

**MINUTES OF A
REGULAR MEETING
OF THE JACKSON COUNTY
BOARD OF COMMISSIONERS
HELD ON
OCTOBER 20, 2014**

The Jackson County Board of Commissioners met in a Regular Session on October 20, 2014, 6:00 pm, Justice & Administration Building, Room A201, 401 Grindstaff Cove Road, Sylva, 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.

PRESENTATION OF FIRE PREVENTION POSTER WINNERS: Todd Dillard, Emergency Management Director stated that the Fire Marshal's office partnered with Safe Kids Coalition to sponsor a Fire Prevention Poster Contest. Mr. Dillard presented gift cards to the poster winners in Kindergarten-3rd Grade from throughout the county.

PROCLAMATION FOR CHILDHOOD CANCER AWARENESS WEEK: Chairman Debnam read a Proclamation to proclaim October 26th – November 1st Childhood Cancer Awareness Week in the county.

APPOINTMENT OF THE TAX COLLECTOR:

Motion: *Commissioner Jones moved to appoint Brandi Henson as Tax Collector. Commissioner Cody seconded the Motion. Motion carried by unanimous vote.*

AGENDA: Chairman Debnam amended the Agenda by adding US Forest Service Land Management Resolution R14-19. Commissioner Elders moved to approve the Agenda. Commissioner Greene seconded the Motion. Motion carried.

MINUTES: Commissioner Elders moved to approve the minutes of a Regular Meeting of October 06, 2014. Commissioner Jones seconded the Motion. Motion carried.

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

(a) **Judaculla Rock:** Notification has been received from a representative with Committee Films, Inc. that the episode including Judaculla Rock is set to air on November 22nd.

(b) **Health Department and Ebola:** Paula Carden, Health Department Director has advised that they are participating in conference calls with state agencies and receiving regular updates. They believe there is a very low chance that there would be foreign workers and students in the area who have traveled to the areas that are dealing with this disease.

(c) **Secretary of Transportation Town Hall:** Secretary Tata will hold a town hall meeting in Franklin on Wednesday, October 29th from 4:00-5:00 p.m. at the Franklin Town Hall Board Room to discuss Governor McCrory's 25 year vision for North Carolina.

(d) **Jackson County TDA:** Robert Jumper, Chairman of the TDA Board, has communicated some of the challenges they are having with a 15 person board. Recently, they have been challenged in getting a quorum of 9 to the meeting. Robert has suggested that a more manageable number may be a board of 11. This is his observation and has not been discussed or action on by the full board. He does feel that now may be an opportune time to discuss a modification to the board membership since they have 3 members who term is complete that have indicated they cannot serve another term and there is another member who has accumulated a significant number of unexcused absences; consequently, a modification to the board size could take place without displacing any current active board members.

(e) **Involuntary Commitments:** Region A is hosting a meeting on November 18th for county managers and representatives from sheriff's departments to hear a presentation from a company that would provide the services in dealing with these patients. Macon County has indicated they have a significant problem and expense in dealing with this situation and have identified a company that provides this services in other parts of the state. They will hear the presentation and discuss the possibility of a regional contract for these services.

(f) **Cashiers Recreation Center:** The Village Heritage Award Plaque has been installed.

(g) **Secretary of Commerce Visit:** Secretary Sharon Decker will be in the county on November 13th from 9:00 a.m. to noon.

(2) **CONSENT AGENDA:**

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

(b) Darlene Fox, Finance Director, presented a Budget Ordinance Amendment for the fiscal year ending June 30, 2015 for approval.

***Motion:** Commissioner Greene moved to approve the Consent Agenda with the removal of the SCC Capital Outlay Item from the Budget Ordinance Amendment. Commissioner Elders seconded the Motion. Motion carried by unanimous vote.*

(3) **COMPREHENSIVE PLAN TRANSPORTATION PLAN STEERING COMMITTEE:** Gerald Green, Planning Director stated that the county is beginning the 15 month long process of revising and updating its comprehensive plan. The revision and update of the comprehensive plan is part of the process of updating the county's Comprehensive Transportation Plan (CTP). The comprehensive plan will assess recent growth and development patterns, provide projections of growth with a 5 to 10 year horizon, identify opportunities and challenges, and make recommendations for directing and guiding the anticipated development. Transportation needs will be identified in the CTP, with a recommended time frame for addressing the identified needs. The transportation needs identified in the CTP will be based in large part upon the projections of development and growth provided in the comprehensive plan update. The comprehensive plan update will be prepared by county staff and the CTP will be prepared primarily by NCDOT staff. Both plans will be prepared concurrently, with the comprehensive plan update a bit ahead of the CTP.

The scope of the comprehensive plan and of the Comprehensive Transportation Plan will mean that they have the potential to impact the development of the county and the growth of its businesses and related entities. To assure that the plans adequately and correctly address the concerns of all interested parties, a steering committee will direct the preparation of the plans. The steering committee should include representatives of county and municipal governing bodies, planning boards/councils, educational institutions, TWSA, the hospital, and other major entities/organizations in the county. The steering committee will meet 10 to 12 times during the preparation of the plans, offering direction regarding the preparation of the plans, providing information to be incorporated into the plans, and approving the final plans. A recommended list of entities/organizations to be represented on the steering committee has been developed by county staff, with some of the entities already naming representatives. The list of potential represented entities has been reviewed and approved by NCDOT staff.

The initial meeting of the steering committee is planned for early November, as the preparation of the plans must begin in order to meet the deadline for completion. Endorsement of the committee make up and appointment of a Commissioner to represent the Board of Commissioners on the steering committee is requested.

Motion: *Commissioner Greene moved to endorse the make-up of the steering committee and its role and appoint Chairman Debnam and Scott Baker to the committee. Commissioner Cody seconded the Motion. Motion carried by unanimous vote.*

(4) BROWNFIELD GRANT POTENTIAL: Gerald Green, Planning Director stated the Environmental Protection Agency (EPA) administers a grant program that provides funds for the assessment and clean-up of brownfield properties. A brownfield is defined as an “abandoned, idled, or underused property where redevelopment is hindered by real or perceived environmental contamination.” Examples of brownfields include industrial and manufacturing sites, auto salvage yards, machine shops, and automobile service stations. Funds are provided for the following activities through the EPA brownfield grant program:

- (a) Assessment (up to \$400,000)
- (b) Clean-up (up to \$350,000 per site)
- (c) Revolving loan funds
- (d) Job training

The initial activity in the process is an assessment of properties meeting the definition of brownfield to determine if issues or problems exist. This activity includes community outreach, site inventory and analysis, site assessments, and clean-up and redevelopment planning. The county has been approached by a firm, Mid-Atlantic Engineering & Environmental Services, interested in working with the county in applying for an assessment grant from EPA. In order to seek funding through the EPA brownfields program, the county would have to issue a Request for Qualifications soliciting the qualifications of firms engaged in this type of work and able to assist the county in the preparation of the grant application. Based upon the qualifications submitted, a firm would be selected to work with the county on the preparation of an application for brownfield assessment grant funds. The firm would be selected based upon their qualifications, with no preference given to any firm. A stipulation of the contract with the engaged firm is that there be no upfront costs; fees would be paid to the firm only if the grant application is successful. If the grant application is successful, the county would go through the appropriate processes to contract with a firm for the assessment. The grant application is due in mid-December with funds available to the successful applicants in October 2015.

The Board of Commissioners would be updated on a regular basis regarding the project status if the decision is made to proceed with this effort.

Motion: *Commissioner Cody moved to authorize the staff to issue a RFQ from firms interested in preparing EPA brownfield grant applications for the county and are qualified to do so. Commissioner Elders seconded the Motion. Motion carried by unanimous vote.*

(5) RESCINDING ACTION ON BID FOR TRANSFER TRUCKING SERVICES: Mr. Wooten stated that a request for proposals for transfer trucking services was submitted and bids were received on September 25, 2014. Three bids were received and the apparent low bidder was WNC White Corporation. This information was submitted to the Commissioners at the October 6th meeting by the Director of Public Works and the low bid was accepted by unanimous vote.

On Tuesday, October 7th, Mr. Wooten received a complaint about how the bid process was conducted and a concern that additional information was added to the bid form for the apparent low bidder. He reviewed the bid process and the bid forms and determined that additional information was added to the bid form of the low bidder and that there were other inconsistencies which tended to confuse the entire process. The information added did not impact the amount of the bid; however, without the information that was added the bid could have been disqualified because it would have been an incomplete bid. Formal bids for services are not required according to the NC General Statutes; however, the total value (\$3m+) and term (4 years) of this bid requires that clear and concise instructions are prepared to remove any confusion from the entire process.

Based on the circumstances surrounding this bid process, he recommend that the Commissioners rescind the action taken on October 6th and instruct the Director of Public Works to rebid the contract for transfer trucking services and work closely with the county manager and county attorney to ensure that the bid process is clear to all interested parties. NCGS 143-129(b) states that "Proposals may be rejected for any reason determined by the board or governing body to be in the best interest of the unit." Furthermore, it is requested that the bid date be established to allow approval for a new four year contract to begin on January 1, 2015. Finally, since the current hauling contract expires on October 31, 2014, he ask the Commissioners to authorize an extension of the current hauling contract for 60 days through December 31, 2014.

Motion: Commissioner Greene moved to rescind the action taken on October 6th and instruct the Director of Public Works to rebid the contract. Also, to extend the current hauling contract 60 days. Commissioner Cody seconded the Motion. Motion carried by unanimous vote.

(6) CASHIERS COMMERCIAL AREA DEVELOPMENT ORDINANCE

AMENDMENT: Gerald Green, Planning Director, stated at their August meeting the Cashiers Planning Council heard a request from a Cashiers business owner that the Cashiers Commercial Area Development Ordinance be amended to allow limited automobile sales. The Council discussed the request, asked questions of the person requesting the amendment, and directed staff to draft an ordinance amendment for consideration at their September meeting. Staff prepared the draft ordinance amendment and it was considered at the September meeting of the Council.

The proposed ordinance amendment would:

- (a) Identify automobile sales as a use subject to special requirements, meaning the use would be permitted by staff only if the special requirements are met.
- (b) Automobile sales could occur only as an accessory use to an automobile service and repair business, meaning that the service and repair business would have to be the dominant use of the property.
- (c) Signage would be limited to the warranty information sign in the window of the autos for sale and the small identification signage required by the state.
- (d) No more than 4 autos could be displayed on the grounds (outside) of the business.
- (e) Autos for sale would have to be parked on the interior of the lot; they could not be parked in a parking space or other location fronting on a public or private street or road.
- (f) No banners, pennants, signs, or other displays would be permitted.

After considering the proposed ordinance amendment and hearing no objections from the public, the Cashiers Planning Council recommended approval of the ordinance amendment. There were no dissenting votes. The Planning Board considered the request at their October meeting and unanimously recommended approval of the proposed ordinance amendment.

Motion: Commissioner Elders moved to schedule a public hearing on November 3, 2014 at 1:45 p.m. Commissioner Jones seconded the motion. Motion carried by unanimous vote.

(7) US FOREST SERVICE LAND MANAGEMENT RESOLUTION R14-19: Mr. Wooten presented the Resolution which offers suggestions regarding the 1987 Nantahala and Pisgah Land Management Plan, which the US Forest Service is currently updating. The established timeline would have the process completed by August 2016.

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

(8) HISTORIC PRESERVATION COMMISSION:

Motion: *Commissioner Jones moved to appoint Bill Crawford to a three year term on the Historic Preservation Commission. Commissioner Cody seconded the Motion. Motion carried by unanimous vote.*

Informal Comments by Public:

(a) Donna Dupree of Balsam urged the board to consider a fracking resolution regarding the emergency response people concerning rescue or treatment of a person that may have an accident or emergency when dealing with the unknown chemicals used in fracking.

(b) Jim Mueller of Glenville denounced the stealing or damaging of political signs being done in the county.

(c) Dick Darnall of Cashiers wanted to commend the pavers of the stretch of road from the Pine Creek dam to Cullowhee Mountain Road.

Press Conference:

CLOSED SESSION:

Motion: *Chairman Debnam moved that the Board go into closed session pursuant to G.S. 143-318.11(a)(5) Real Property. Commissioner Jones seconded the Motion. Motion carried.*

Chairman Debnam called the regular meeting back to order and stated that action was taken in closed session in regards to the sale of 2.49+/- acres in Sylva Township and the approval of the Closed Session Minutes of October 06, 2014.

(9) SYLVA CITY TOWNSHIP PROPERTY: Jim Moore has submitted an offer to purchase 2.49+/- acres (PIN 7631-67-8087 and a portion of PIN 7672-06-5443) in Sylva City Township in the amount of \$40,000.

Motion: *Commissioner Greene moved that the county accept the offer in the amount of \$40,000 subject to an upset bid. Commissioner Elders seconded the Motion. Motion carried by unanimous vote.*

There being no further business, Commissioner Cody moved to adjourn the meeting. Commissioner Greene seconded the Motion. Motion carried and the meeting adjourned at 7:24 p.m.

Attest:

Approved:

Angela M. Winchester, Clerk to Board

W. J. Debnam, Chairman