

**MINUTES OF A  
REGULAR MEETING  
OF THE JACKSON COUNTY  
BOARD OF COMMISSIONERS  
HELD ON  
MAY 21, 2015**

The Jackson County Board of Commissioners met in a Regular Session on May 21, 2015, 6:00 pm, Justice & Administration Building, Room A201, 401 Grindstaff Cove Road, Sylva, North Carolina.

Present: Brian McMahan, Chairman  
Mark Jones, Vice Chair  
Charles Elders, Commissioner  
Vicki Greene, Commissioner  
Boyce Deitz, Commissioner

Chuck Wooten, County Manager  
Jan Fitzgerald, Executive Assistant  
J. K. Coward, Jr., County Attorney

Chairman McMahan called the meeting to order.

(1) **PROCLAMATION**: Chairman McMahan read a Proclamation declaring Jackson County a Purple Heart County. David Plaster, Veteran's Officer accepted the presented Proclamation

***Motion***: *Commissioner Elders moved to approve the Proclamation. Commissioner Greene seconded the Motion. Motion carried.*

(2) **AGENDA**: Chairman McMahan amended the agenda by deleting Locust Creek Pedestrian Bridge Bids and by adding Resolution R15-11. Commissioner Jones moved to approve the Agenda. Commissioner Elders seconded the Motion. Motion carried.

(3) **MINUTES**: Commissioner Elders moved to approve the minutes of a Public Hearing of May 04, 2015 and a Regular Meeting of May 07, 2015. Commissioner Deitz seconded the Motion. Motion carried.

(4) **COMMISSIONER REPORTS**:

Commissioner Jones stated he appreciated Chairman McMahan's comments at the Cashiers Chamber of Commerce Legislative event in Cashiers earlier in the day.

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

(a) **ABC Sales**: The sales through April, 2015 total \$3,253,741.47, which is \$895,171.53 greater than same time in 2014. This represents a 27.5% increase for the year. Cashiers sales total \$1,184,774.75. The Town of Sylva has re-appointed Maurice Moody to a 3 year term on the ABC Board and has recommended David Noland to continue as board chair. The county also has an appointment for the seat held by Tom Albert and Commissioners will also need to consider a nomination for board chair.

**(b) Performance Audit for Permitting and Code Enforcement:** He was developing a scope of work to present to David Nicholson, Field Representative for the NCACC, who has agreed to identify individuals or consulting firms who could perform the identified tasks. As part of the review, he would also like to receive information about best practices related to the organizational structure between planning and enforcement. He commented about the procedure being referred to in a local press report as an investigation. He does not view this as an investigation; rather, he considers it an opportunity to evaluate the policies, procedures, technology, communication with contractors and customer service techniques. This may be a process that they want to consider anytime there is a change at the level of department head.

**(c) Locust Creek Pedestrian Bridge:** Bids were received for the installation of bridge abutments and access walks and drives. Four companies submitted bids and unfortunately, the bid of the apparent low bidder, Phillips and Jordan, was approximately 40% above the project budget. The engineer, Victor Lofquist, is working with the low bidder to determine if an opportunity exists to introduce value engineering modifications in order to reduce the bid price closer to the project budget. They hope to complete this process and present the results to the Board on June 4<sup>th</sup>.

**(d) SCC Building Cracks:** He have talked with Don Tomas about the issues they have with cracks in the floor and walls of the Balsam Center. He thinks it is fair to say they believe this is a direct result of R-5000 construction activities associated with drainage work in their parking lot. The general contractor, NCDOT, and SCC have had several conversations and meetings about this issue. My suggestion was to engage a structural engineer to perform an independent evaluation separate and apart from the R-5000 general contractor. He will be working with Dr. Tomas to identify a firm who can perform this task.

**(e) Cell Tower Application:** They now have an application from Crown Castle for the construction of a cell tower in Cashiers. Mr. Coward contacted the legal counsel for Crown Castle about delaying the application until a new ordinance is in place. They advised they were under a tight schedule and could not wait until July to make application. They are working to identify a consultant who can review the application and confirm it is compliant with the ordinance. They are also preparing a time line and a flow chart of required tasks and the responsible party.

**(f) Upcoming Meetings:**

May 22, 2015 – Walking tour of Sylva with Secretary of Cultural Resources and Governor  
June 4, 2015 Regular Board Meeting  
June 16, 2015 Work Session  
June 18, 2015 Regular Board Meeting  
July 9, 2015 Regular Board Meeting (Only meeting scheduled for July)

**(6) INFORMAL COMMENTS BY THE PUBLIC:**

**(a)** Bob Hooper of Cullowhee asked the Commissioners to look at the Cullowhee Planning Area in more detail. He does not think there is enough commercial area for growing the area in the future. One of his lots has storage buildings on it and it is listed as residential, but should be commercial.

**(b)** Jamie Wilson of Whittier stated he disagrees with the NCDOT process of obtaining right-of-ways.

**(c)** Marie Leatherwood of Sylva disagrees with past actions of the Board.

**(7) CONSENT AGENDA:**

**(a)** Darlene Fox, Finance Director presented the Finance Report for April, 2015, seven Budget Ordinance Amendments and one grant project ordinance for fiscal year ending June 30, 2015, for approval.

**(b)** Brandi Henson, Tax Collector presented Tax Collector and Refund Reports for April, 2015, for approval.

(c) Tony Elders, Permitting and Code Enforcement Director, reported that applications had been received for the following fireworks displays:

- Jackson County Chamber of Commerce in Downtown Sylva on July 4<sup>th</sup>
- Wade Hampton Golf Club in Cashiers on July 4<sup>th</sup>
- Mountaintop Golf Club in Cashiers on July 4<sup>th</sup>
- Lonesome Valley in Cashiers on July 4<sup>th</sup>
- The Village Green in Cashiers on July 4<sup>th</sup>
- Country Club of Sapphire Valley in Sapphire on July 5<sup>th</sup>

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

**(8) WORKFORCE INNOVATIONS AND OPPORTUNITY ACT CONSORTIUM**

**AGREEMENT:** Ryan Sherby, Executive Director, Southwestern Commission stated that the contiguous units of local government agree to establish a consortium pursuant to the provisions of NCGS Section 160A-464(1) to act jointly as a Workforce Investment Area under the Workforce Innovation and Opportunity Act (WIOA), Public Law 113-128 as enacted July 22, 2014. This consortium shall be known as the Southwestern Workforce Development Consortium. Mr. Sherby asked the Board to consider joining the agreement.

***Motion:*** *Commissioner Greene moved to have the county join the Workforce Innovations and Opportunity Act Consortium Agreement. Commissioner Elders seconded the Motion. Motion carried by unanimous vote.*

**(9) JUVENILE CRIME PREVENTION COUNCIL (JCPC):**

Brian Davis, JCPC Secretary stated the Department of Juvenile Justice allocates funds to counties on an annual basis. He presented selected programs, certification, membership list and proposed funding for FY2015-16 in the total amount of \$133,027. The selected programs are Project Challenge, Hawthorn Heights and COMPASS (COMPASS and Inside Out). The required local match is \$20,015.00.

***Motion:*** *Commissioner Deitz moved to approve the programs, certification, membership list and funding plan. Commissioner Greene seconded the Motion. Motion carried by unanimous vote.*

**(10) TRANSIT TITLE VI PROGRAM AUDIT:**

Chuck Norris, Transit Director stated the NCDOT Office of Equal Opportunity and Workforce Services (EOWS), External Civil Rights Section has the responsibility to conduct Title VI compliance reviews of transit systems to assure compliance with Title VI program requirements, as set forth in 49 Code of Federal Regulations 21 (CFR); 23 CFR 200; and FTA Circular 4702.1B. The purpose of a compliance review is to discuss a recipient's Title VI requirements, and determine if they are being implemented effectively. In keeping with the Federal guidelines above, NCDOT determined that a compliance review of Jackson County Transit (JCT) was necessary.

The objectives of this compliance review were to determine if deficiencies exist in the documentation of Title VI program requirements to determine if services, benefits, and activities are being provided without regard to race, color, national origin, sex, age, or disability, and to determine if the transit system evaluates the benefits and burdens of its decisions on traditionally underserved populations (e.g., low-income, children, minorities, the elderly, LEP, disabled). Thus, this review also sought to determine if the transit system's Title VI Program is current with changes in FTA's guidance on Title VI. Finally, this process will provide the transit system with opportunities to remedy any deficiencies through appropriate corrective action, technical assistance, and training.

The NCDOT Office of Equal Opportunity and Workforce Services External Civil Rights Section conducted a review/audit of the current Title VI Program Policy on January 29, 2015. There were 12 deficiencies found by the compliance assessment officer which required that they update their policy to address these issues.

The updated policy addresses all deficiencies found during the PTD review/audit and will be officially closed upon approval by the Board of Commissioners.

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

**(11) JUSTICE CENTER CAMERA SYSTEM:** Mr. Wooten stated for the past six months they have been working to implement the necessary steps for the single point of entry to the building. The last item on the list is a camera system. Cameras are currently set in various locations, but cannot cover the entire area. This is a request for a comprehensive camera system that will provide security for the exterior and at certain locations within the building. Total installed cost: \$95,050.00. Funds will come from contingency.

***Motion:*** *Commissioner Jones moved to approve the request. Commissioner Elders seconded the Motion. Motion carried by unanimous vote.*

**(12) PROPOSED BUDGET FY15-16:** Mr. Wooten stated that consistent with past budgets, the budget is balanced using a proposed tax of \$.28 per \$100 of property value. This tax rate has remained unchanged since July 1, 2008; however, with the upcoming implementation of revaluation in 2016 and the anticipated reduction in property values, the FY 16-17 tax rate will most likely require an upward adjustment to be revenue neutral. The FY 15-16 budget projects new property increases of \$104,153,959; however, most of the revenue from this increase in the tax base will be offset by anticipated legislation that will remove the opportunity to tax non-tribal members for business improvement and business personal property located on tribal lands. Overall, sales tax revenues are increasing and this budget includes a projected annual increase of 7%. Other revenues have been adjusted where appropriate.

**(a) Salary Increase:** The proposed budget includes a one-step increase for all full time employees, which equates to approximately 2%. They will continue to monitor and compare the salary structure against peer counties and the region to maintain a salary plan that is market competitive.

**(b) Longevity Pay:** In addition, a longevity plan structured after the Town of Sylva's plan and 2.5 days of bonus leave are also proposed.

**(c) Classifications:** There are several proposed position reclassifications based upon salary surveys within the region and comparably sized counties that is prepared by the Director of Human Resources.

**(d) Fringe Benefits:** The fringe benefit package will remain constant including the cost of health insurance.

**(e) New Positions:** Included in the proposed budget are 9.475 new FTE positions. The largest increase of new positions (3.20) is associated with the Sheriff's department and Justice Center security improvements and the implementation of a single point of entry. They have included partial positions at the Aging Center (.275) to expand the hours of operation at the Cashiers Senior Center, a .5 position in the Health Department to manage the community garden project, and a .5 social worker position at DSS to offset increase work demands. A new planner and a .5 administrative position are included in the Planning Department. Public Works will receive a new general utility worker to address increasing building maintenance needs and a .5 housekeeping position to assist with cleaning county facilities in Cashiers. The Green Energy Park will receive two .5 positions to assist with marketing and equipment maintenance. Finally, a county attorney position is included in the budget in the event the decision is made to change from a contract basis to a full time employment basis.

(f) **Public Schools:** The proposed budget addresses the current expense needs of the public schools. At the request of the School Board, a tentative allocation of \$700,000 for current expenses has been set aside in the budget to protect the elimination of first grade teacher assistants. Following the close of the fiscal year, the Commissioners and School Board will jointly evaluate the level of school fund balance to determine if the school fund balance is sufficient to partially or fully fund the teacher assistant positions. Either way, funds will be available to protect these positions from elimination. The schools have developed a five year capital plan and the funding request for year one of this plan totals \$4,288,038. The proposed county budget includes a tentative capital allocation of \$2,366,510. Since part of the proposed funding is from the school capital reserve fund balance, the final fund balance will not be known until the close of the fiscal year. The new appropriation and school capital reserve fund balance will be made available to the School Board who will establish the priorities for capital funding and allocate the funds accordingly. Overall, the FY 15-16 budget provides funding to increase public schools in the amount of \$2,150,510 or 27.8%.

(g) **Southwestern Community College (SCC):** SCC will receive current expenses in the amount of \$1,897,481 and capital outlay in amount of \$311,161, which reflects the amounts requested. This reflects an increase of \$215,565 (10.85%) over the FY 14-15 allocation. Since FY 10-11, the current expense budget for SCC has increased on an annual basis by \$521,137.

(h) **Fontana Regional Library:** Funding for the Fontana Regional Library is proposed at \$1,149,309. This is an increase of \$46,145 or 4.2%. In addition, during the FY 14-15 budget year, a special capital allocation (\$145,000) was provided by the Board to construct an addition to the Cashiers Library.

(i) **Non-Profits:** Most non-profit organizations allocations have not changed from their current allocation. Increases are proposed for ARF, CatMan, and Cashiers Humane Society to support their efforts in spay and neutering of the animals in their possession. The single largest increase is for the Good Samaritan program to fully fund the Nurse Case Management Program. New funding requests were received from Appalachian Women's Museum, Christmas Connection, and CURVE. The budget does not include funds for the operating costs of these entities; however, funds have been set aside to serve as the local match for grants they may receive.

(j) **Fire Departments, Rescue Squads, Ambulance Services:** Budgets for fire departments, rescue squads and for the Harris Hospital EMS has increased by 2% and the Glenville Cashiers EMS increased by 4%. Anticipating the implementation of a fire service tax in the Cashiers and Highlands Fire Districts the funds that have heretofore been appropriated to the Cashiers and Highlands Fire Departments have been set aside in a reserve account for future fire department building needs. Currently there are requests from both Savannah Fire Department and Cullowhee Fire Department for new buildings.

(k) **Capital Projects:** As has been the practice for the past four years, they will consolidate all capital requests into a single line and await the completion of the FY 14-15 audit before releasing funds for departmental capital needs. This will assure that the county fund balance has not been negatively impacted by the FY 14-15 operations. This budget also proposes a \$1,000,000 transfer into the capital reserve fund for future county capital building needs and \$500,000 into the conservation, preservation, recreation capital reserve fund for greenway and recreation projects. Finally, transfers are proposed to fund revaluation, economic development, Green Energy Park, and to provide a reasonable contingency for the unexpected, salary adjustments, and departmental capital outlay.

Mr. Wooten requested that the Commissioners set a public hearing for the proposed budget to allow for public comment.

**Motion:** *Commissioner Elders moved to set a public hearing on June 4<sup>th</sup> at 5:30 p.m. to be held at the Justice & Administration Building, Room A201, 401 Grindstaff Cove Road, Sylva, North Carolina. Commissioner Greene seconded the Motion. Motion carried by unanimous vote.*

**(13) CULLOWHEE PLANNING STANDARDS:** Scott Baker, Chair of the Cullowhee Community Planning Advisory Committee, stated the Committee has been working on this project for 2½ years and believes this is important for the community and the county. The Committee recommended adoption of development standards, with a development district map, for the Cullowhee community. The preparation of the development standards and map is authorized by Section 153A-342 of the North Carolina General Statutes.

Mr. Coward suggested amending Article III, Section 3-3 (b) to add (4) the following language:

*“Until such time as the Jackson County Board Commissioners appoints the initial members of the council, the Jackson County Board of Commissioners shall act as the Cullowhee Community Planning Council.”*

**Motion:** *Commissioner Greene moved to adopt the Cullowhee Planning Standards with the above-referenced amendment, effective immediately. Commissioner Jones seconded the Motion. Motion carried by unanimous vote.*

**(14) FIRE SERVICE DISTRICTS FOR CASHIERS-GLENVILLE AND HIGHLANDS:** Chairman McMahan stated that the Board had been through a series of published meetings, reviewed budgets, held a public hearing, received public comment and have the proposed maps on display.

Mr. Wooten stated that every resident of the districts have been notified by mail and received a copy of the map. The citizens have been made aware of what is proposed and the needs that exist.

**(15) RESOLUTION (R15-09) APPROVING THE ISSUANCE OF BONDS FOR WCU PROJECT:** A public hearing was held prior to the regular meeting with no public comments. The Bonds will not, directly, indirectly, or contingently obligate the County or the County Commissioners to levy any tax or make an appropriation for payment of the Bonds, and neither the faith and credit nor the taxing power of the County will be pledged to the payment of the Bonds.

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

**(16) RESOLUTION (R15-10) ESTABLISHING CASHIERS-GLENVILLE FIRE SERVICE DISTRICT:** This Resolution will establish the Cashiers-Glenville Fire Service District.

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

**(17) RESOLUTION (R15-11) ESTABLISHING HIGHLANDS FIRE SERVICE DISTRICT:** This Resolution will establish the Highlands Fire Service District.

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

**(18) ANIMAL SHELTER TASK FORCE:** Chairman McMahan stated the Board is forming a Task Force, which will be made up of 9 appointments, one member will be appointed by each Commissioner and five at-large appointments.

*Commissioner Jones recommended Sally Johannessen to serve; Commissioner Green recommended Bruce Ann Green; Commissioner Elders recommended Veronica Nicholas; Commissioner Deitz recommended Nikki Young; Chairman McMahan recommended Pat Thomas; and the At-Large appointments Commissioner Jones recommended David Stroud and Chris Tyson.*

***Motion:*** *Commissioner Greene moved to appoint the above recommended nominations to serve on the Animal Shelter Task Force. Elders seconded the Motion. Motion carried by unanimous vote.*

**(19) NEIGHBORS IN NEED:**

***Motion:*** *Commissioner Deitz moved to appoint Barbara Hamilton to serve on Neighbors in Need Board. Chairman McMahan seconded the Motion. Motion carried by unanimous vote.*

**(20) PRESS CONFERENCE:** None

**(21) CLOSED SESSION:**

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

Chairman McMahan called the regular meeting back to order and stated no action was taken in closed session.

There being no further business, Commissioner Elders moved to adjourn the meeting. Commissioner Greene seconded the Motion. Motion carried and the meeting adjourned at 8:11 p.m.

Attest:

Approved:

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Angela M. Winchester, Clerk to Board

\_\_\_\_\_  
Brian Thomas McMahan, Chairman