

**MINUTES OF A
REGULAR MEETING
OF THE JACKSON COUNTY
BOARD OF COMMISSIONERS
HELD ON
AUGUST 18, 2014**

The Jackson County Board of Commissioners met in a Regular Session on August 18, 2014, 6:10 pm, Smokey Mountain Elementary School, 884 US Highway 441 North, Whittier, North Carolina.

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

Chuck Wooten, County Manager
Angela M. Winchester, Clerk to Board
J. K. Coward, Jr., County Attorney

Chairman Debnam called the meeting to order.

PROCLAMATION HONORING WESTERN CAROLINA UNIVERSITY'S 125TH ANNIVERSARY: Chairman Debnam read a Proclamation honoring Western Carolina University's 125th Anniversary.

AGENDA: Commissioner Elders moved to approve the Agenda. Commissioner Cody seconded the Motion. Motion carried.

MINUTES: Commissioner Jones moved to approve the minutes of a Regular Meeting of August 4, 2014. Commissioner Elders seconded the Motion. Motion carried.

(1) CHAIRMAN'S REPORT:

All fire departments and some from surrounding counties responded to a fire in downtown Sylva on Saturday. They did an excellent job of protecting the buildings and adjoining businesses. At all times, everyone should express appreciation to all volunteer fire fighters. The County is fortunate to have the fire protection service it has.

(2) COMMISSIONER REPORTS:

(a) Commissioner Greene reported that she attended the NCACC meeting in Asheville on Saturday, August 16th for the North Carolina Association of County Commissioners. In conjunction with that meeting was the first meeting of the Smoky Mountain Mental Health County Commissioner Advisory Board. Commissioner Cody was Jackson's official representative to the meeting. Also, Ronnie Beale of Macon County is now the President of the North Carolina Association of County Commissioners.

(b) Commissioner Jones stated he attended the Qualla Fire Department's annual barbeque about a week ago. It was well attended.

(c) Commissioner Elders welcomed everyone from District One and expressed his appreciation to everyone that came out from his district. He stated that the fireman of Qualla had done a great job and had put in a lot of hard work and dedication into obtaining the new rating of 6. Respect and appreciation is owed to Kent Moore, Chief of Qualla Fire Department and to former Chief David Bell.

(d) Commissioner Cody thanked everyone in the Qualla community and stated it was a pleasure to be in this part of the County. The fire departments did a fantastic job in fighting the fire in Sylva and saved several buildings. The downtown merchants and the entire County owe a debt of gratitude to the fire departments. He also attended the NCACC in Asheville last Saturday. He attended seminars on economic development, railroads and mental health. It was a busy time but he learned a lot and enjoyed attending the meeting. Ronnie Beale of Macon County is the new president for the North Carolina Association of County Commissioners and is focused on working on the mental health system.

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

Capital Project Update:

(a) **911 Call Center/EOC:** The project is in the dry and on schedule. All the site drainage work is complete as well as connection to septic system. The following tasks have been completed: roof, insulation, fireproofing, rough plumbing, rough electrical, and some interior stud walls.

(b) **Community Services Building:** Odell Thompson has completed his evaluation and assessment of this facility. The process included several meetings with employees and management. A formal presentation of the findings is scheduled for the September work session.

(c) **Recreation Sites:** The Webster Baptist Church river access will begin construction in the next 30 days. This is a fairly small project that will involve constructing a path and access to the river as well as establishing an area for a picnic table. Currently, the memorandum of understanding with the Church, confirming the removal of one section of guard rail, painting a cross-walk and ordering picnic tables and trash bins are being finalized. Quotations are currently being solicited for the expansion of the parking lot at the Barkers Creek site and will be installing a sand volleyball court instead of basketball court. After further consideration, the volleyball court was more in keeping with the outdoor/river focus. Duke Energy has ordered the vault toilet and installation should take place in September or early October. Picnic tables and trash cans have been ordered and Recreation and Public Works are discussing the installation of the concrete pads for the tables. A final decision on the shelter and its location has not been made. The bollards at the greenway should be in place at the end of this week or the first of next week. An information sign has been installed and the ribbon cutting/formal dedication of this portion of the project is scheduled for 4:00 pm on September 15th.

(d) **SMHS/Blue Ridge Schools:** Final punch list items have been completed and the field area on the north side of the building that was used as a construction staging area will be seeded during the week of August 18th. The only remaining items are things that have been ordered and will be installed by the general contractor when they are received. These items will not impact the utilization of these buildings in anyway. The first athletic event is scheduled for Tuesday, August 19th.

(e) **Transit Parking Lot and Drainage Project:** The plans are being reviewed in Raleigh and he is optimistic they will be approved soon to allow the project to be bid for completion prior to the end of the current paving season.

(f) **Health Department Activities in Cashiers:** Southwestern Community College has removed all their computers and other equipment from the basement of the Aging Center in Cashiers. The Health Department will begin using this space immediately for their clinics that are offered in Cashiers relocating all their activities from the Permitting and Code Enforcement Office. The basement will primarily be used for Health Department activities; however, SCC may request use of a portion of the space for their future use.

(g) **Qualla Fire Department:** Congratulations to Qualla Fire Department for obtaining a Class 6 certification for properties within a 5 mile radius of either station. This will result in lower insurance rates for property owners.

(h) 2013 Travel and Tourism Statistics: The most recent statistics for travel and tourism are to be released August 14th or 15th. A copy of that information will be provided for review. The concern about the numbers reported for Jackson County has been heard and a modification has been implemented for 2013 that will impact not only Jackson County but Swain and Haywood counties as well. Basically, all tourism expenditures related to visitors to Cherokee that is spent off of the reservation were credited to Swain County. This amount has now been allocated among three counties and based on information received, the 2012 tourism expenditure amount increased from \$69.55 Mil to \$156.05 Mil. The tentative 2013 expenditure amount is \$163.03 Mil which is 4.5% greater than the 2012 expenditure amount. More information will be available once the official report has been released.

(i) Joint Meeting with Municipalities: A tentative meeting date has been set for September 2nd at 5:30 in the Heritage Dining Room at the Aging Center. Municipalities have been contacted regarding agenda materials.

(j) Joint Meeting with Chief Hicks and the Tribal Council: Chief Hicks and Chairwoman Henry have been contacted about dates in September for a joint meeting. Hopefully, a date can be established that would also allow a formal dedication of the improvements at Judaculla Rock as part of this meeting agenda.

(k) County Tax Collector: Beverly Buchanan will officially retire at the end of the month. A search committee will review applications and identify finalists for interview next week. Interviews should begin during the week of August 25th.

(l) Meat Processing Center: The County was the sponsor through Region A for a grant from Advantage West to do a study about creating a meat processing center in Western North Carolina. After a point, the project needed additional funds to complete the study. The North Carolina Agricultural Development and Farm Land Preservation Trust Fund has now awarded \$10,000 to complete the study. A determination will be made as to whether a business plan is appropriate and a meat processing center could be located in Western North Carolina that could be economically viable.

(m) North Carolina Cooperative Extension: The North Carolina Cooperative Extension is getting ready to roll out a new strategic plan. A webinar is scheduled for August 25th to introduce this strategic plan. I will be participating in the webinar and would be glad to give additional information to anyone interested.

(4) CONSENT AGENDA:

(a) Darlene Fox, Finance Director, presented Finance, Tax Collector and Refund Reports for July, 2014 for approval.

(b) Tony Elders, Permitting and Code Enforcement Director, reported that an application and payment have been received for a fireworks display at Camp Merriewood in Sapphire on September 13, 2014.

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

(5) CASHIERS-GLENVILLE VOLUNTEER FIRE DEPARTMENT: Mr. Wooten presented a written request from the Cashiers-Glenville Volunteer Fire Department to eliminate the County paid position and provide a similar amount of funding to the Cashiers Fire Department on an annual basis. Effective September 1, 2014, Cecil Aiken is retiring from the County with five years of service. Mr. Aiken has served as the fire district services coordinator for the Cashiers Fire Department. Mr. Randy Dillard, Cashiers Fire Chief, has indicated that the Board of Directors has requested that the County consider the option of providing funding to the Cashiers Fire Department equal to the current salary and fringe benefits paid to Mr. Aiken rather than providing a County funded position. The Cashiers-Glenville Fire Department believes it would be more efficient to establish a position that would be paid for by the department. The current annual value of the position with fringe benefits is \$46,669.87.

If this request is approved, an agreement between the County and the Cashiers-Glenville Fire Department would be prepared for signature by both parties. The Cashiers Fire Department would be entitled to a reduced amount for FY 14-15 since salary and fringe benefits will be paid through August 31, 2014.

Motion: *Commissioner Jones moved to approve the Cashiers-Glenville Volunteer Fire Department request. Commissioner Greene seconded the Motion. Motion carried by unanimous vote.*

(6) US 441 CORRIDOR ORDINANCE AMENDMENTS: A public hearing was held on August 18, at 5:45 p.m. Gerald Green, Planning Director, presented proposed amendments to the US 441 Corridor Development Ordinance:

- Revision of the Village Center standards to permit the development of larger shopping areas that provide opportunities for regional stores;
- Revision of the landscape and sign standards to preserve the natural aesthetics of the corridor while providing for adequate signage for businesses;
- Revision of the sign standards to reflect the auto-oriented nature of the corridor;
- Revision of the residential standards to reduce the 5 acre minimum lot size to a 1 acre minimum lot size;
- Elimination of the requirement that homes in the Rural Living district comply with design standards that prohibit vinyl siding, require cornices to be constructed of stone, masonry, or similar material, and similar requirements;
- Identification of cellular telecommunications towers as a conditional use, subject to the standards of the County's cell tower ordinance, in the Rural Living district.
- Revision of the Gateway Corridor standards to better reflect the context of the area by permitting new development in character with existing development patterns (limited parking in front, reasonable setbacks);

Landscaping and sign standards have been revised to maintain the aesthetics of the corridor while allowing for visible signage to advertise the businesses along the corridor. The requirement for street trees and parking lot landscaping has been enhanced slightly. The size of signs permitted has been increased to provide for ease of visibility by motorists traveling along the corridor.

The proposed revisions will permit development along the corridor while preserving the character of the community. The Council realizes there are provisions in the ordinance addressing residential development that should be reviewed to assure the standards permit residential development that reflects the goals and needs of the community.

Motion: *Commissioner Elders moved to adopt the US 441 Corridor Ordinance Amendments. Commissioner Greene seconded the Motion. Motion carried by unanimous vote.*

(7) HISTORIC PRESERVATION COMMISSION:

Carry over.

Informal Comments by Public:

(a) Janet Curtis of Whiteside Cove stated there has been quite a bit of controversy about that tower and she strongly requested that the Board re-address the need for that cell tower on Whiteside Cove Road. It is necessary. It is not a pleasure type of thing. It is an emergency type of need in the Cove. Whiteside Cove Road is a secondary road to the hospital. When Highway 64 is closed for various reasons, the ambulances have to go on that road to get to the hospital. If they don't have a way to communicate with the hospital while they are doing that trip, it could be a life or death situation. Also it is often a life or death situation in the winter when the power goes out the phone lines go out, something happens, you need to call for help and without cell tower availability you have no help. She strongly recommend that the Board revisit the issue and do whatever necessary to help get the cell tower to serve the people in the cove.

(b) Ferdinan Stevenson of Whiteside Cove stated that she was at an event with her niece and she decided to walk back to the car when her fake hip malfunctioned. She could not get cell service until her niece climbed on top of her car, but they could not understand her because the cell service was so bad. So they went somewhere else and then finally someone was able to come to her aid. She was there for hours and was almost in shock and she thought she was about to die. Her blood pressure became elevated. She likes to come to the Cove by herself and work outside. She and her children are afraid because she has no cell service. She appealed to the Board on the basis of safety to do whatever needs to be done to get the cell tower.

(c) Sandy Bryson of Whiteside Cove stated that she and her husband own the property where the proposed cell tower is supposed to go. They were in a meeting Thursday night with the Planning Committee. Mr. Green more or less stated on Thursday night that one of the main things that was holding up the cell tower was an attorney from Atlanta who owns the property on the ridge adjoining the Bryson's. The attorney has complained that the cell tower will be in the line of his site of Whiteside Mountain. A few years ago he asked Mrs. Bryson for a view easement over her property so that he could cut the trees to obtain a view of Whiteside Mountain. The Bryson's did not give him an easement. She asked the Board to please reconsider this cell tower for safety reasons.

(d) Carolyn Gutierrez of Whittier stated she owns property on 441. When the school was built, a runoff was created that goes underneath the road into a very small branch and when the branch gets full of water it washes out her bridge which happened two times in 1991 and again recently and she has had to purchase a third bridge. Her property is on the market for sale but the county should be able to do something about the runoff. Emergency Management lifted the old bridge out of the water but that was as far as they would go. As a homeowner, the county should be able to help her in some way. Because she could not get to her property due to the bridge being out and the bad winter weather, the plumbing in her mobile home was destroyed.

(e) Freda McCall of Whiteside Cove stated she and her husband own property in the Cove and are in favor of the cell tower. She read some excerpts from another neighbor who lives in the Cove who was unable to be present. "It was with great disappointment that I heard that Verizon has suspended the application for the new, badly needed cell phone tower in Whiteside Cove. It is first and foremost a safety issue for the local full-time residents, the part-time summer residents, of which there are many, and the future growth that will surely come the way of the cove. The County walks a difficult line in trying to please everyone. Progress is inevitable. Possibly the County has been too restrictive".

(f) Linda Huskinson of Whittier asked if there was a rule that one can never replace a mobile home in the 441 Corridor. Surely there should be some kind of change because there are people in the corridor who had trailer parks before the corridor was ever formed and was their way of making a living. It is not right that they are not able to replace old trailers with new ones. They are trying to better themselves and the community. Her research reveals that if one lives within one mile of a cell phone tower, they will more likely die of cancer than anybody else because cell towers emit radiation continuously.

(g) Jeff McCall of Highlands stated Whiteside Cove has been in his family consistently since about 1850. He stated he has talked to Mr. Green and he says that maybe the ordinance is too strict that is why Verizon has suspended their application. Certainly the aesthetics are important for protecting the environment but it is not more important than protecting the County's citizens. He requested that the cell tower ordinance be reviewed - and if it needs changing, then change it.

Press Conference

There being no further business, Commissioner Elders moved to adjourn the meeting. Commissioner Cody seconded the Motion. Motion carried and the meeting adjourned at 7:07 p.m.

Attest:

Approved:

Angela M. Winchester, Clerk to Board

W. J. Debnam, Chairman