

**MINUTES OF A  
REGULAR MEETING  
OF THE JACKSON COUNTY  
BOARD OF COMMISSIONERS  
HELD ON  
MARCH 3, 2014**

The Jackson County Board of Commissioners met in a Regular Session on March 3, 2014, 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  
Mark Jones, Commissioner  
Vicki Greene, Commissioner

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

Chairman Debnam called the meeting to order.

**AGENDA:** Chairman Debnam amended the Agenda by adding CDBG Public Hearing and deleting Greenway Advisory Committee and the Tuckaseegee Water and Sewer Authority appointments. Commissioner Elders moved to approve the amended Agenda. Commissioner Cody seconded the Motion. Motion carried.

**MINUTES:** Commissioner Elders moved to approve the minutes of the Work Session and Regular Meeting of February 17, 2014. Commissioner Greene seconded the Motion. Motion carried.

**(1) CHAIRMAN'S REPORT:** Chairman Debnam reminded everyone of the Joint Meeting with the Towns and TWSA this evening at 5:30 pm at the Senior Center.

**(2) COMMISSIONER REPORTS:**

(a) **Commissioner Greene** reported that she attended the "Project Lazarus Lunch and Learn" at the Health Department on Friday. This project is an effort to make the public aware of prescription drug abuse and deaths. The Wilkes County representative presented very good ideas on how to administer the program, improve awareness and how to better coordinate prescription drugs.

(b) **Commissioner Jones** reported that at last week's Council on Aging meeting, the council was informed that 180 loads of firewood has been delivered by volunteers and organizations which amounts to approximately \$11,000 of heating for 115 clients. Progress is being made on the installation of wheelchair ramps. He has received several positive comments about the "Code Red" program. However, the majority of citizens are not aware of its existence and he encouraged everyone to submit applications to receive alerts. Volunteers, part-time and/or substitutes, are needed for the Meals on Wheels program in the Whittier, Balsam and Wilmont communities.

(c) **Commissioner Elders** also urged citizens to volunteer for the Meals on Wheels program.

(d) **Commissioner Cody** reported that at the Airport Board meeting today it was announced that the National Guard will be using the airport for training during the week of April 21-25. The public is welcome to visit and see what good things are happening at the airport.

**(3) COUNTY MANAGER REPORT:** Mr. Wooten reported:

(a) **NCDOT & R-4745 (Cullowhee Connector)**: Over the past few days there has been a lot of conversation about R4745 (Cullowhee Connector). He has had a conversation with Ed Green, Division Engineer, and was advised that they (DOT) were mistaken in sending the letters about starting activities for the project. A letter was issued on February 24<sup>th</sup> to impacted property owners and they intend to retract that information in another letter. Mr. Green stated their focus is on improvements to the existing Hwy 107.

(b) **Duke Energy's Shoreline Management Plan for Lake Glenville**: The Federal Energy Regulatory Commission (FERC) has approved the shoreline management plan that was submitted as part of their licensing agreement. Activities related to this plan have been ongoing since 2003. In reviewing the final order it is apparent there were a number of comments from various stakeholders prior to this final approval.

(c) **911 Call Center and Emergency Operations Center**: The final construction plans for this project are almost complete. The designer will advertise on March 2<sup>nd</sup> soliciting pre-qualification applications from general contractors who wish to bid on this project. The end result of this process will be to provide a highly qualified pool of general contractors for the project. The plans and specifications will be released to the pre-qualified general contractors on March 30<sup>th</sup> and bids will be opened on April 30<sup>th</sup>. This would allow bids to be compiled, verified and submitted to the Commissioners on May 5<sup>th</sup> for award.

(d) **Domestic Violence Services**: With the dissolution of REACH of Jackson County, Jackson has been utilizing REACH of Macon County for these services. They are providing a very high quality service; however, there have been some challenges with funding. During this same time, Bob Cochran, DSS Director, has worked very closely with a group of volunteers to facilitate a conversation about whether community support exists to recreate an organization in Jackson County to assume the responsibilities for these services. That group is at the very earliest stages of their assessment; consequently, Jackson County will need to continue utilizing REACH of Macon for the next couple of years at a minimum. In the beginning they established an office in Jackson County; however, the funding formulas changed and they no longer have a location. They want to continue a presence in Jackson County and he has offered the space formerly occupied by the CJJP program in building above the old courthouse. Workforce Development (Employment Security) utilizes half of this space two days a week and REACH of Macon will use the remainder of the space to have an office in Jackson County. He will ask the County Attorney to draft a lease document for consideration. The space would be provided at no cost as part of Jackson's support to this agency and REACH would provide insurance on their contents as well as general liability insurance. The County would provide utilities and REACH would be responsible for their telephone and internet.

(e) **Skyland Services Center**: The renovations to provide a meeting room and accessible rest rooms are almost complete. Painting and final finishes will take place over the next couple of weeks. The Board of Elections will use this space for training, early voting, and, he believes, will be the polling location formerly located in the community services room at the Health Department. The meeting room will also be available for use by other groups with the Board of Elections having first priority.

(f) **Justice Center**: The District Attorney's office will be relocating to the space formerly occupied by the Board of Elections. Some painting and a few minor renovations will be made over the next couple of weeks. This will provide the DA's office with better space and Judge Letts has endorsed this as a temporary move while the County continues assessing the space needs within the overall building.

(g) **Upcoming Meetings**: **TWSA Annual Meeting**: March 4<sup>th</sup> at 5:30 at their offices on West Main Street. **Region A quarterly meeting**: March 24<sup>th</sup> at the Boiler Room in Franklin. The Chestnut Tree Inn has closed and Region A was forced to identify another location for their meeting. Dinner will be served at 6:30 pm followed by the regular business meeting. The District Meeting of the **NC Association of County Commissioners**: April 2<sup>nd</sup> at 5:30 pm at the Waynesville Country Club.

(h) **Heating Assistance**: Bob Cochran has notified him that over half the funds budgeted for heating assistance are still available. Income guidelines are required and DSS would like to identify individuals who may qualify for these funds.

**(4) EVERGREEN FOUNDATION:** Denise Coleman, Public Relations, stated the mission of the Evergreen Foundation is to improve access to and public awareness of quality prevention, treatment, and support services by the provider community to individuals and families with intellectual/developmental disabilities, behavioral health, and/or substance abuse needs in Cherokee, Clay, Graham, Haywood, Jackson, Macon and Swain counties.

The Evergreen Foundation (Evergreen) was set up in 1977 as a separate not for profit company by the Board of Directors of Smoky Mountain Mental Health (Smoky). The purpose was to provide a place to hold funds that could later be used to provide or enhance services for individuals with intellectual and developmental disabilities, mental health or substance abuse services.

At that time Smoky was the provider of most of the services in the seven county area; however, there is no longer a seven county program. It is now Smoky Mountain LME/MCO which is a 23 county area program and plans on getting larger this year. So in keeping with that purpose, Evergreen Foundation continues to provide support to private service providers in the seven counties.

Over the past year she has provided articles to all newspapers in the seven county area with educational information on various disabilities and also done human interest stories about individuals that have been served by the agencies and funding provided by Evergreen. She also provided a copy of Evergreen's annual report. The Evergreen Board is made up of at least one representative from each county, John Snow has just been added to represent Cherokee County and there are three members from Jackson County. Most of the Evergreen's assets are investments of about \$14.5 million and property valued at about \$5.5 million. All the properties are rented below their market value based on rental rates of similar properties which helps to meet the needs of individual with mental health, developmental disabilities and substance abuse issues. In Jackson County the two largest facilities is the Meridian near WestCare and the Smoky Mountain Center building on Bonnie Lane. Evergreen also has two other homes in Jackson County that are used for alternative family living or housing for individuals with disabilities. This past year, income from rentals and investments was a little over \$2 million and expenses were close to \$1 million. The income from investments is used to provide funds for grants that are issued on a quarterly basis to service providers.

All seven counties have received funding either through grants to a specific provider or through providers that serve multiple counties. During 2012-13, \$237,000 was provided in grant funding. Nine of the grants had a direct or indirect impact on Jackson County. Thus far this year the grants have totaled more than \$370,000 and the fourth quarter allocations are coming up in about two weeks and there is about \$300,000 more that can be allocated.

Evergreen is trying to insure that providers of mental health developmental disabilities and substance abuse services are aware that funding is available and wants to insure, as was intended by Smoky when Evergreen began, that services will continue to be available in all of the seven counties and that the private service providers will remain viable.

Commissioner Greene stated she is Jackson County's representative on the Smoky Mountain Center LME/MCO Board and she is one of the only two commissioners west of Buncombe County on that Board.

She stated that Smoky Mountain Mental Health (SMMH) did not want to expand. Expansion was forced on SMMH and other similar agencies so there will only be three or four LME/MCO's in the entire state. You stated Evergreen was established in 1977 to hold SMMH assets. Some time in the 1980's, legislation in North Carolina was clarified so there was no longer any need for Evergreen and the assets could be returned to SMMH; however, the Evergreen Director at that time did not make the SMMH Board aware of that option. She stated she understood that Evergreen was not in the habit of making many or any large grants until the last few years when SMMH sued Evergreen in an effort to recover assets and cash investments Evergreen had been holding for SMMH. That suit was filed about two years ago and is progressing. She stated she found it interesting that the Evergreen brochure states that the Evergreen Board of Directors, at some point, voted to provide \$185,000 in funding to nine agencies for programs and services as compared to the salary of the Evergreen Director which is in the neighborhood of \$160,000. She stated she was sorry that Ms. Coleman has been put in the position of having to make the public aware of Evergreen's activities especially in the original seven-county SMMH area. She stated she is aware that Ms. Coleman recently talked with Macon County Commissioner Ronnie Beale. She stated she spent all of this morning talking with Brian Ingraham, Executive Director of SMMH and Attorney Tracy Hayes at SMMH. Jay Coward is also an attorney for SMMH. While an admirable picture is offered about the services that Evergreen has provided, it did not have a website until last year, and even though Ms. Coleman and her fellow part-time staffer have cell phone numbers, they are not the numbers for the Evergreen offices. She stated she knows that a part of the legal process is mediation. SMMH has requested that mediation be postponed until a comprehensive needs assessment is done of all the services provided for behavioral impairments, drug abuse, and intellectual and developmental disabilities. A comprehensive study could be provided for what the assets should be used for, but apparently the Evergreen Foundation does not care or is not interested.

Ms. Coleman responded there is a lot of good that can be done with Evergreen funds and she would like to see it going forward and doing a lot more to support the private providers.

**(6) CDBG GRANT #12-C-2421:** Gerald Green, Planning Director, requested that a Public Hearing be scheduled concerning a housing application submitted to the NC Dept. of Commerce, the scattered site project, for \$225,000 which will be used to assist 4-5 low income homeowners with renovations and emergency home repairs. Chairman Debnam scheduled a Public Hearing on March 17 at 5:50 p.m.

**(7) BOARDS AND COMMITTEE MANAGEMENT:** Mr. Wooten stated that over the past couple of weeks, county officials have been reminded that attention to detail in managing current and future advisory boards and commissions is warranted. Presently, there are 12 boards and commissions that fall under the responsibility of the Commissioners and a similar number of boards and commissions for which the Board is asked to make an appointment. In addition, study committees or special task forces are created to address a specific issue and once the task is completed then the committee is dissolved (example – Cullowhee planning committee).

Recently, there was a public challenge to the validity of members of an existing advisory committee and this caused him take a look at how the appointment of members are verified and the management of committee operations. He has discovered a lack of a formal oversight process for these boards and commissions. The following steps will be implemented immediately to confirm compliance with existing governing documents:

- (a) Designate an employee as the point of contact for each committee or commission. This person may also serve as staff to the committee. For the most part, this already exists; however, some appointments may be required. These persons will be assigned the responsibility for gathering various documents and documenting the procedural processes related to these committees and commissions.
- (b) Obtain a copy of the ordinance/resolution/general statute that established the committee and a copy of the current by-laws under which they operate.
- (c) Perform an audit of founding documents and by-laws versus the current procedures of the board. For example, if a quarterly meeting is specified are they meeting quarterly? If attendance standards are established, are they being met? This information will provide a confirmation that the committee is operating appropriately or it will identify areas that need attention. The review could also identify committees that are no longer needed.
- (d) Research the current board members to confirm they are eligible to serve, eligible or ineligible for re-appointment, have an office term of appointment, and have met the required attendance records.
- (e) Confirm that each committee has an official minute book containing the minutes for all meetings and have a person designated with the responsibility for compiling minutes for review and approval.
- (f) At the end of each calendar year, prepare an annual report of the activities for each board and commission. This report should highlight the successes, identify the challenges, and discuss the future goals. These reports will be compiled into a summary report and presented to the Commissioners during the first quarter of each calendar year.
- (g) Develop a self-evaluation form and solicit a response from each board member as to whether the experience of the board member is commensurate with the time invested.
- (h) Create a master file of all boards and commissions in both a hard copy and electronic copy format. The official copy of this information will be in the possession of the Clerk to Board.

### **Planning Board - Code of Ordinances, Chapter 20:**

The Planning Board was created in 2003 as a 7 person advisory committee and the ordinance was amended in 2007 to expand to an 11 person advisory committee. The committee members may serve two, two year terms. The chair and vice chair are appointed by the Commissioners for a one year term.

Board Composition:

- Five members appointed by each Commissioner out of their district.
- Six at-large appointments.

After reviewing the existing membership roster, it appears there are 7 board members whose terms have expired or will soon be expiring. One member (Wayne Cobb) has resigned because of an illness, two members (Zachary Koenig and Joe Ward) have served more terms than allowed by the ordinance, and four current members (Clark Lipkin, Kent Moore, Ed Weatherby, and Dickie Woodard) are eligible for reappointment.

Obviously, the Planning Board has done a yeoman's job in reviewing and evaluating current ordinances under their responsibility. He recommended that the Board establish the end of Mr. Koenig's and Mr. Ward's terms as March 31, 2014 thus allowing them to meet one final time as a Planning Board member to participate in any unfinished business. At his request, Mr. Coward has drafted a letter to those two gentlemen notifying them of the expiration of their term and explaining the need for the action. Unfortunately, Mr. Koenig and Mr. Ward have been re-appointed in the past two years for terms for which they were ineligible to serve. In keeping with past practice, the terms were three years in length when the ordinance only provides terms of two years. Mr. Ward was originally appointed in March 2007 to fill an unexpired term and has been re-appointed three times and would have served 7 years as of March 2014. Mr. Koenig, the longest serving member, was originally appointed for one year in 2007 when the Board membership was expanded. He was reappointed in 2008 for a three year term and reappointed in 2011 for a second three year term. As of March 1<sup>st</sup> he will have served 7 years and one month.

<b>BOARDS and COMMISSIONS</b>	
	<b>Supervised By:</b>
Adjustment Board	Planning Dept.
Business and Industry Advisory Committee	Economic Dev. Dept.
Cashiers Planning Council	Planning Dept.
Cullowhee Planning Committee	Assistance by Planning Dept. and Commissioner Greene
Equalization & Review Board	Tax Administration
Greenways Advisory Committee	Recreation/Parks
Historic Preservation Commission	Planning Dept.
Planning Board	Planning Dept.
Recreation Advisory Board	Recreation/Parks
Sediment Control Appeals Board	Permitting & Code Enforcement
Solid Waste Board	Public Works
US441 Gateway District Community Planning Council	Planning Dept.
Watershed Review Board	Permitting & Code Enforcement

He recommended that in the future all appointment terms for all boards/commissions/committees be made to expire on December 31<sup>st</sup> of the appropriate year.

**(8) PLANNING BOARD:** There are 7 vacancies on the Board. Clark Lipkin, Kent Moore, Ed Weatherby and Dickie Woodard are eligible for reappointment. Wayne Cobb is eligible for reappointment but he has resigned for health reasons. Joe Ward and Zachary Koenig are ineligible for reappointment.

Chairman Debnam recommended that his designee Clark Lipkin be reappointed. Commissioner Elders recommended that Kent Moore be reappointed. Commissioner Cody recommended that all eligible members be reappointed.

Chairman Debnam and Commissioner Green recommended that the terms of Kent Moore, Ed Weatherby, Dickie Woodard, Joe Ward and Zachary Koenig be extended to March 31, 2014.

*(a) **Motion:** Chairman Debnam moved to reappoint Clark Lipkin to the Planning Board for a 2-year term ending December 31, 2015. Commissioner Cody seconded the Motion. Motion carried by unanimous vote.*

*(b) **Motion:** Commissioner Greene moved that the terms of Kent Moore, Joe Ward, Ed Weatherby, Dickie Woodard and Zachary Koenig be extended to March 31, 2014. Commissioner Jones seconded the motion. Motion carried by a vote of 3 – 2 with Commissioners Cody and Elders voting “nay”.*

Mr. Wooten stated the Board should be prepared to appoint 6 individuals to the Planning Board at the next Board Meeting so they will have a full slate for operations in April.

**(9) PLANNING BOARD CHAIRMAN:** Carry over until a full Planning Board has been appointed.

**(10) SEDIMENT BOARD:**

***Motion:** Commissioner Elders moved to reappoint Barry Stevens to a 4-year term ending December 31, 2017 on the Sediment Board. Commissioner Greene seconded the Motion. Motion carried by unanimous vote.*

**Public Comments: None.**

**Press Conference**

There being no further business, Commissioner Greene moved to adjourn the meeting. Commissioner Elders seconded the Motion. Motion carried and the meeting adjourned at 3:15 pm.

Attest:

Approved:

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Patsy C. Parris, Clerk to Board

\_\_\_\_\_  
W. J. Debnam, Chairman

