

**MINUTES OF A
REGULAR MEETING
OF THE JACKSON COUNTY
BOARD OF COMMISSIONERS
HELD ON
JUNE 04, 2015**

The Jackson County Board of Commissioners met in a Regular Session on June 04, 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
Angela M. Winchester, Clerk to Board
J. K. Coward, Jr., County Attorney

Chairman McMahan called the meeting to order.

(1) **AGENDA**: Chairman McMahan amended the agenda by adding the following items under New Business: Frank Allen Road, Fourth of July Celebration in Sylva and Cashiers Cell Tower Application. He also added Animal Shelter Task Force under Appointments. Commissioner Deitz moved to approve the Agenda as amended. Commissioner Jones seconded the Motion. Motion carried.

(2) **MINUTES**: Commissioner Elders moved to approve the minutes of a Work Session of May 19, 2015, a Public Hearing of May 21, 2015 and a Regular Meeting of May 21, 2015. Commissioner Greene seconded the Motion. Motion carried.

(3) **COMMISSIONER REPORTS**:

(a) Commissioner Deitz reported that he and the Chairman attended the Duke Energy opening event at the Lake Glenville beach area. He commented that it was a nice addition for the public in the county. He also met with Steve Troxler, NC Agriculture Commissioner, over the past week. There is a great economic benefit and value from agriculture in the state.

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

(a) **Unemployment Rates**: April 2015 unemployment rate for the county was 5.3%, which declined from the March 2015 rate of 6.3%. The April 2015 rate was 0.7% less than the April 2014 rate of 6.0%.

(b) **Building Permits**: During May, 12 new residential permits and one new commercial building permit were issued. To date, they have issued 49 new residential permits and 7 new commercial permits. This compares to 53 residential permits and 10 commercial permits for the same time period in 2014.

(c) **Planning Director**: The position was advertised on May 5th and they have received applicants for the position. He plans to meet with the search committee during the upcoming week and begin the screening process to identify the recommended finalists for interview.

(d) **Permitting and Code Enforcement Performance Audit:** A scope of work has been prepared and submitted to a recommended firm for review and consideration. This particular company has done a lot of work for towns and counties in North Carolina. He talked to one of the account managers this week and he advised they were finalizing their team and proposal and would submit by the first of next week. He hoped to have this proposal for Commissioners' review and consideration at the meeting on June 18th.

(e) **Cell Tower Application:** A cell tower application has been received and the review process has begun under the current cell tower ordinance. A consultant has been engaged to evaluate the technical aspect of the application and to confirm compliance with the ordinance. The Planning Board will review and discuss the application at their meeting next week and will make a recommendation to the Commissioners. The current cell tower ordinance requires that this permit be issued as a special use permit. A special use permit can only be issued after a quasi-judicial hearing by the Commissioners. If they move this process forward then they will most likely need to schedule another meeting to conduct this hearing, which would be followed by a public hearing. Tentatively, he and Chairman McMahan discussed the possibility of having this hearing on Thursday, June 25th in Cashiers since that is the community where the proposed tower would be located. This schedule is contingent on the approval by the Planning Board on June 11th. In anticipation of a quasi-judicial hearing, Mr. Coward will conduct a workshop to better prepare the Commissioners for this hearing.

(f) **June 16th Work Session:** There will be a full agenda for the work session and he suggests that the Board plan for a full day of activity beginning at 10:00 am.

(g) **SCC Building Evaluation:** After discussing the recent activities in Balsam building with Dr. Don Tomas, he invited representatives from Cort Architectural Services and SKA Consulting Engineers to visit SCC and to prepare a proposal for providing an independent evaluation of the damages and a corrective action plan for both the short term and the long term. Realizing that the county has primary responsibility for providing facilities on the community college campus, he felt it was in their best interest to have an independent evaluation.

(h) **FY 15-16 Budget for the ABC Board:** A copy of the proposed budget has been provided for information. The proposed budget includes a 6.5% growth in sales for the upcoming year with revenues and expenditures totaling \$4,198,647.

(i) **Upcoming Meetings:**

June 16, 2015 June Work Session

June 18, 2015 June Regular Meeting

June 25, 2015 Tentative Meeting / Public Hearing on Cell Tower Application, Cashiers Library

July 9, 2015 July Regular Meeting

(j) **Waterfall in Sylva City Limits:** Recently, they were made aware of a small waterfall on private property that is within the Sylva City Limits. This would be the only waterfall within an incorporated town in the United States. The owner has asked for help cleaning up the site from the county and town, to make the waterfall more visible. They will do further research on the matter.

(5) INFORMAL COMMENTS BY PUBLIC:

(a) Marie Leatherwood of Sylva stated her disapproval of past and present board actions.

(b) Donna Dupree of Balsam asked that since an audit is being done on the Code Enforcement and Permitting Office, would audits be performed on other county departments and are there any plans to do employee reviews? Chairman McMahan stated there were no plans at this time to do either.

(c) Dick Darnell of Cashiers stated there is an alternative solution to Cashiers' sewer issues, called Flow Form.

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

- Friends of Lake Glenville on July 3rd
- Cedar Creek Racquet Club on July 3rd
- Camp Merriewood on July 4th
- Bear Lake Reserve on July 4th
- Chattooga Club on July 4th
- WCU Athletics Department on September 5th

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

(7) **APPALACHIAN LANDSLIDE CONSULTANTS**: Jennifer Bauer, L.G., Principal Geologist, presented:

- (a) Purpose of Landslide Mapping:
 - Better understand the impacts landslides have or may have on the county
 - Provide a tool to help make informed decisions and protect life and property
 - Indicate where a site specific evaluation is warranted
- (b) Landslide Info:
 - Debris flow – natural slope
 - Long Branch Road, Maggie Valley, January, 2013
- (c) Debris flow – modified slope
 - Mountain Heritage, Jackson County, January, 2013
- (d) Debris slide – modified slope
 - Dandelion Drive, Jackson County, July, 2013
- (e) Debris slide – modified slope
 - Example of working with the county
- (f) Landslides in Jackson County
 - 202 landslides in the ALC and NCGS database in the county
 - 142 on modified slopes (70%)
 - 55 on natural, unmodified slopes (30%)
 - 126 field verified by ALC or NCGS
- (g) Landslide mapping:
 - Landslide inventory: Example: Wayehutta Creek Watershed:
 - 37 landslides
 - 10 subsidence locations
 - 116 landslide deposits
- (h) Education and outreach:
 - Helping protect your family and community from landslides
 - Safeguarding the local economy and water quality
- (i) Landslide Susceptibility Maps:
 - Jonathan and Richland Creek Watersheds, Haywood County
- (j) Deliverables:
 - Complete the landslide inventory for entire county
 - Susceptibility maps for entire county
 - User's guide
 - Educational brochure for the public
 - Participation in stakeholders and project partners meetings
 - Work with project partners on online map distribution
 - Workshops for end users (real estate industry, other user groups)

(k) Estimate:

- All deliverables - \$143,000
- June, 2014 estimate was \$158,000
- Inventory – 1 year
- Susceptibility maps and educational component – 6 months

(l) Landslide map benefits:

- Identify past, current or impending landslide sites that can be remediated
- Identify landslide prone areas that need extra care during development
- Increase citizen awareness of the potential landslide hazards and their role in planning for and avoiding these hazards
- Use information during heavy rain events to ID areas where EM may want to be on higher alert for landslides

(m) Cost vs Benefit:

- Estimated \$143K to finish the county
- The average WNC house costs \$165,000 (HCBOR May, 2015); saving one house could pay for the entire landslide map series for the county
- 400 cubic yards of sediment from typical embankment failure > 20 dump truck loads, repair can cost from \$50-\$100k – these can be prevented

(n) Purpose of landslide mapping:

- Better understand the impacts landslides have or may have on the county
- Provide a tool to help make informed decisions and protect life and property
- Indicate where a site specific evaluation is warranted

No action required.

(8) AUDIT CONTRACT: Darlene Fox, Finance Director, stated Dixon Hughes Goodman, LLC, submitted a contract for the audit period beginning July 1, 2014 and ending June 30, 2015. The audit fee is \$76,000 for preparation of financial statements and does not reflect an increase from last year.

Motion: *Commissioner Greene moved to approve the contract. Commissioner Deitz seconded the Motion. Motion carried by unanimous vote.*

(9) TRANSIT SYSTEM SAFETY PROGRAM PLAN (SSPP): Chuck Norris, Transit Director, presented the North Carolina Department of Transportation/Public Transportation Division (NCDOT/PTD) is the designated agency to receive and disburse state and federal public transportation funds to all eligible sub recipients. To insure compliance with federal and state requirements (Map-21, FTA Circular 5010.1D Grant Management Requirements; 49 CFR 18.32(d) (4); and the NCDOT/PTD State Management Plan), the division monitors local project activity, including system safety and security on a routine basis. The audit format follows the Federal Transit Administration (FTA) Triennial Review process and examines the grantees performance and adherence to current federal and state guidance.

The NCDOT Public Transportation Division conducted a System Safety Program Plan review/audit of the Jackson County Transit System on March 17, 2015. The Safety and Security Specialist inspected the following records during the audit:

- General Section
- Driver/Employee Selection
- Driver/Employee Training
- Safety Data Acquisition Analysis
- Vehicle Maintenance
- Security

At the conclusion of the audit/review there were six deficiencies identified and a Corrective Action Plan was implemented.

They have now corrected all deficiencies identified during the audit/review. The NCDOT/PTD Safety and Security Specialist has reviewed the completed corrective action plan and has agreed that the compliance review/audit will be officially closed upon approval by the Board of Commissioners.

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

(10) REVISED BYLAWS OF THE PUBLIC LIBRARY BOARD OF TRUSTEES:

Tracy Fitzmaurice, Librarian, presented the revised Bylaws of the Public Library Board of Trustees. The main difference is the Board has agreed to change the term limit from four years to two years. Other additions are mainly clarifications and additions to include the Fontana Regional Library (FRL) Mission Statement and library locations. The three counties in FRL have all updated their Bylaws to improve consistency across the region.

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

(11) AMENDMENT TO CASHIERS COMMERCIAL AREA DEVELOPMENT ORDINANCE:

A public hearing was held on June 4th, at 5:50 p.m. John Jeleniewski of the Planning Department presented proposed amendments to the Cashiers Commercial Area Development. No public comments were made.

Motion: *Commissioner Jones moved to adopt the Cashiers Commercial Area Development Ordinance Amendment. Commissioner Greene seconded the Motion. Motion carried by unanimous vote.*

(12) DREXEL BUILDING ASSESSMENT: Odell Thompson, Architect stated that per the request of former Planning Director Gerald Green, Owen Rothberg, structural engineer, and he visited the 1960 Drexel Building in Whittier to assess the condition of the building and the adjacent water tower for reuse by the county. In his discussions with Mr. Green, it was decided that the structural conditions of the building and the water tower were the most important components of this assessment given that almost all of the electrical system has been stolen and damaged by vandals, and the visible components of the plumbing system have been stolen or damaged by vandals. In our opinion, the most costly potential modifications would be the structural modifications that might be required to make this building safe for future, different uses. This assessment is not intended to define a precise scope of remedial work, because they do not know yet how the building will actually be used. Different uses may require different degrees of modifications. A building of this size (over 82,000 SF) is bound to have a variety of different, new uses. He summarized his assessment of the architectural aspects of the building:

(a) Physical Features:

- Exterior Walls: The exterior walls are mostly 12” thick brick walls which surround the entire building except for the metal siding on the extreme northwest end of the structure at the kiln area. Most of these walls are not supporting roof loads, but are merely providing the weather resisting exterior envelope to the structure. They do not have thermal insulation. They are in surprisingly good condition with only a few instances of cracking and a few holes which were cut through the brick to route pipes or other utilities. There are many locations where vines have begun to grow on the walls and up to the roof. This plant life must be removed to protect the building from deterioration. Similarly, there are locations where downspouts have disappeared, and the water has been directed onto the brick walls which are showing signs of rust (from the roofing). The downspouts should be replaced to keep the collected water away from the brick walls.
- Doors in Exterior Walls: Most of the hinged man doors in the exterior brick walls are functional, and could be re-used. Most of the overhead doors and large rolling doors are damaged beyond repair and will need to be replaced or abandoned depending on the future use of the building.

- Slab: The concrete slab is in excellent condition. It was poured originally in 40 foot sections, and these sections show minimal signs of cracking that one might expect in a 4" thick concrete slab. It is a testament to the quality of the original concrete material and the workmanship of the installers.
- Ceiling: The roof/ceiling is a typical metal building roof with metal building roofing insulation. In the main factory spaces, there is no finished ceiling below the exposed structure. In the bumped-out office wing on the north side of the building, there is a suspended acoustical ceiling, but it is damaged beyond reuse.
- Roof: The majority of the structure is roofed with a metal roof that appears to be original to the building (55 years old now). The roofing panels are intact but show considerable signs of rust, and in numerous locations throughout the building, have leaked and will continue to leak. The roof over the office bump out is in particularly poor condition and should be replaced if any use is planned for the space below. The roof over the northern end of the building is newer, and is probably worth keeping. As the rusting roofing has outlived its 50 year life expectancy, should the county decide to reuse this building, he recommended replacing the roofing wherever new interior space must be kept dry. At about \$10 per square foot to replace the roofing, the cost to replace the 75,000+/- SF of rusted roof could approach \$750,000. As a note, if the county has any intentions of installing solar panels on this huge roof, the old roofing should be replaced with new roofing first.
- Gutters and downspouts: The original gutters exist along each of the long sides of the structure, but many of the downspouts are missing. Evidence of rust on the exterior brick walls highlights where the downspouts are missing. The condition of the gutters is expected to be consistent with the roofing, and should most likely be replaced if/when the roof is replaced. The original 4" downspouts were spaced at about 40 feet on center. This is not adequate for the potential 100 year rain events, and he recommended increasing the size and/or number of downspouts to handle the heaviest rain events. Each downspout will need to be routed in pipes to a lower part of the site away from the structure.
- Electrical System: Most of the copper wiring has been removed from the structure by vandals, so from a practical standpoint, a completely new electrical distribution system will be required. Unknown damage at the panels would necessitate new electrical panels and subpanels throughout. Per the Master plan prepared by Altamont Environmental, any new electrical system should be installed with the flood level in mind so that when the building floods, the electrical system is above the flood water. Numerous mercury vapor lights are still in place in the main volume of the building. They could be evaluated for reuse if/when the building is remodeled; however, to comply with the current energy code, alternate lighting would be recommended.
- Mechanical Systems: Radiant space heaters were used in the factory area, and a small split system appears to have been installed for the office space. The condition of the unit is unknown due to lack of electricity, but if/when this building is remodeled, it can be evaluated for reuse.
- Plumbing: There are several single toilet restrooms within the factory space, but each is elevated several steps up to provide for the slope of the drain lines which appear to be above the original concrete slab. The fixtures have been vandalized and are not suitable for re-use. The restrooms in the office space may be re-used, but will need to be modified by replacing fixtures and adding more fixtures to provide for accessibility and for the greater number of occupants, and thus fixtures, proposed in the master plan.
- Fire Suppression: There is an existing fire suppression system that is connected to the water tower at the east end of the building. The condition of the pipes and sprinkler heads is unknown as the water tower is empty and the pipes have been dry for some time. If/when the building is remodeled, the condition of the pipes and heads should be verified. Depending on the future uses and space layouts, the sprinkler head locations will need to be modified anyway to comply with the current NFPA requirements.

(b) Building Code Considerations: As this is an existing building, they may utilize the North Carolina Rehabilitation Code which allows for reusing structures that were built under previous codes that might not meet all of the requirements contained in the current building code. In this case, the Drexel building contains over 82,000 SF of interior space- much of it contiguous and non-separated. It was built as a factory which would be classified under today's code as an F-1 Occupancy. Per the master plan, the future potential uses include:

- Main Entrance/ Offices
- Market Space
- Event Space
- Classroom/ Educations Space
- Storage Space

(c) Summary: From their evaluations, the building is in surprisingly good condition for its age and level of maintenance. Depending on the intended use of the structure, the structural frames will need to be reinforced at the eaves and at the base plates. The roof will need to be replaced. The gutters and downspouts will need to be replaced. The electrical system will need to be replaced with a new, flood proof system. Much of the plumbing will need to be re-done and augmented. A new HVAC system will need to be designed and installed to serve any spaces requiring conditioned air. The fire suppression system will most likely need to be updated, repaired, and/or replaced. Accessible routes will need to be provided into and throughout the building. Any of these upgrades and modifications must be considered with knowledge that this building is not only in the floodplain, but it is in the flood way. When the levee fails in the future, this building will be in the flow path of the river, and it will sustain damage from the force of flowing water and water borne debris. Whatever work is done to this building should be done with that in mind. If they anticipate the worst, and design the proposed systems and structure to survive the worst, then the repairs after the event will be minimized.

No action required.

(13) DREXEL – CATTLE LOAD-OUT EQUIPMENT PROJECT: Rob Hawk, Cooperative Extension Director stated that the TVA Ag and Forestry Fund Agreement Committee approved a grant in the amount of \$22,500 for the Cattle Load-Out Equipment Project for SMADS. If the project is moved to another site, they will need to go through a formal process with the TVA Ag Grant and ask for that request. This would need to be done by the end of June.

Consensus: *Commissioners will discuss the Drexel Building Assessment and other possible sites where the Cattle Load-Out Facility could be located at their next work session.*

(14) NACO ANNUAL CONFERENCE VOTING DELEGATE: Chairman McMahan stated the NACo 80th Annual Conference will be held on July 10-13 in Mecklenburg County.

Motion: *Commissioner Jones moved to appoint Chairman McMahan as Voting Delegate at the NACO Conference. Commissioner Deitz seconded the Motion. Motion carried by unanimous vote.*

(15) FRANK ALLEN ROAD: Chairman McMahan stated he recently spoke at the annual Cashiers Chamber Legislative Meeting. One of the discussion items was the persistent flooding problem of Frank Allen Road. When there is a heavy rain event, the road is flooded creating a hazardous situation. This road is the main entrance to the library, recreation center and the post office. A previous Board passed a resolution asking the NCDOT to look into this matter and resolve the issue.

Chairman McMahan directed the County Manager to begin working with NCDOT on this matter to work towards a solution and look at organizing a meeting in Cashiers in the fall to discuss moving forward.

(16) FOURTH OF JULY CELEBRATION IN SYLVA: Commissioner Deitz stated he believes the Fourth of July Celebration and fireworks in downtown Sylva are very important to the citizens of the county, to reflect on what the day means and also he believes it is important economically.

Motion: Commissioner Deitz moved to appropriate \$5,000 from the Commissioners' Community Fund for the Fourth of July Celebration. Commissioner Elders seconded the Motion. Motion carried by unanimous vote.

(17) CASHIERS CELL TOWER APPLICATION: Mr. Coward stated that a cell tower application has been made pursuant to an ordinance that was passed in 2008. The ordinance requires that the Board of Commissioners sit as a quasi-judicial authority. The process has begun and is as follows:

(a) Application has been made.
(b) A consultant has been hired.
(c) The Board of Commissioners will need to set a date and advertise the quasi-judicial hearing and the public hearing.

(d) The matter will go before the Planning Board on June 11th.
(e) The recommendation of the Planning Board will be sent to the Board of Commissioners.
(f) A quasi-judicial hearing will be held, wherein a public hearing will be held.
(g) The Board of Commissioners will publicly render a decision at the end of the quasi-judicial hearing.

Motion: Commissioner Greene moved to advertise a quasi-judicial hearing and a public hearing on June 25th at 6:00 p.m. to be held at the Cashiers Library, Cashiers, North Carolina. Commissioner Jones seconded the Motion. Motion carried by unanimous vote.

(18) ABC BOARD CHAIR:

Motion: Commissioner Greene moved to reappoint David Noland to serve a one year term (expiring 06-30-2016) as the Chair of the ABC Board. Commissioner Elders seconded the Motion. Motion carried by unanimous vote.

(19) ABC BOARD:

Motion: Commissioner Jones moved to reappoint Tom Albert to serve a three year term (expiring 06-30-2018) on the ABC Board. Commissioner Elders seconded the Motion. Motion carried by unanimous vote.

(20) AGRICULTURAL ADVISORY BOARD:

Motion: Commissioner Deitz moved to reappoint John Brown, Kent Cochran and Chet Stephens to serve three year terms (expiring 06-30-2018) on the Agricultural Advisory Board. Commissioner Greene seconded the Motion. Motion carried by unanimous vote.

(21) BUSINESS AND INDUSTRY ADVISORY COMMITTEE:

Motion: Commissioner Elders moved to appoint Tiffany Henry to fill the unexpired term of Don Tomas (expiring 04-15-2016) on the Business and Industry Advisory Committee. Commissioner Jones seconded the Motion. Motion carried by unanimous vote.

(22) ANIMAL SHELTER TASK FORCE:

Motion: Commissioner Greene moved to appoint a representative from the Sylva Animal Hospital and Mary Adams to serve on the Animal Shelter Task Force. Commissioner Jones seconded the Motion. Motion carried by unanimous vote.

(23) PRESS CONFERENCE: None

There being no further business, Commissioner Elders moved to adjourn the meeting. Commissioner Greene seconded the Motion. Motion carried and the meeting adjourned at 7:57 p.m.

Attest:

Approved:

Angela M. Winchester, Clerk to Board

Brian Thomas McMahan, Chairman