22nd, there would be a public meeting at the Ramsey Center from 6:00 p.m. to 8:00 p.m. regarding the Cullowhee Small Area Plan draft.
- He attended the AWAKE Fundraiser on Sunday, which was a good event.
- He attended the Dogwood Health Community Meeting, which was very informative.
- He also had a tour of WCU with the Chancellor and members of the General Assembly.

(b) Commissioner Woody reported:

- She attended Scott’s Creek School when the Firemen did their presentation and it was amazing.
- She attended the Greenway meeting and the Greenway Bike Course was complete. They had their meeting at the Greenway and it was gratifying to see a father and son on their bikes on the course. The Ribbon Cutting was set for October 24th and the community was invited.
- The Litter Campaign kickoff was that week. They were excited that they now had eleven partners.

- She had the opportunity and privilege of representing the seven western counties at the North Carolina Association of County Commissioners Board of Directors meeting held in Wilmington at Cape Fear Community College. Items presented during the Legislative Update included House Bill 431 – Fiber Act, which passed. This bill allowed county governments to build infrastructure and lease it for expanding broadband. Also, Medicaid Transformation had been moved to February. What was most gratifying to her at the meeting was that no one wore a political hat and everyone was working together for the good of the people of North Carolina.
- (c) Commissioner Deitz reported:
- Kathy Farmer was in attendance. She and her husband Alan owned a farm near the Willets Community. Soil and Water had a large project in that area to improve the streams and stream banks. It was a great project for clean water and Scotts Creek.
 - He was with a friend the last evening in Tuckasegee, who was sick. They had to get an ambulance for him and it came from Cashiers. He was so amazed at how well the paramedics were trained and how professional they were. It made him proud that they had those services in the county.
 - He attended the Pisgah vs. Smoky Mountain football game. They ended in a tie when the game was over, but Smoky Mountain won it in overtime. For Jackson County it was a thrilling game.

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

(a) September 2019 Zoning and Building Permits: He provided a report that listed the zoning district (if applicable), the owner/business name, the work permitted and the location of the project where the permit was issued. The Planning Department issued two commercial zoning permits and one renovation/addition permit in the month of September. Code enforcement issued one commercial permit and two renovation/addition permits in the month of September.

(b) Community Services Center: The project was 31% complete through September. Wall framing was near completion and electrical and HVAC rough-in had started. The storm sewer installation was still underway.

(c) Animal Rescue Center: Detailed cost estimates for the Animal Rescue Facility would be presented to the Board on October 29th. The project would continue to be discussed at the November 12th work session. The final direction from the Board would be requested in November.

(d) Indoor Pool: Planning meetings were held on August 29th and October 2nd. He provided an executive summary, which included the goals and vision:

- Create an aquatics environment that would service the diverse population of the county community through creation of programs and facilities that would improve health and wellness.
- Construct a facility that was respectful of the natural resources and sustainability by evaluating life cycle costs, energy consumption and other environmentally positive components.
- Fashion a facility that would support recreation and fill exercise/therapeutic voids within the community.

The next steps:

- Preliminary subsurface investigation for the potential site would begin within two weeks.
- Design team working on action items.
- Interviews with county staff regarding operational data to formulate operational cost model.

Mr. Adams stated that they were following with the recommendation of Commissioner Mau to do pits instead of borings at the site. They would have backhoes and the engineering group out there because there was thought that there was shot rock in the area.

Commissioner Mau stated that it sounded like there were a lot of big boulders potentially buried on that property, so doing six inch borings would not tell them much. He made the suggestion to Mr. Adams to use county equipment to dig test pits.

(e) Other Items:

- WCU Elite Voting Campus Selection: Lisa Lovedahl of the Board of Elections shared with him that WCU had been recognized as an elite voting campus. WCU student voting nearly doubled from the 2014 midterm election to the 2018 midterm election.
- Jackson County Board of Health Orientation: Shelley Carraway, Health Director, invited the Board to participate in the upcoming orientation training scheduled for February 10, 2020 at 6:00 p.m.

Chairman McMahan requested to advertise this as a special meeting of the Board of Commissioners to participate in the training.

(6) INFORMAL COMMENTS BY THE PUBLIC:

(a) Ralph Slaughter of Cashiers stated that the county elected Commissioners county-wide with one Commissioner from each district. He paid taxes in District Four and he did not have a Commissioner to represent him. He felt that was taxes without representation. Commissioner Luker was elected in November, 2016 to attend Commissioners' meetings and represent citizens in South Jackson County. Commissioner Luker had been absent with no presence since June, 2019. He was aware that he had been present by phone on a number of meetings, but the last two he attended he was not even on the phone. He and citizens of District Four asked that Commissioner Luker be removed from office. Judge said that removing an elected officer by amotion could be done. A new Commissioner could be appointed by NCGS 153A-27.1.

(b) Mark Letson of Cashiers stated that he and his wife moved to the Cashiers area four years ago. They purchased a small business and hoped to continue their entrepreneurship in the county and other areas. They wished to have their daughter's life rooted in a small town upbringing with small town values. It was also important to them to involve themselves in both civic and cultural enrichment organizations. For the past few months their district had been under represented and they had a limited voice in matters that were pertinent to their district and the county. It was important to have a representative looking out for their schools, infrastructure and basic day to day concerns. The citizens deserved to have a voice directing those discussions within the Commission. As a member of District Four, he hoped they would consider the options that had been made aware.

(c) Tim Hall of Dillsboro stated he wished to read a letter into the record:

"The Dillsboro Board of Alderman would like to express our concerns about the proposed relocation of the Staffed Recycling Center or SRC currently at the old Dillsboro Landfill being moved to the Manuel Cooper property. This location is close to several houses and in close proximity to the Best Western Plus River Escape. This is a premier hotel located in Northern Jackson County operated by Nightstar Lodging, which is owned by Vick Patel. Using the center points of both properties, the Best Western Plus is less than 300' from the proposed relocation site. No other SRC facilities in the county are located within the corporate limits of a municipality or in such close proximity of a commercial business.

Mr. Patel also owns the Squire Watkins property with plans for the development of another hotel valued at or above that of the Best Western Plus. This property is less than 800' from the proposed relocation site. Development of the Squire Watkins property would add at least \$3,250,000 to the tax base using current property valuations, but in all probability, the tax increase would be much greater. During the specially called meeting of the Dillsboro Board of Alderman on October 3, 2019, Jay Grissom, General Manager of Nightstar Lodging, indicated that locating the SRC so close to Squire Watkins would affect the proposed development. The SRC facility is visible from the third floor of the Best Western Plus and would be within sight lines of the upper floors of any new construction on the Squire Watkins property. Customers expecting mountain and river views do not expect rooms that overlook a recycling facility surrounded by shrubbery.

An additional concern for this board is traffic congestion on Haywood Road. During the peak hours, it was not unusual to have six or more vehicles in line to use the existing facility. The narrow lot at the proposed location may not be adequate for allowing this volume of use creating potentially dangerous traffic backups for cars waiting to turn into the facility. The convenience of this location on Haywood Road would also increase the amount of garbage left at the gates after hours, generating additional litter. Because the proposed location is closer to the Tuckasegee River, this litter could easily its way into the river.

Thank you for your consideration of these issues before making your final decision to relocate the SRC facility so close to homes and hotels within our town. The negative impacts of tourism would not only affect the Town of Dillsboro, but also Jackson County should the SRC be located to the Cooper property.”

(d) Phil Fowler of Glenville stated that he and his wife were fifth and sixth generation natives in the county. He did not wish Mr. Luker any bad luck and had nothing against him. He called on him to resign or show proof that he was currently in the hospital and was unable to attend to his duties as a County Commissioner. If that was not the case, he should resign. If he did not, he requested that the County Commission dismiss him as a County Commissioner and allow the GOP to nominate another candidate for the remainder of the term. He thought they were entitled to have representation in South Jackson.

(e) Teryle Beye of Glenville stated that he was a property owner and paid taxes. They were building a community in the southern end of the county and it was important for the Board to not be blindsided because of a lack of information of what was going on there. There was a strong perception in the southern end of the county that they were not proportionately heard. He had no ill feeling toward Commissioner Luker, but his current endeavors did not seem to be aligned with adequately representing the southern part of the county. He asked that the Board consider changing the arrangement.

(f) Dick Darnall of Glenville stated he hoped they made a larger area for the pool at Cullowhee to allow for a canopy so that it could be a twelve month pool instead of a three month pool. Recently, he came on a car that slid out of road. The towing company was from Swain County and they charged \$400 and stated that \$250 was for the county. He did not think that was right. He asked if there was a policy with the county to charge \$250 for a tow. He asked them to look into that.

(g) Jay Coward of Sylva stated that the last time he was before the Board, he told them he would report back about a possible economic impact study. Since that time, he met with a couple of people at WCU and they were prepared to go forward. The Board needed to know that this would take approximately two years and would cost an estimated \$60,000. The next steps would be for the Board to decide if they wanted to go forward. WCU would want to have detailed discussions about how to refine the scope of the work, establish a timeline, determine how it was staffed and then they would have a closer idea about the costs. He would also be making the same statement to the Town of Sylva at their next meeting.

(7) CONSENT AGENDA:

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

(b) Tabitha Ashe, Tax Assessor, presented the Tax Collector and Refund Reports for September, 2019, for approval.

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

(8) MOUNTAIN PROJECTS HOUSING DEVELOPMENT: Michael Poston, Planning Director and Patsy Davis, Executive Director of Mountain Projects, were present for this item.

Mr. Poston stated that at the last work session, they spoke about Mountain Projects USDA Housing Project. There was a gap in funding of \$6,000 per lot for five lots for a total of \$30,000. The Board had been provided with a draft agreement with Mountain Projects for review and consideration.

Ms. Davis stated that this project was funded by USDA Self Help Housing Development. There were two aspects of funding for this subdivision. One was individual mortgages for families that qualified and the second was a technical assistance grant that was given to Mountain Projects that they were already awarded. The grant allowed them to recruit, educate and develop homeowners. They already had the grant and the option on the property. Environmental testing was in process, they were near completion of the due diligence period and they were scheduled to close on November 8th. The next step would be to recruit the first group of homeowners and they had some interest already in the development.

She thought of the program as preserving the American dream for people in the county that worked for great organizations such as EMS, law enforcement, the county employees and Mountain Projects. She was convinced that they would find five families in the county that would qualify. The income guidelines were for a family of one to four to have an income of around \$42,000 per year, so this was really workforce housing. This was a sweat equity program so they had to give back to work on their own home and sharing to build a neighborhood.

Mr. Poston stated that the recommendation from the staff would be for the Board to consider approving a grant to Mountain Projects for \$30,000.

Motion: Commissioner Mau moved to approve a grant to Mountain Projects in the amount of \$30,000, as requested. Commissioner Woody seconded the Motion. Motion carried by unanimous vote.

(9) WIRELESS COMMUNICATION TOWER APPLICATION: John Jeleniewski, Senior Planner, stated that the Planning Department received an application for a new 149 cell tower structure located at 490 and 554 Central Drive, Cullowhee (PIN # 7559-23-1452). The applicant was Centerline Communications and the property was owned by Western Carolina University.

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 Centerline Communications application on December 10th at 4:00 p.m.

Motion: Commissioner Woody moved to set a public hearing on December 10th at 4:00 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.

(10) OFFER TO PURCHASE AND CONTRACT FROM LAWRIKORE AND RESOLUTION R19-34: Ms. Baker stated she received an offer from Donald C. Lawrimore for Lot 43, Black Rock Creek, containing approximately 6.90 acres (PIN #7655-61-9670) in the amount of \$4,000.00.

She presented Resolution R19-34 for consideration.

Commissioner Deitz moved to table this item. Commissioner Woody seconded the Motion. Motion carried.

(11) ANIMAL RESCUE CENTER / WALKING TRAIL / DOG PARK: Mr. Adams stated he wanted to present information to the Board so that when they were asked to make a decision they would have time for review and ask questions.

(a) Cost estimates as it pertained to the entire Green Energy Park:

Item Description	Total
Erosion Control	\$123,498.03
Demolition/Building Additions	\$4,987,500.00
Grading	\$643,500.00
Storm Drainage, Sanitary, Sewer, Water	\$62,500.00
Paving, Curb and Gutter, Sidewalk, Landscaping	\$471,187.20
SUBTOTAL	\$6,288,185.24
20% Contingency	\$1,257,637.05
GRAND TOTAL	\$7,545,822.28

(b) Phasing Recommendations:

- Phase 1:
 - Relocate existing kilns
 - Demo existing concrete slab and steel structure
 - Total \$79,656.00
- Phase 2:
 - Demo existing SRC and regrade the area to the level of the Art Center
 - Demo existing concrete bays and regrade to the Art Center level
 - Clear and prepare site for future innovation center
 - Spread excess topsoil on landfill
 - Install a mix of native plantings on landfill
 - Total \$473,415.19
- Phase 3:
 - Construct a 10,000 SF animal rescue center and open space
 - Demo existing greenhouses
 - Construct new internal loop drive, north entrance and parking lot
 - Construct new event plaza at the Art Center
 - Total \$4,336,524.00
- Phase 4:
 - Construct walking trails on landfill
 - Enhance native plantings and gardens on landfill
 - Construct dog park on landfill
 - Total \$157,320.00
- Phase 5 (Site only)
 - Construct south entry of internal loop drive and add parking
 - Improve main park entry drive
 - Total \$369,627.08
- Estimated Total \$5,416,542.27
- Phase 5 (Center)
 - Construct innovation center on prepared site
 - Total \$2,145,000.00

Mr. Adams stated that what was being asked at that point was what phases the Board wished to proceed forward with. It was being requested that, at a minimum, they proceed forward with \$5,416,542.27, which included everything except the innovation center.

Informational item.

(12) CAPITAL IMPROVEMENT PLAN: Mr. Adams presented the Capital Reserve / Fund Balance Projections Proposed Funding Schedule:

Funding Source	FY 2016-2017	FY 2017-2018	FY 2018-2019	FY 2019-2020	FY 2020-2021	FY 2021-2022	FY 2022-2023	Totals
Capital Reserve	\$1,479,394.25	\$1,000,604.04	\$1,005,161.19	\$1,005,161.19	\$1,000,000.00	\$1,000,000.00	\$1,000,000.00	\$7,485,764.42
General Fund Balance	-	-	\$7,600,000.00	-	\$650,000.00	-	-	\$8,250,000.00
Totals	\$1,479,394.25	\$1,000,604.04	\$8,600,604.94	\$1,005,161.19	\$1,650,000.00	\$1,000,000.00	\$1,000,000.00	\$15,735,764.42
Cumulative Totals	\$1,479,394.25	\$2,479,998.29	\$11,080,603.23	\$12,085,764.42	\$13,735,764.42	\$14,735,764.42	\$15,735,764.42	

Projects Committed	FY 2016-2017	FY 2017-2018	FY 2018-2019	FY 2019-2020	FY 2020-2021	FY 2021-2022	FY 2022-2023	Totals
Health Department	-	-	\$1,127,749.76	\$6,821,742.24	-	-	-	\$7,949,492.00
Dillsboro Complex	-	-	-	\$350,000.00	\$5,150,000.00	-	-	\$5,500,000.00
Justice Center Renovations	-	-	-	-	\$100,000.00	\$900,000.00	\$500,000.00	\$1,500,000.00
	\$	\$	\$1,127,749.76	\$7,171,742.24	\$5,250,000.00	\$900,000.00	\$500,000.00	\$14,949,492.00
Cumulative Totals	\$1,479,394.25	\$2,479,998.29	\$9,952,853.47	\$3,786,272.42	\$186,272.42	\$286,272.42	\$786,272.42	\$786,272.42

Mr. Adams stated that they were currently spending design monies for the Dillsboro Complex and if they proceeded forward, they were looking to start construction early summer, which would put them in fiscal year 2021. If the Board chose to move forward, the Justice Center Renovations planning dollars would be shifted to the next fiscal year and construction dollars into the next year.

This was a summary of the entire project, summary of what was being requested, which was \$5.4 million and a summary of how it would be recommended to pay for the project in the “pay as you go” scenario. He was starting to receive preliminary information from the detailed cost estimates from the architect and preliminarily, it was falling in line with this plan. On October 29th, he would provide the actual detailed estimates for the Animal Rescue Center.

Finally, in regards to the SRC, this was discussed by the Board initially with instruction to the engineer that the final concept was based on Alternative Concept A. Modifications included locating the animal rescue center with the exact footprint of the existing event space pad and shifting the circular drive and parking to accommodate the shelter location. The SRC had also been eliminated from the plan as it was anticipated to relocate the SRC off-site. There would have to be future conversations about where the final location of the SRC would be.

Commissioner Woody stated that concerning the kiln, there was a line item of \$66,000 to relocate the kiln. She had mentioned before that WCU built the kiln initially and she had been in conversations with the Art Department and they were willing to build that again. It was a good learning experience for those involved in the Ceramics Program to build the kiln.

Mr. Adams stated that the decision he was looking for from the Board was what the design elements would be, which would dictate the amount of the contract with the architect. As they went through the design and started building out the bid specs, they could easily put the kilns/WCU as an alternate and that would give choices for everyone.

Chairman McMahan stated they looked forward to the additional information as they worked their way toward a point that they could make a decision and put wheels in motion to get construction started.

Informational item.

(13) PRESS CONFERENCE: Dan Brown of the Crossroads Chronicle, stated he had a question for Commissioner Luker. Did he intend to serve out the remainder of his term, or did he plan to resign?

Chairman McMahan stated that they seemed to have lost phone contact with Commissioner Luker.

(14) CLOSED SESSION:

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

(15) AGENDA: Commissioner Deitz moved to amend the agenda to add one item: Offer to Purchase and Contract for the Galik property. Commissioner Mau seconded the Motion. Motion carried.

(16) OFFER TO PURCHASE AND CONTRACT – GALIK PROPERTY: Chairman McMahan stated this was a contract to purchase the Galik property located at 271 Kenner Street (PIN# 7631-97-8476) in the amount of \$50,000.

Motion: Commissioner Woody moved to approve the Offer to Purchase and Contract for the Galik property located at 271 Keener Street (PIN #7631-97-8476) for \$50,000, as presented. Commissioner Mau seconded the Motion. Motion carried by unanimous vote.

There being no further business, Commissioner Mau moved to adjourn the meeting. Commissioner Woody seconded the Motion. Motion carried and the meeting adjourned at 5:05 p.m.

Attest:

Approved:

Angela M. Winchester, Clerk to Board

Brian Thomas McMahan, Chairman