

**MINUTES OF A
RECONVENED MEETING
OF THE JACKSON COUNTY
BOARD OF COMMISSIONERS
HELD ON
JUNE 25, 2015**

The Jackson County Board of Commissioners met in a Reconvened Session on June 25, 2015, 12:00 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

Absent: J.K. Coward, Jr., County Attorney

Chairman McMahan called the recessed meeting back to order.

(1) **AGENDA**: Chairman McMahan amended the agenda by adding three items: Cattle Load-Out Facility, Food Service Contract and Cell Tower Ordinance. Commissioner Greene moved to approve the Agenda. Commissioner Elders seconded the Motion. Motion carried.

(2) **INFORMAL COMMENTS BY THE PUBLIC**: None

(3) **CATTLE LOAD-OUT FACILITY**: Mr. Wooten stated that a sub-group had been looking at several sites for a potential cattle load-out facility. The three sites that have been identified are:

(a) The old land-fill: Chad Parker, Public Works Director, made an inquiry with DENR and while it is possible that this site could be used, it would be difficult to meet the requirements set forth by DENR, particularly to not penetrate the cap that covers the garbage.

(b) Tuckasegee Mills upper parking lot: After speaking to Paige Dowling, Sylva Town Manager, the zoning on this site does not allow stock yards. Since the town ordinance would have to be amended to allow for the cattle load-out facility, it is unlikely the facility could be placed at this site.

(c) 441-Greens Creek: This property appears to have some wetland areas, which could prove to be difficult, but the county has already filled-in the front part and put gravel down.

Rob Hawk, Cooperative Extension Director, stated he thought the 441-Greens Creek site was workable, although it was not as centrally located. He stated that Lynn Sprague has indicated that a decision must be made soon in order to still have the grant funds for the project available.

Joe Ward, Drexel Committee Member, stated he had talked to some contractors in the area that believe the 441-Greens Creek site can be filled and usable.

Commissioner Elders stated that his first choice would be the Drexel site, but his second choice would be the 441-Greens Creek site.

Chairman McMahan stated that he did not support anything at the Drexel site at this time, as there are too many unknowns.

Commissioner Greene stated that she felt the Drexel site could be used for some recreational activities in the future, but she did not think it was an appropriate site for the cattle load-out facility.

Mr. Wooten stated that if the Commissioners were interested in the 441-Greens Creek site, they would need to get the Corps of Engineers to evaluate the area to determine the limits of the property. The area that has been filled and graveled is a good, level space, but more of the site may be needed to be filled and graveled as well.

Consensus: *Permission given to pursue the 441-Greens Creek Property as a site for the cattle load-out facility.*

(4) FOOD SERVICE CONTRACT: Mr. Wooten stated that the county attorney is currently preparing a three-year extension to the contract with B & A's for food service, effective July 1, 2015 - June 30, 2018. Revisions and additions to the contract include:

(a) A provision for an annual performance review of the contractor.

(b) Contractor must adhere to the specific menus needed for the Aging Center and the Jail.

(c) Current meal price is \$4.98, which will be evaluated on a yearly basis, based on the National Restaurant Association's Food Price Index.

Motion: *Commissioner Elders moved to approve the extension of the food service contract with the noted revisions. Commissioner Jones seconded the Motion. Motion carried by unanimous vote.*

(5) CELL TOWER ORDINANCE: Mr. Wooten and John Jeleniewski, Planning Department, stated there is a public hearing scheduled on July 9th for consideration of the revised ordinance. One item the Commissioners may want to revisit in the Cell Tower Ordinance is that the Planning Board is currently delegated to serve as the quasi-judicial board, which reviews and renders all decisions. Commissioners may prefer to have the responsibility delegated to the Board of Adjustment or keep that authority with the Commissioners.

Chairman McMahan stated he was in favor of revising the language in the draft ordinance to allow the Commissioners to be the quasi-judicial board. It would be more difficult for the Planning Board to be impartial since a requirement of the quasi-judicial hearing is that the members cannot engage in dialogue regarding the matter. This would be difficult for the Planning Board since the applications are submitted and reviewed by that board. Also, it may be more of a challenge to manage an eleven member board versus a five member board.

Commissioner Elders stated he would like to have more information, but he agrees it should be in the hands of the Commissioners.

Commissioner Deitz stated he feels it is the Commissioners' responsibility.

Mr. Wooten stated he tends to agree that the Commissioners would be better to serve in the quasi-judicial capacity.

Commissioner Jones stated he feels it is a responsibility of the Commissioners.

Commissioner Greene stated she does not feel strongly enough either way and that she would go with the majority.

Consensus: *Change the language in the draft ordinance to state the required quasi-judicial hearings will be conducted by the Board of Commissioners.*

(6) R-5000 CONTRIBUTING FACTOR: Chairman McMahan stated that recently a statement was made by NCDOT that they disagree with the county's finding that R-5000 was a contributing factor to the Tuckasegee River being "red". He felt it was clear from the pictures taken by county staff that there were some deficiencies in the erosion measures that were put in place by the contractor for the state. He wanted a follow-up report at the July 9th meeting as to what corrective action had been taken. If no action has been taken, he thinks they should take the concern to the next level, if that means taking it to the Governor's office.

Mr. Wooten stated that he met with Mr. Green and Mr. Burch earlier in the week and he discovered that some of the pictures were of areas that are outside of the scope of the R5000 project. One was of a waterline replacement that SCC has done and the contractor did not take any erosion control measures. This area was providing sediment coming off the hill. The other was of the parking lot under construction at SCC. There was no permit issued on that particular parking lot and the county was not aware of this project. They are working to make sure the proper erosion control measures are now in place. The NCDOT response is that they believe they are doing a good job of maintaining their erosion control. Overall they don't believe R5000 is significantly contributing to the sedimentation problems. The county will be receiving a response letter from NCDOT on the matter.

Informational item.

(7) **PRESS CONFERENCE:** None

(8) **CLOSED SESSION:**

Motion: *Commissioner Elders moved that the Board go into closed session pursuant to G.S.143-318.11(a)(6) Personnel. Commissioner Greene 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 Deitz moved to adjourn the meeting. Commissioner Jones seconded the Motion. Motion carried and the meeting adjourned at 1:40 p.m.

Attest:

Approved:

Angela M. Winchester, Clerk to Board

Brian Thomas McMahan, Chairman