

**MINUTES OF A
WORK SESSION
OF THE JACKSON COUNTY
BOARD OF COMMISSIONERS
HELD ON
JUNE 16, 2015**

The Jackson County Board of Commissioners met in a Work Session on June 16, 2015, 10:00 am, Justice & Administration Building, Room A227, 401 Grindstaff Cove Road, Sylva, North Carolina.

Present: Brian McMahan, Chairman	Chuck Wooten, County Manager
Mark Jones, Vice Chair	Angela M. Winchester, Clerk to Board
Charles Elders, Commissioner	J. K. Coward, Jr., County Attorney
Vicki Greene, Commissioner	
Boyce Deitz, Commissioner	

Chairman McMahan called the meeting to order.

(1) **EMPLOYEE RECOGNITION:** Mr. Wooten recognized the following employee for his years of service and retirement effective July 1, 2015:

Arthur Morgan	9 Years of Service	Department on Aging
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(2) **SOLARIZE WNC:** Katie Bray, Clean Energy for US Program Director and Avram Friedman, Canary Coalition Local Director stated:

Solarize WNC is a local program that makes it easy and affordable to adopt solar power in Western North Carolina. They help homeowners, businesses, nonprofit organizations and local governments go solar and reduce their energy consumption through efficiency upgrades. They have organized group-purchasing to lower the cost of solar power by 10-20% and negotiated free energy audits to help owners identify and solve comfort, efficiency and air quality issues in their site. The companies that they work with were carefully selected through a competitive bidding process that was open to 64 solar installers and building performance contractors in the state. Combined, their grassroots efforts have resulted in 400+ solar installations; 85 energy retrofits; and almost 3 MW of new solar capacity added in the state.

Municipal buildings can generate thousands of megawatts of solar power and save thousands of dollars for cities. According to a recent study by the Institute for Local Self-Reliance, cities that move into municipal solar save money. New Bedford, MA, for example, installed 16 MW of solar and is already saving \$6-7 mil a year on electricity. Lancaster, CA, a city of 159,000, is saving about \$450,000 a year. Solar is a good deal for cities because they have access to capital at a low interest rate and an abundance of useable roof space.

(3) **PROPOSED CELL TOWER ORDINANCE:** John Jeleniewski, Planning Department; Sara Thompson, Chairman of the Planning Board; and Clark Lipkin, Planning Board Member, presented the Draft Cellular Telecommunications Ordinance, which was approved by the Planning Board on December 11, 2014. The purpose of this Wireless Telecommunications Ordinance is to:

- Provide for the public health, safety and welfare by ensuring that residents, businesses and public safety operations in Jackson County have reliable access to wireless telecommunications networks and state of the art mobile broadband communications services while also ensuring the protection of Jackson County's communities, residents, and natural resources;

- Encourage co-location of telecommunications facilities on existing towers;
- Encourage the use of existing buildings and structures as locations for telecommunications facilities; and
- Establish a fair and efficient process for review and approval of applications.

To accomplish the above stated objectives and to ensure that the placement, construction or modification of wireless telecommunications facilities complies with all applicable federal laws, including without limitation Section 6409 of the federal Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. No. 112-96, and to assure compliance with applicable state laws, including Session Law 2013-185, Jackson County adopts this wireless telecommunications ordinance. By enacting this Ordinance, it is Jackson County’s intent to ensure the county has sufficient wireless infrastructure to support public safety communications throughout the county and to ensure access to reliable wireless communications services throughout all areas of the county while protecting communities, residents, and natural resources.

County Attorney, Commissioners and County Manager requested the following revisions be made to the draft ordinance:

- *Remove the Board of Commissioners and delegate the duty of the cell tower permitting process entirely to the Planning Board.*
- *Add that a public hearing is required to be held during the quasi-judicial hearing.*
- *Change Section V.B.3.e to V.B.4 to read “...is not visible from ~~or~~ and within two...”*
- *Switch Section V.A.1. “e” and “f”.*

Consensus: *Planning Board to incorporate the above changes and Commissioners will set a date for a public hearing at the next regular meeting.*

(4) PROPOSED AMENDMENTS TO THE MOUNTAIN AND HILLSIDE DEVELOPMENT ORDINANCE: John Jeleniewski, Planning Department; Sara Thompson, Chairman of the Planning Board; and Clark Lipkin, Planning Board Member; presented the proposed revisions to the Mountain and Hillside Development Ordinance:

Sec 6. - Establishment of the Mountain and Hillside Development District.

The Mountain and Hillside Development District is hereby established, the boundaries and extent of which are depicted on the map entitled “Mountain and Hillside Development District Map” (herein referred to as the District Map), which is hereby adopted as if fully set forth in this ordinance. Said map shall be attached to the County Clerk’s copy of this ordinance upon adoption and shall be available for public inspection in the office of the ~~director~~ Jackson County Planning Department. The District Map identifies all those areas with a slope of 35% or more and is to be used to identify properties on which further analysis is required.

12.6 Erosion and Sedimentation Control Plan

A formal erosion and sedimentation plan shall be submitted for all land disturbing activities involving the disturbance of more than 2,000 square feet on property with an average slope of 35% or more. Such plan shall be reviewed and approved by Jackson County prior to any land disturbing activity.

14.6 Density limits.

Development on lands that are subject to this Ordinance shall meet the density requirements shown in the table below.

Average Slope of Land to Be Developed or Subdivided	Minimum Lot Size (in acres)	Maximum Density (lots per acre)
30-34%	2	.5
35-39%	2½	.4
40-44%	5	.2
45% or more	10	.1

<u>Slope %</u>	<u>Maximum Density Units Per Acre</u>	<u>Minimum Lot in Acres</u>
<u>35</u>	<u>0.500</u>	<u>2.0</u>
<u>36</u>	<u>0.446</u>	<u>2.24</u>
<u>37</u>	<u>0.398</u>	<u>2.51</u>
<u>38</u>	<u>0.356</u>	<u>2.81</u>
<u>39</u>	<u>0.318</u>	<u>3.15</u>
<u>40</u>	<u>0.284</u>	<u>3.52</u>
<u>41</u>	<u>0.253</u>	<u>3.95</u>
<u>42</u>	<u>0.226</u>	<u>4.42</u>
<u>43</u>	<u>0.202</u>	<u>4.95</u>
<u>44</u>	<u>0.180</u>	<u>5.55</u>
<u>45</u>	<u>0.161</u>	<u>6.21</u>
<u>46</u>	<u>0.144</u>	<u>6.96</u>
<u>47</u>	<u>0.128</u>	<u>7.79</u>
<u>48</u>	<u>0.115</u>	<u>8.73</u>
<u>49</u>	<u>0.102</u>	<u>9.77</u>
<u>50 and above</u>	<u>0.100</u>	<u>10.0</u>

NOTE: Minimum lot size may also be expressed in terms of dwelling units per acre. Thus, a two-acre minimum lot size would result in a maximum density of one dwelling per two acres (or one-half dwelling per acre), a two-and-a-half-acre minimum lot size would result in a maximum density of one dwelling per two-and-a-half acres (or four-tenths of a lot per acre), and so forth. This table shall not be construed to impair the clustering of dwellings and lots so long as maximum density is not exceeded.

~~14.7.4. Land slopes shall be calculated based on both (a) the downstream drainage slope from the highest, most remote point within delineated area, and (b) the upstream drainage slope from the lowest, most remote point within the delineated area in accordance with the following requirements:~~

~~14.7.4.1. Land slope based on the highest, most remote point shall be calculated by determining the maximum horizontal length of drainage travel (D) from the highest, most remote point (Elevation H1) within the delineated area in a downslope, drainage direction and perpendicular to topographic contours for the greatest distance to the lowest point (Elevation H2) at which drainage would exit the delineated area. Slope based on the highest, most remote point shall be calculated using the following formula:~~

~~Sa = ((H1 - H2)/D)(100)~~

~~Where:~~

~~Sa = slope expressed as a percentage~~

~~H1 = elevation of highest, most remote point~~

~~H2 = elevation of the lowest point drainage point below H1~~

D = is the maximum length of drainage travel between points H1 and H2 expressed as a horizontal measurement (D is not necessarily a straight line distance)

~~14.7.4.2. Land slope based on the lowest, most remote point shall be calculated by determining the maximum horizontal length of drainage travel (D) from the lowest, most remote point (Elevation L2) within the delineated area in an upslope direction and perpendicular to topographic contours for the greatest distance to the highest point (Elevation L1) at which location drainage to point L2 would begin within the delineated area. Slope based on the lowest, most remote point shall be calculated using the following formula:~~

$$S_b = ((L_1 - L_2) / D) (100)$$

Where:

S_b = slope expressed as a percentage

L₁ = elevation of highest point above drainage point L₂

L₂ = elevation of the lowest, most remote point

D = is the maximum length of drainage travel between points L₁ and L₂ expressed as a horizontal measurement (D is not necessarily a straight line distance)

~~Average slope shall be a weighted average of S_a or S_b based on ratio of drainage travel lengths rounded off to the nearest one percent.~~

14.7.4. The formula for conducting a slope analysis of the property shall be:

$$S = .0023(I)(L)$$

A

Where:

S = Existing grade of parcel in percent

I = Contour interval of map in feet, with said contour intervals to be five feet or less

L = Total length of the contour lines within the parcel in feet

A = Area of the parcel in acres

0.0023 = Product of two constants, one of which converts feet into acres and one of which converts a decimal fraction into a percentage

Once "S" is calculated, it shall be rounded to the nearest whole number.

14.7.5. The Planning Board may, at its discretion, approve other methods for conducting a slope analysis of property subject to this ordinance.

14.7.6. A slope analysis conducted by an NC Professional Land Surveyor, a NC Professional Engineer, or a NC Professional Landscape Architect may be provided in cases where the applicant/property owner does not agree with the slope analysis conducted by Jackson County staff. The alternate slope analysis shall be approved by the Jackson County Planning Board.

Sec. 19. - Submission and Review of Applications.

Upon the filing of a request for approval of a subdivision, land-disturbing activity, development, or building permit, the following procedures shall be required and followed to determine whether the proposed action is governed by provisions of this Ordinance and whether a permit pursuant to this Ordinance is required for a lot, parcel, part of lot, or part of a parcel. The application shall be reviewed by the Planning Director. Applications for development authorization that are required by the regulations of Jackson County to obtain approval of the Jackson County Board of Commissioners or Planning Board, if any, shall be referred to the appropriate board ~~planning commission and/or Board, as the case may be~~. Applications which do not require review and approval by the Board of Commissioners or Planning Board shall be administratively processed by the Planning Director. Development projects to which the provisions of this ordinance are applicable are subject to various review and approval procedures, depending on the project. Development of a single lot subject to the provisions of this ordinance, whether for residential or non-residential purposes, must be evaluated for compliance with this ordinance and approved by the Planning Director.

Minor subdivisions are subject to review and approval by the planning director while major subdivisions are subject to review and approval by the Planning Board. Development projects proposed for one of the zoned areas of the county are subject to the review requirements established by the ordinance for that area and must comply with the procedures set forth in that ordinance. In all cases, the development plans shall be reviewed for compliance with the provisions of this ordinance. The review processes are summarized below.

19.1 Subdivision Review

Tracts of land proposed for subdivision into two (2) or more parcels or lots shall undergo a slope analysis by the planning department as set forth in Section 17.4 of this ordinance to determine the applicability of this ordinance to the subdivision. Tracts with a slope of 35% or more shall be reviewed for compliance with the provisions of this ordinance.

19.1.A. Minor Subdivisions

Subdivisions of tracts of land meeting the definition of minor subdivision as defined in the Jackson County Subdivision Ordinance shall be reviewed by the Planning Department to assure compliance with this ordinance. This review shall be conducted concurrently with the review required by the Jackson County Subdivision Ordinance. Appeals of the decision of the planning director regarding compliance with the standards of this ordinance shall be heard by the Planning Board provided the appeal is filed with the Planning Department within 30 days of the receipt of the decision.

19.1.B. Major Subdivisions

Subdivisions of tracts of land meeting the definition of major subdivisions as defined in the Jackson County Subdivision Ordinance shall be reviewed by the Planning Board to assure compliance with this ordinance. This review shall be conducted concurrently with the review required by the Jackson County Subdivision Ordinance. Appeals of the decision of the planning director regarding compliance with the standards of this ordinance shall be heard by the Planning Board provided the appeal is filed with the Planning Department within 30 days of the receipt of the decision.

19.1.C. All Other Development Plans

Plans for all other development of property subject to the provisions of this ordinance shall be reviewed by the planning director for compliance with this ordinance as set forth in Section 20 of this ordinance. Upon a finding that the development plan complies with this ordinance, the applicant shall be issued a letter of approval. Plans that do not meet the standards of this ordinance shall be denied as provided in Section 21 of this ordinance. Appeals of the decision of the planning director with regard to the administration of this ordinance shall be filed as set forth in Section 23 of this ordinance.

Sec. 20. - Criteria for Approval of Applications.

No land-disturbing activity, development, building, structure, road, driveway, or other development related activity which requires a permit under the terms of this ordinance or other ordinance of Jackson County shall be permitted unless the Board of Commissioners, planning director or planning board, whichever has final authority over said application, has determined that the project as designed and sited meets all of the requirements of this ordinance and substantially conforms to the best management practices set forth in this ordinance.

Sec. 21. - Action on Application.

An application that meets the requirements of this ordinance shall be approved by the Board of Commissioners, planning board, or planning director who shall be authorized to place conditions on the land disturbing activity, development, building, structure, use, or other development-related activity to ensure that the minimum requirements and the purposes and intentions of this ordinance are met. Applications that do not meet the standards contained in Section 20, above, shall be denied in writing, stating therein the reasons for denial.

Sec. 22. - Variances.

The purpose of a variance is to provide relief when a strict application of this ordinance would impose practical difficulties or unnecessary hardships on the applicant. Owners of approved lots of record at the time of this regulation shall be given every assistance and consideration to overcome problems in the application and construction of personal single family *dwelling*s. Requests for variances shall be heard by the Planning Board, which is hereby designated as the board to consider such requests.

22.1 Standards.

A variance from the requirements of this ordinance may be granted by the ~~Board of Adjustment~~ Planning Board if it finds the following:

Chairman McMahan stated the Board will call for a public hearing date to be set at a regular meeting in August.

(5) PROPOSED REVOLVING LOAN PROCEDURES: Rich Price, Economic Director, presented the Revolving Loan Program. The Board of Commissioners establishes a Revolving Loan Fund (RLF) by virtue of General Statute 153A-376, which specifically authorizes counties to undertake community development activities, including programs concerned with employment and economic development. The County adopted a resolution authorizing this program on May 20, 1993.

The purposes of the Revolving Loan Fund program are:

- The creation of new job opportunities and the retention of existing jobs within the county's planning jurisdiction, with emphasis on persons of low to moderate income (LMI);
- To further new business development and/or existing business expansion within the planning jurisdiction of the county, with an emphasis on small business development, the retention of existing jobs, and support for place-based and high-growth industries; and
- To enable private business development to occur within the county's planning jurisdiction that would not occur without loan assistance from the Revolving Loan Fund.

The Revolving Loan Fund program works in alignment with other community and economic development programs of the Office of Economic Development and the Board of Commissioners. Revolving Loan funds shall be administered in accordance with all applicable State and Federal guidelines.

The document in its entirety has been reviewed and unanimously approved by the Business and Industry Advisory Committee.

Chairman McMahan stated the Board will call for a public hearing date to be set at the next regular meeting.

(6) COMMUNITIES IN SCHOOLS (CIS): Melissa Barker, Program Director and Margaret McCrae, CISGSM Board of Directors Member, presented:

(a) Mission of CIS is to surround students with a community of support, empowering them to stay in school and achieve in life.

(b) CIS five basics:

- Every child deserves a one-on-one relationship with a caring adult.
- Every child deserves a safe place to learn and grow.
- Every child deserves a marketable skill to use upon graduation.
- Every child deserves a chance to give back.
- Every child deserves a healthy start and a healthy future.

(c) As a network:

- In existence over 30 years
- In 28 states and D.C.
- 96% students free/reduced price meals
- Nearly 50,000 volunteers
- Strong positive independent evaluation
- National policy lead in integrated student services

- (d) Role of the State Office:**
 - Relevant support to CIS Network
 - Expansion to serve additional students
 - Brand awareness across the state
 - Comprehensive resource development
- (e) CIS of NC:**
 - Founded in 1989
 - 37 operational affiliates
 - Serving 44 counties
- (f) CISGSM was founded in 2010 and serves Jackson, Swain, Macon, Haywood, Graham and Cherokee Counties and Cherokee Central Schools.**
- (g) CISGSM Quick Facts:**
 - Youth receiving services: 29,698
 - Percentage of potential dropouts staying in school: 94.4%
 - Promoted: 79.6%
 - Improved behavior: 85.7%
 - Improved academic achievement: 85%
 - Improved attendance: 70.5%
 - Parents served: 12,390
 - In-kind donations: \$353,000
- (h) History of CISGSM in Blue Ridge School**
 - Introduced in 2012
 - School appointed reposition staff
 - 2014- Site Coordinator hired
 - Site Coordinator completed CIS Certification program
 - Developed a Site Team
- (i) The six resiliency skills:**
 - Goal setting / valuing education
 - Academic confidence
 - Connectedness
 - Stress management
 - Health and well being
 - Intrinsic motivation
- (j) Programs and services:**
 - Charting for Success
 - Plugging in Program
 - Health and Well Being
 - The Savvy Parent's Guide to Public Schools
 - Academic Tutors
 - Manna Packs
 - Clothing Closet
 - School Supply Closet
 - Mix It-Up Cultural Diversity Day
 - Attend Today, Achieve Tomorrow Attendance Challenge
 - Strengthening Families Program
 - Anti-Bullying Program
 - Career Program

(7) BENCHMARK PLANNING PERFORMANCE AUDIT PROPOSAL: David Nicholson, Outreach Associate NC Association of County Commissioners, stated that he had reviewed a proposal received from Benchmark Planning to perform an audit of the Planning, Permitting and Code Enforcement operations that will include recommendations on the overall organization of both offices.

Benchmark has a long history of success, providing assistance to well over 400 communities throughout the United States. They bring significant experience managing large planning and code enforcement departments and would bring that expertise to this project.

They anticipate the project can be completed within 120 days for a cost of \$15,350. Benchmark will provide a digital copy and three printed copies of the final report and any associated forms and procedures.

(8) SHERIFF'S DEPARTMENT OVERTIME POLICY: Chip Hall, Sheriff; Kim Hooper, Chief Deputy; and Major Shannon Queen, presented the needs assessment of overtime at the Sheriff's Office:

(a) Policy: The Jackson County Sheriff's Office is committed to compliance with the Fair Labor Standards Act (FLSA). Further commitment is made to accurately and fairly compensate employees of the Sheriff's Office for their time spent serving the citizens of Jackson County.

(b) Compensation and hours worked: The Sheriff's Office responsibility is to compensate employees for all hours worked. It is the supervisor's and employee's responsibility to be informed of hours worked and to ensure accurate reporting. Due to budget considerations, supervisors are also responsible for monitoring accrued compensatory time off and requiring employees to take time off using straight time comp time and/or FLSA compensatory time off to maintain minimum balances. Further considerations are eligible to be made for payment of overtime wages based on this policy. Employees and supervisors must accurately report all hours worked. Failure to accurately report all work hours is a violation of the Sheriff's policy.

(c) Overtime compensation is needed for the safety of the officers and citizens. The county is over 500 square miles and is to be covered by 20 uniformed road deputies 24/7. The more deputies that are available the better response times for initial calls and better response times for backup.

(d) Paid overtime would cover:

- Lost person searches
- Multi-agency checkpoints – manhunts
- Tactical team call outs
- Call out for shift coverage due to more than on commitment
- High risk inmate movement
- High profile trials
- Multi-agency drug searches – drug investigations
- Crime scene security
- Large scale arrest operations
- Natural disasters, states of emergency, weather related events
- County sponsored events

(e) Who would be eligible for paid overtime:

- All deputy sheriffs with rank of Sergeant or lower
- All detention officers with rank of Sergeant or lower

(9) GIS UPDATE: Kevin Jamison, GIS Director presented:

(a) How maps work:

- Feature: One mapped object that carries information with it in a data table.
- Feature: A group of features together in one map layer.
- Maps are a grouping of different feature classes used to paint the big picture.

(b) Maps should be free range:

- Electronic maps are trapped inside the buildings with GIS servers.
 - This limits how maps can be used in many situations.
 - Internet based maps could be used for public notification.
 - Internet maps could be used for field work.
- (c) Map Services:
- An internet based version of a feature class.
 - Allows feature classes to be used at offsite facilities and in the field.
 - Hosted by the county GIS Department and available by secured login.
 - Can be used in internet based maps for incident command, field inspectors and law enforcement.
- (d) Aerial Photography:
- Biggest storage challenge. Exponentially bigger in size than all other map information.
 - Two types of aerial photography:
 - Orthophotography: Aerial photography seen on the county website and used for mapping. Makes the earth look flat.
 - Pictometry: Allows the user to see the sides of structures. Commissioner Deitz and Congressman Heath Shuler are responsible for funding Jackson County's first Pictometry.
- (e) Making aerial photography available over the internet:
- Orthophotography: available through the State of North Carolina over the internet as a map service free of charge.
 - Pictometry:
 - Impossible to put on the internet from their facilities.
 - Needs to be accessed through a subscription.
 - Currently unavailable to law enforcement.

Mr. Jamison stated that he has included \$3,000 in his budget request for an annual subscription to Pictometry.

(10) ANIMAL SHELTER TASK FORCE: Mr. Wooten presented the Draft Animal Control Task Force:

(a) Purpose: Jackson County recognizes the need to provide a safe, clean, and adequately sized facility to house the animals in Jackson County that have been voluntarily or in-voluntarily assigned to the animal shelter. A building must be multi-faceted serving as a holding facility, a hospital, and a placement center. The animal shelter should be a place of pride for the citizens of Jackson County. In addition, the programs, polices, and communication strategies are critical for a successful animal control program.

(b) Objective: The Jackson County Animal Control Task Force is created to develop ideas and strategies to improve the facilities, programs, and public perception of animal welfare in the county. Objectives of the Task Force include:

- Develop an existing conditions report for the current animal shelter. Identify necessary and preferred improvements and additions to enhance the current facility;
- Develop a list of preferred components if a new shelter is constructed. If a new shelter is recommended, evaluate whether the current shelter can be utilized in some capacity as part of the animal control program or is it should be de-commissioned;
- Identity models of excellence for a new shelter facility. Transylvania County has recently completed construction of a new shelter and Haywood County is planning for a new shelter;
- Develop a best practices report consisting of recommendations related to adoptions, fees, spay-neuter services, pet-retention, and responsible pet ownership.

- Develop recommendations for a comprehensive public relations campaign to encourage animal rescue, adoption, spay/neuter programs, and responsible pet ownership. Evaluate the current web-site and identify opportunities for improvement;
- Identify areas of current animal control ordinance that should be considered for modifications to better serve the citizens of Jackson County;
- Develop recommendations for improving the overall operations of the animal shelter by strengthening potential partnerships with private organizations as well as other local governments;

The work of the Jackson County Animal Shelter Task Force should be completed by November 1, 2015. The Health Director, Paula Carden, will serve as an ex-officio member of the task force and her staff will provide administrative support. A final report and recommendations should be presented to both the Jackson County Commissioners and to the Jackson County Health Board of Directors.

Consensus: *Change the date for the work to be completed by the Task Force to be January 1, 2016. Also, Commissioners named Pat Thomas as Chair, Sally Johannessen as Vice-Chair and Paula Carden to serve as an Ex-Officio Member.*

(11) HOMELESS SHELTER: Chairman McMahan stated that at the time, he felt they should not move forward with the homeless shelter concept at the old rescue squad building. He was very supportive of trying to find a way to help the people in need in the community, but he did not feel it is the best location. He also had staffing concerns and heard a lot of concerns from the community. He did not think they are ready for a full-time shelter. He was supportive of providing funds to help with housing in the cold weather months, as they had done in the past.

Consensus: *Do not move forward with a homeless shelter at the old rescue squad location. Commissioners will consider allocating \$10,000 to Jackson Neighbors In Need for their temporary housing assistance program.*

(12) LOCUST CREEK PEDESTRAIN BRIDGE: Mr. Wooten stated the bridge is 70% complete. They are currently trying to obtain a temporary easement for construction from a neighboring property owner that would help with the completion of the paving.

(13) FIRE SERVICE REDISTRICTING FOR QUALLA / SYLVA: Chairman McMahan stated that in the Highway 441 area there are several properties that are currently in the Sylva 6 Mile District. This District is considered a Class 9 Insurance Classification. If these areas were moved into the Qualla District, they would be given a lower Class Insurance Rating. There had been discussions between the fire departments with no agreement reached.

Chairman McMahan stated that it was his opinion that if they could help all of the Class 9 homeowners obtain the same rating as the other homeowners in the area, it was worth changing the lines to accomplish that.

Mr. Wooten stated that the Commissioners had the discretion to draw the boundaries of the fire districts, so this was their responsibility.

Consensus: *Chairman McMahan will forward the re-drawn maps to the State Fire Marshal's office in Raleigh for preliminary approval.*

(14) LIVESTOCK LOAD-OUT: Mr. Wooten stated that three sites have been visited that the county owns. The preferable site is at Tuckasegee Mills, which is in the Town of Sylva. Their zoning regulations prohibit stock yards, so there would have to be a variance granted by the Town of Sylva. He did not know at that time if the Town would consider such a variance. He would report back at the next regular meeting. One of the other sites off 441 is near Calvary Church, but they believe the site is too wet. The last site is at the old land-fill. But, it is unclear if a cattle load-out would be permitted at this location.

(15) EROSION CONTROL CHALLENGES AND EFFORTS: Mr. Wooten stated that over the past two weeks, Jackson County experienced significant rainfall from storms. Unfortunately, the erosion control efforts in several locations throughout the county failed causing the Tuckasegee River to have unusual discoloration from the sediment that entered the river. The NC Division of Water Quality received a complaint from a local farmer expressing concern about maintaining their drip irrigation system with high levels of sediment in the river and the county received several individual complaints about the river running red.

Representatives from DENR were in the county on June 12th and visited several sites with staff members from Permitting and Code Enforcement that they identified as major contributors to the recent erosion problems. The following is a brief description of each site:

(a) The newly constructed River Walk apartments in Cullowhee experienced a failure of their storm drainage system resulting from trash and other material blocking the drain lines. The water overflowed the parking lot and made its way to the river taking with it a large amount of sediment. In addition, this overflow was jeopardizing the integrity of the TWSA sewer line. The owners engaged an engineer who prepared an action plan to restore and stabilize the erosion damage and to remove the obstruction in the storm drainage system. Work is underway to repair the damage.

(b) The Locust Creek area experienced two significant failures. At the head of the creek area there is an area that was an old logging road adjacent to the creek that is in need of stabilization and other corrective action. The property owners have been contacted and provided the required instructions to stabilize the area and protect against future problems. There was a failure at one of the large storage sites on Locust Creek road, which allowed significant sediment flow into the creek. The county and DENR officials visited the site and confirmed that the entire site has been hydro-seeded and a new mud-mat has been installed to reduce off site tracking onto Locust Creek Road. DENR officials were satisfied with the corrective action on that site.

(c) R-5000 is contributing to the problems associated with sediment entering the river especially along the Bull Frog Cover area. This entire construction site is under the jurisdiction of NCDOT and the DENR representative agreed to contact the appropriate NCDOT officials and ask for corrective action.

(16) QUASI-JUDICIAL HEARINGS TRAINING: Mr. Coward presented: Every quasi-judicial decision shall be based upon competent, material and substantive evidence in the record.

(a) Types of decisions:

- Legislative
- Quasi-Judicial
- Administrative

(b) Quasi-Judicial Decisions:

- Special use permits or conditional use permit
- Variance
- Certificate of appropriateness
- Appeal of administrative decision

(c) Evidentiary Hearing:

- Evidence
- Standards
- Decision

(d) The Board must:

- Apply the established standards
- Decide whether the particular application meets the standards

(e) The Board must not:

- Set new policy
- Gauge public opinion

- Decide based on personal preference
- (f) Due process rights:
 - Notice
 - Clear standards
 - Opportunity to be heard
 - Impartial decision-maker
 - Right to appeal
- (g) Ex Parte Communication:
 - Contacts with a party outside of the hearing
 - Should be avoided
 - Must be disclosed
- (h) Conflicts of interest:
 - A close familial, business or other associational relationship with an affected person
 - A financial interest in the outcome of the matter
- (i) Conducting the hearing:
 - Opening:
 - Swear in witnesses
 - Description of hearing
 - Description of standards
 - Opportunity for recusal
 - Opportunity to disclose Ex Parte Communication
 - Creating the record:
 - Burden of production
 - Documents
 - Testimony
 - Closing the hearing
- (j) Making the decision:
 - Deliberate in open session
 - Determine facts
 - Apply standards
 - Conditions
 - Motion
 - Voting
 - Written decision
 - Notice of decision
 - Appeals
 - 30 days from effective date
 - To Superior Court

There being no further business, Commissioner Greene moved to adjourn the meeting. Commissioner Jones seconded the Motion. Motion carried and the meeting adjourned at 4:42 p.m.

Attest:

Approved:

Angela M. Winchester, Clerk to Board

Brian Thomas McMahan, Chairman