

**MINUTES OF A
REGULAR MEETING
OF THE JACKSON COUNTY
BOARD OF COMMISSIONERS
HELD ON
NOVEMBER 4, 2013**

The Jackson County Board of Commissioners met in a Regular Session on November 4, 2013, 2:00 pm, Justice & Administration Building, Room A201, 401 Grindstaff Cove Rd., Sylva, North Carolina.

Present: Jack Debnam, Chairman
Doug Cody, Vice Chair
Charles Elders, Commissioner
Vicki Greene, Commissioner
Mark Jones, Commissioner

Chuck Wooten, County Manager
J. K. Coward, Jr., Co. Attorney
Pat Parris, Clerk to Board

Chairman Debnam called the meeting to order.

AGENDA: Chairman Debnam amended the Agenda by adding Smoky Mountain Center Proposed Board Member Nominations. Commissioner Elders moved to approve the amended Agenda. Commissioner Jones seconded the Motion. Motion carried.

MINUTES: Commissioner Jones moved to approve the Minutes of a Work Session, two Public Hearings, and Regular Meeting of October 21, 2013 with one correction to the Regular Meeting Minutes by adding the date “of October 7, 2013” to the end of the sentence concerning approval of closed session minutes. Commissioner Greene seconded the Motion. Motion carried.

(1) COUNTY MANAGER REPORT: Mr. Wooten reported:

(a) Librarian: Karen Wallace, Director of the Fontana Regional Library, has informed him that Tracy Fitzmaurice has been selected as the new Jackson County Librarian and will assume her new role as of January 1, 2014. Ms. Fitzmaurice will be replacing Dottie Brunette who is retiring at the end of December. Mr. Fitzmaurice is a 20 year employee of Fontana and is currently serving as Assistant County Librarian for Macon County. She spent a portion of her early career at the Jackson County Library and is a resident of Jackson County.

(b) Economic Development Director: Introduced Rich Price the new Director.

(c) Senior Center: Over the past several months the staff has been working to obtain re-certification as a center of excellence. On October 15th, they were notified of the attainment of this certification and actually received the official certificate this week. They are recognized as a Certified Senior Center of Excellence and will retain that certification for the next five years. Currently, the Jackson County facility is the only center of excellence in the western counties.

(d) Meals on Wheels Program: Good progress continues in serving the eligible recipients for this program. In October, 94 clients were served and 2 more clients will be added this week for a total of 96. As of October 30, there were only 3 clients on a waiting list. The Meals on Wheels program continues to recruit volunteers and *The Sylva Herald* did a very good article that highlighted a couple in Cullowhee who volunteer to deliver meals and provided some good information about the program as a whole. Hopefully, this article will generate more interest as additional volunteers are needed to serve those on the waiting list and to provide a pool of relief persons who can fill in when needed.

(e) Smoky Mountain High School: It now appears the project will not be completed until after January 15, 2014. Because of the delays associated with the wet spring, the project will extend beyond the original completion date of December 15, 2013. Hopefully the facility will be completely closed in by the end of November and the heating and air systems can be activated to begin conditioning the air to dry out the new buildings. This is especially critical before the installation of wood floors can take place.

(f) Jackson County ABC Store: The owner of the building has now obtained sewer capacity and the Planning Dept. is awaiting a site plan so the zoning permit can be issued to allow the building permit application to be submitted. He attended the October meeting of the County ABC Board and they continue to address administrative issues such as the required tax ID numbers, personnel policy, and employment applications just to name a few. They are conducting presentations by point of sale software vendors so they can select a system for the new store. They continue to be hopeful that an early 2014 opening will be possible.

(g) NC Dept. of Commerce Listening Tour: He attended the western meeting in Asheville of the "Listening Tour" that Secretary Decker is conducting as Commerce prepares to reorganize the NC Department of Commerce. This meeting was well attended by local government leaders, education leaders, state politicians and other interested parties from western North Carolina. The message was delivered that western NC is in need of business development and local leaders continue to be concerned about how the new structure will serve rural NC.

(h) Public Works Reorganization: Some organizational changes are being implemented within units of the Public Works Dept. as the result of current and future retirements. These changes will reduce the number of direct reports to the Director by consolidating some reporting functions and allow the utilization of current staff more effectively through cross training and multitasking when time is available. For instance, the custodial services and solid waste services will report to Steve Ogle who will be reclassified to an assistant director. Grover Henry retired as of October 31 and his position will be restructured to better serve the day to day operations of the transfer station. He has been notified of a future retirement in the first quarter of 2014 and plans for a similar restructuring between grounds and maintenance are being made. These actions will result in overall salary savings between the General Fund and the Solid Waste Fund. Chad Parker, Public Works Director, has worked with Danielle Wittekind, Human Resources Director, to address classification and salary issues related to these changes.

(g) Emergency Watershed Protection Program: A damage request for federal funding concerning damages to Dick's Creek properties on July 4th was submitted. A response was received stating the site has been evaluated and, if approved, 80 % of the costs would be funded from federal funds and the other 20% would be a local match which has consistently been the responsibility of the property owners.

(2) WESTCARE HOSPITAL: Steve Heatherly, CEO, stated that the WestCare Board of Trustees has decided to pursue a relationship with Duke LifePoint Healthcare. This partnership will provide significant clinical, quality, operation and financial resources and expertise to Harris Regional and Swain County Hospitals to realize their full potential and exceeding community expectations for high quality local health care. WestCare will operate independently of Haywood Regional Medical Center with local management executing a locally development strategy with locally governance structure made up of community members and physicians. For more than a year the WestCare Board evaluated Duke LifePoint because the focus would be on the community and how they can best be served by the WestCare Hospitals. Duke LifePoint's philosophy is not to deploy a standard financial or operational model that a hospital must follow. Local involvement is encouraged by Duke LifePoint Hospital because health care is local and each hospital and each community is unique. Hospital services must be tailored to meet the needs of each local community. At this point WestCare and Duke LifePoint will enter into, hopefully within the next 30-45 days, a memorandum of understanding which is non-binding, but signifies the intent of both parties to execute the relationship. WestCare is hopeful that the transaction can be closed by early spring. Throughout this process the hospital staff has remained focused on providing high quality health care. He commended the staff's dedication to patient care and family experience every day regardless of what structural environment exists for the hospital. The WestCare Board has taken an important step to insure that high quality health care is delivered to the residents as the process moves forward.

(2) **AMERICAN RED CROSS**: Amanda Edwards, Chapter Executive, Western Carolina Region, stated the four areas of services the Red Cross provides are:

(a) **Blood Services**. Nationally, about 41,000 units of blood per day are required. One unit of blood can save up to 3 lives. In western North Carolina that need is a minimum of 1,600 units. If all the needs have been met in western North Carolina for the day, the blood will then be transferred to where it is most needed to save a life. In this country, every two seconds someone needs a blood donation to save their lives and only 1% of the eligible population who can give blood does so. There is a huge need for those who can donate to do so.

(b) **Health and Safety**. Life saving training is provided for CPR, first aid, AED, water safety, life guarding, babysitting and pet first aid. Just unveiled is a brand new health and safety digital certification which means one does not have to keep up with a card any longer, it will be on line.

(c) **Services to Armed Forces**. The Red Cross is mandated to work with the US Dept. of Defense to provide emergency communication for military service members and their loved ones on a 24 hour basis.

(d) **Disaster Cycle Services**. The Red Cross responds regionally, on average, to two disasters per week, anything from a home fire to a flood. The local Red Cross did respond to the July damage in Jackson County by providing assistance to families in need.

Dawn Huff, Disaster Program Manager, stated the Red Cross is in the process of implementing a new disaster structure throughout the region which consists of 14 counties in western North Carolina and the upstate of South Carolina. Until now there has been one paid staff person dedicated to the region and the Red Cross is in the process of hiring additional staff. The Red Cross also works with the Dept. of Social Services to provide updated training to their staff for sheltering due to a disaster. An assessment has just been completed of all registered shelters in the county and the national database has been updated.

Ms. Edwards stated there are several ways Jackson County residents can help support the efforts of the Red Cross:

(a) Volunteer within the region because there is only one paid staff member for 33 volunteers. As a whole, the Red Cross is 97% volunteer-led and truly relies on the gracious time of those in the community.

(b) Host a training seminar and train new disaster responders in terms of being more efficient, effective and much more timely in meeting the needs for services.

(c) Financial Support. The Red Cross is chartered by Congress to exist but receives no federal dollars. The Red Cross relies solely on the generosity of communities for support.

(3) VOLUNTEER POLICY: Mr. Wooten presented a proposed Volunteer Policy and Application Form. There are only a few changes from the version presented at the last work session. The policy will establish recruitment and selection procedures, eligibility requirements, and standards of service. The policy outlines the rights and responsibilities of the county and the volunteer. Any change or amendment to the policy is the exclusive right of the Board of Commissioners. All volunteers will be held to the same behavior standards as county employees.

Motion: *Commissioner Elders moved to approve the Volunteer Policy and Application Form. Commissioner Greene seconded the Motion. Motion carried by unanimous vote.*

(4) HEERY DESIGN CONTRACT: Mr. Wooten presented a Justice Center space needs assessment contract from Heery Design in the total amount of \$34,355. The assessment will be in terms of needs within the court system, security and the heating/air systems. He stated no funding has been allocated but could be appropriated from the Capital Projects Fund.

Motion: *Commissioner Jones moved to approve the contract with funding from the Capital Projects Fund. Commissioner Greene seconded the Motion. Motion carried by unanimous vote,*

(5) WHITTIER SEWER SYSTEM: Dan Harbaugh, Executive Director, Tuckasegee Water & Sewer Authority (TWSA) gave an update of the status of the Whittier sewer system. One of the areas TWSA has focused on is trying to bring the various entities involved in the project together and try to move the issues forward. The wastewater plant itself is designed for up to a 200,000 gallon capacity per day and is currently permitted for 100,000 gallons. Only about 5,000-6,000 gallons per day is flowing and that is a problem because TWSA must make sure the plant operates within its permitted capacity and a low flow can be problematic. The Whittier Sanitary District is the owner and TWSA is only a contract operator under an ongoing agreement.

The plan for the Thomas Valley Road sewer line extension project was what prompted involvement with the Rural Center. The Rural Center has earmarked funds which are not yet under contract because they are waiting on a commitment of the 10% required local match. TWSA met with the Rural Center staff in October and it was verified that the funds are available. Today, the Rural Center staff informed him that it was understood that TWSA could move forward with closing out the prior project which was the planning and preparation of financial reports plus organizational and financial assessments. With the local match in place it could be put under contract. The Whittier Sanitary District is made up of properties located in Jackson and Swain Counties; however, the entire Thomas Valley Rd. project is in Jackson County.

He stated commitments of support have been received from the sanitary district along with the property owners as required. The additional customer base will be 20 units and will add approximately \$5,600 a year in revenues for the sanitary district. However, that does not overcome the shortfall but it does begin to offset some of the prior costs. There are no current supplements going to the sanitary district. There is a three year agreement with the Eastern Band of Cherokees and Jackson County wherein each would contribute \$100,000 per year for the on-going operation costs. A portion of those funds, about \$200,000, is still on deposit because the sanitary district needs to have funds available for emergencies.

TWSA needs to know if the County is interested in appropriating the local match for the Thomas Valley Rd. project that has 20 potential customers all located in a trailer park which has a failed system. Impact fees would normally be \$2,200 per customer; however, the way the grants are typically written is that impact fees for existing structures are waived as a part of the original package.

Mr. Wooten stated that the Whittier Sanitary District was formed to provide water and had traditionally been a water system composed of a series of wells that provided water to a number of customers - the largest customer is the Eastern Band of Cherokee Indians who has provided a lot of support through maintenance for that system. The Whittier Sanitary District Board is a volunteer board, there are no employees and someone off the board reads the meters. It is an operation that exists on a bare minimum. The financial statements reflect it has now improved, but a couple of years ago there was a time when it was marginal. Water service is obviously easier to operate because sewer treatment is a lot more difficult and a lot more expensive. The sanitary district has never been supportive of requiring existing properties to connect to the sewer system but, in any event, the sanitary district would need to adopt a policy, not the County. There is no assurance that anyone will ever connect to the line. The attention the 441 Corridor has received over the past 5 – 10 years reflects that the area has definitely been designated as a growth corridor. Having a sewer line in place could capture new development that might take place along the corridor. Currently, Smokey Mountain Elementary School provides about 40% of the revenue for the sewer system.

Mr. Harbaugh stated that the most recent operating agreement signed by the sanitary district contains a clause that requires new construction to connect to the system. It was not in previous agreements, but is only in the operations agreement with TWSA, but there has not been a situation where it needed to be enforced. He stated that during a meeting in May, the sanitary district made it clear they wanted to stay in the water business. A resolution recently adopted by the Whittier Sanitary District Board states they desire to negotiate with Jackson County, the Eastern Band and TWSA concerning an agreement for the long term ownership and operation of the sewer system.

Mr. Wooten explained that the only opportunity for this particular grant is the Thomas Valley Rd. sewer project. It is very doubtful that the Rural Center will award a grant to extend the system along the 441 Corridor at the present time. A conclusion needs to be reached within the next 30 days so the Rural Center can be informed whether the County will make the local match. Should the County choose to make the match, the project is a year and half away from commencing because the design work, the bid process, and construction is not starting within the next day or two. The County has a water/sewer fund of \$114,000 in the fund balance. However, going forward if the County is going to be supporting a deficit funding of this project, it will need to consider some type of general fund allocation.

TWSA was requested to ascertain how many Swain County residents are currently being serviced by the sewer plant, how many different property owners the new line will cross and what the railroad would charge if there is a new tap to the line in its right of way.

After further discussion, it was determined that this issue be placed on the upcoming work session agenda.

(6) TRANSIT-COMMUNITY TRANSPORTATION GRANT RESOLUTION

(R13-27): A Public Hearing was held at 1:45 p.m. on November 4, 2013 and no objections were made. The resolution is authorization to submit a grant application to the N. C. Dept. of Transportation.

Motion: *Commissioner Elders moved to adopt the resolution. Commissioner Jones seconded the Motion. Motion carried by unanimous vote.*

(7) CASHIERS COMMERCIAL AREA DEVELOPMENT ORDINANCE

AMENDMENT: Gerald Green, Planning Director, stated the Cashiers Community Planning Council has recommended an amendment to Sections 7-2 and 7-3 of the Cashiers Commercial Area Development Ordinance. These sections of the ordinance establish the thresholds for a project being reviewed as a conditional use in the Village Center and General Commercial Districts. Currently the threshold is 2,500 SF in the Village Center District and 5,000 SF in the General Commercial District. The proposed amendments to reduce the threshold to 1,500 SF in both districts areas

Sec. 7-2. Village Center District

e. Conditional uses

Buildings with a footprint of more than 1,500 square feet; two (2) or more residential units, commercial units or buildings, whether attached or detached, which have a total footprint of more than 1,500 square feet, are located on a single parcel of property or on contiguous parcels owned by the same owner, and are developed over a period of two (2) years.

Sec. 7-3. General Commercial District

e. Conditional uses

Buildings with a footprint of more than 1,500 square feet; or two (2) or more residential or commercial units or buildings, whether attached or detached, which have a total footprint of more than 1,500 square feet, are located on a single parcel of property or on contiguous parcels owned by the same owner, and are developed over a period of two (2) years.

The most significant aspect associated with being reviewed as a conditional use is that the projects/buildings would be reviewed by the Planning Council. Projects/buildings below the threshold are reviewed at the staff level. Projects of all sizes within the Cashiers Commercial Area are subject to certain design guidelines; however, the Planning Council has greater flexibility in the application of the design guidelines than staff. The Cashiers Community Planning Council and the Planning Board have recommended approval of the proposed amendments.

A public hearing was scheduled on November 18th at 5:50 p.m.

(8) SURPLUS PROPERTY RESOLUTION (R13-26):

Darlene Fox, Finance Director, submitted a Resolution describing county equipment (9 vehicles) that has been removed from service and is not needed or desired by other departments. She requested that the equipment be declared surplus and authorized for sale. NCGS 160A-266-270 authorizes the County to dispose of personal property by private negotiation, public auction either live or electronic, sealed bid or upset bid process.

Motion: *Commissioner Cody moved to adopt the Resolution. Commissioner Jones seconded the Motion. Motion carried by unanimous vote.*

(9) BOARD OF ADJUSTMENT: *Carry over.*

(10) LIBRARY BOARD:

Motion: *Commissioner Jones moved to reappoint Mary Otto Selzer to a 4-year term and appoint Steve Johannsen to fill the unexpired term of Graham Somerville on the Library Board. Commissioner Cody seconded the Motion. Motion carried by unanimous vote.*

(11) RECREATION BOARD:

Motion: *Commissioner Greene moved to reappoint Cindi Simmons and Alan Grant to 3-year terms on the Recreation Board. Commissioner Jones seconded the Motion. Motion carried by unanimous vote.*

(12) COMMUNITY ADVISORY COMMITTEE FOR LONG TERM CARE:

Motion: *Commissioner Elders moved to reappoint Joyce Brooks to a 3-year term on the Community Advisory Committee for Long Term Care. Commissioner Greene seconded the Motion. Motion carried by unanimous vote.*

(13) SMOKY MOUNTAIN CENTER - PROPOSED BOARD MEMBER

NOMINATIONS: Chairman Debnam and Mr. Coward presented a Memorandum from Rick French, Chair of the Smoky Mountain Center Board of Directors, and a slate of proposed board member nominations for the reconstituted Board of Directors as required by G. S. 122C-118.1. The current statute limits an Area Authority Board to 21 voting members and dictates the criteria for appointing 13 of those members. The proposed slate consists of 21 members of which 8 are county commissioners. Commissioner Greene of Jackson County and Commissioner Beale of Macon County are on the proposed slate. At its regular meeting on October 24, 2013, the Smoky Mountain Center Board of Directors voted to request that each county within the consolidated 23 county catchment area consider and approve the slate of proposed member nominations.

Motion: *Commissioner Cody moved to approve the slate of proposed member nominations. Commissioner Jones seconded the Motion. Motion carried by unanimous vote.*

Public Comments:

(a) Marie Leatherwood of Sylva stated her disapproval of any financial involvement by the County with GSMR.

(b) Brenda Anders, Dogwood Crafters in Dillsboro, requested the Board to not forget about the possibility of having the train back in Dillsboro.

(c) Carl Iobst of Cullowhee requested that public comments be moved to the first of the agenda and that all Board meetings start at 6:00 pm. He suggested that the Board review the volunteer policy again because it appears it is in conflict with the Fifth Amendment. He stated he does not support a fire tax, but the issue should be put on a public referendum.

(d) Frank Burrell of Sylva stated he wanted to make a statement about public education. Many teachers wore red today to make people aware of what has happened in the teaching profession and to teachers across the state. It took years to get teacher tenure developed and by simply a stroke of the gavel it has been done away with. He thanked the current and all previous Commissioners for the past forty years for supporting the schools. At one time Jackson County ranked fourth in the state for having teachers with master degrees, now the state does not want to even pay for master degree teachers.

Press Conference

CLOSED SESSION:

Motion: *Chairman Debnam moved that the Board go into closed session pursuant to G.S. 143-318.11(a)(3)Legal and G. S. 143-318.111(a) (6) Personnel. Commissioner Elders seconded the Motion. Motion carried.*

Chairman Debnam called the regular meeting back to order and stated no action was taken in closed session except approval of the Closed Session Minutes of October 21, 2013.

There being no further business, Commissioner Elders moved to adjourn the meeting. Commissioner Jones seconded the Motion. Motion carried and the meeting adjourned at 4:30 pm.

Attest:

Approved:

Patsy C. Parris, Clerk to Board

W. J. Debnam, Chairman