

**MINUTES OF A  
REGULAR MEETING  
OF THE JACKSON COUNTY  
BOARD OF COMMISSIONERS  
HELD ON  
OCTOBER 01, 2015**

The Jackson County Board of Commissioners met in a Regular Session on October 01, 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  
Heather Baker, County Attorney

Chairman McMahan called the meeting to order.

(1) **PLAQUE PRESENTATIONS:** Chairman McMahan stated that the county had identified all former county commissioners, who had served over the years, with a plaque displayed in the board room. At that time, they had two plaques to add and unveil for former Chairman Jack Debnam, who served from 2010 to 2014 and former District Two Commissioner Doug Cody, who served from 2010 to 2014.

Chairman McMahan also recognized Jay Coward and presented a plaque to him for his years of service as county attorney from 2010 to 2015.

(2) **PROCLAMATION:** Chairman McMahan read a Proclamation declaring October 4<sup>th</sup> - 10<sup>th</sup>, as Fire Prevention Week in the county. Commissioner Elders moved to approve the Proclamation. Commissioner Greene seconded the Motion. Motion carried.

(3) **PROCLAMATION:** Chairman McMahan read a Proclamation to raise the awareness of climate change. Commissioner Deitz moved to approve the Proclamation. Commissioner Jones seconded the Motion. Motion carried.

(4) **AGENDA:** Chairman McMahan amended the agenda by deleting the Greenway Committee By-Law Amendments item. Commissioner Jones moved to approve the Agenda. Commissioner Greene seconded the Motion. Motion carried.

(5) **MINUTES:** Commissioner Elders moved to approve the minutes of a Work Session of September 15, 2015; a US 441 Corridor Development Ordinance Amendment Public Hearing of September 17, 2015; a Justice Center Security Ordinance Public Hearing of September 17, 2015; and a Regular Meeting of September 17, 2015. Commissioner Greene seconded the Motion. Motion carried.

**(6) CHAIRMAN REPORT:** Chairman McMahan stated he attended the RPO Meeting, where local governmental entities, along with their colleagues and municipal governments, worked together on a DOT database list of road projects. The projects up for consideration included bridge replacements, road enhancements and the entire comprehensive list of road projects over last several years. The DOT requested that the committee review the list and remove projects that no longer had appeal or commitment from the community. The committee revised the list removing a significant number of projects and prioritized and ranked the remaining projects.

The two projects the county adopted that were ranked were the highway expansion of Ashe Settlement Road and Ledbetter Road. These projects were approved by the full RPO from the six western counties that serve the district. They will now go on to the DOT for review, where they will update their database. Next year, the committee will be asked to start ranking projects based on the points system.

**(7) COMMISSIONER REPORTS:**

**(a)** Commissioner Jones stated he had been disturbed the last couple of weeks regarding the news of the redistribution of sales tax. Several citizens had inquired about the news, but he did not think they realized the true impact that the redistribution will have on the affected counties. He appreciated the county manager's comments to the press as well as his actions to various representatives to gather more information. The latest information received with the formula for redistribution, shows that Jackson County will not receive any funds. The definition of the new tax is "expand sales tax base effective 03-01-2016 to tax the installation repair and maintenance of tangible personal property on items currently subject to the sales tax, including installation of real property". This will include extended warranties and repair of appliances and small engines.

Twenty-one counties, including Jackson, Macon and Buncombe were left out. The other counties in Western North Carolina will receive a small amount of "token" money. There are ten counties that will get 44% of \$84 mil. The intent was to give some of the funds back to small counties where their dollars are going to larger metropolitan areas. Jackson County is classified as a tier 1 county, which means the county has a population of less than 50,000 and a poverty rate of 19% or greater. Of those 10 counties that received 44% of the \$84 mil, there are only 2 counties that are tier 1. Also, a tier 3 county received 3.26% of the \$84 mil. There are 40 tier 1 counties in the state. There are at least seven tier 2 counties receiving these funds.

He believed there was a constitutionality question since they did not have a local option on this increased sales tax. He felt the Commissioners should charge administration to research the constitutionality of the increased tax. Also, he would like to see a resolution from the Jackson County Board of Commissioners and work in conjunction with Macon County on this matter. He felt everyone should come together, regardless of political affiliation to fight this.

**(b)** Commissioner Elders thanked Commissioner Jones for his research and stated he supported his efforts.

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

**(a) Expanded Sales Tax:** The legislation's plan to expand taxable services was approved by the NC General Assembly and this also included the 21 North Carolina counties that were omitted from any distribution of the \$84.8 million that is representative of the new taxes collected. He was working with the county manager of Macon County to do an analysis of how the counties were selected in inclusion or exclusion as well as the formula used to distribute the increased taxes to the 79 counties that were identified to receive the proceeds.

**(b) House Bill 912:** This bill exempts business personal property owned by non-tribal members located on tribal lands. The bill was originally introduced in April and came back to the floor during the last week the legislature for consideration. One addition was added that states that a county is not compelled to provide services on lands held in trust unless an agreement between the Eastern Band of Cherokee Indians and the county is agreed to by both parties. In his opinion, this does not address the issue of funding for current school expenses and capital outlay related to students who live on tribal lands and attend Jackson County public schools, nor does it address the costs incurred to house non-tribal inmates that are arrested on tribal lands. Presently, the Board of Health has a MOU to provide environment health services and he sent the approved legislation to Paula Carden with a suggestion that the Health Board review the agreement in place against the cost incurred. The effective date of this bill is July 1, 2016, therefore they can bill and collect for the current year but not for next year.

**(c) Golden Leaf Community Based Grants:** Two proposals totaling approximately \$1.5 million were submitted by the county. The first proposal would provide funds to complete the engineering costs associated with the design and construction of a new waste water treatment facility in the Cashiers community. This project has been on the book for a couple of years. The TWSA Board conducted a needs assessment, purchased property on which the new facility will be located and obtained the necessary discharge permits. There have been applications for 37,000 GPD of capacity that could not be served as the result of the current plant being at maximum capacity. This project will greatly enhance the economic development activity for this community. The second project was a technology program for the Jackson County Public Schools that will focus on STEM programs by providing 1 to 1 computer devices for all students in grades 9-13, as well as all faculty members for these same grade levels. This project is a part of a region submittal that included Swain and Macon Counties. Southwestern Community College is the lead entity for this initiative titled The Smoky Mountain Region Ascent to Career: Linking Pathways to Reach Hot Jobs. A significant amount of professional development is included to train faculty on how it use the computers and how to introduce them into their curriculum.

**(d) Locust Creek Pedestrian Bridge:** The pre-construction meeting was held on Friday, September 25<sup>th</sup> and the general contractor began mobilization on the project site on Monday, September 28<sup>th</sup>. The project period is 180 days with a completion date at the end of March 2016. The bridge should be in place by the end of the calendar year; however, final concrete and asphalt work cannot be completed until spring.

**(e) County Attorney:** October 1, 2015, they welcomed Heather Baker as the full time county attorney. They were pleased to have her join the team and look forward to working with her. He was most appreciative of the opportunity to work with Jay Coward over the past five years and thanked him for his leadership and guidance.

**(f) Planning Director:** They were attempting to schedule interviews with finalists for the position and hope to have them on site during the month of October.

**(g) Upcoming Meetings:**

October 15, 2015	Regular Board Meeting
October 20, 2015	Work Session
October 27, 2015	Possible Public Hearing for MHDO
October 29, 2015	Joint Meeting with Health Board
November 8, 2015	Veteran's Day Parade and Dinner

**(h) Weather Alert:** The Governor ordered a state of emergency and the county may have to do similar actions, depending on the rainfall amounts. Rain is expected to continue for the next 4-5 days due to a massive low pressure system that is over the lower portion of the United States, which is driving the weather situation. If the hurricane changes direction and comes more toward the west, it will only add to the event that is expected over the next few days. Tomorrow they will have a call with all the emergency agencies in the county to discuss tentative plans to be as prepared as possible. With the amount of rain being predicted, it is uncertain what the impacts will be.

**(9) INFORMAL COMMENTS BY PUBLIC:** None.

**(10) ANIMAL SHELTER TASK FORCE UPDATE:** Paula Carden, Health Director, presented an interim update:

**(a)** Ms. Carden shared pictures of the county's intake, reception and office area as well as where animals are brought after adoption. She also shared photos from Buncombe and Transylvania's facilities.

**(b) Needs:** New Facility-Adoption Center/Shelter

- Septic System
- ADA Compliance-NC Accreditation
- Ample Parking
- Security
- Larger cat room, more dog runs,
- Isolation and quarantine areas for dogs and cats
- Restrooms staff and public
- Sound proofing
- Larger office
- Reception area
- Get acquainted rooms for adopters
- Grooming/bathing area
- Medical treatment room
- Euthanasia Room
- Storage

**(c) Accomplishments:**

- Beginning in May, 2015
- 85 have been spay and neutered before leaving the Shelter
- 43 dogs
- 42 cats
- Increase in RTO (Return to Owner)
- 41 dogs
- 4 cats
- Increase in types of vaccinations
- 130 animals transferred
  - 77 dogs to ARF and other Rescues
  - 53 Cats- 29 to Catman2 and 24 CHHS
- 91 Adopted
  - 46 dogs
  - 45 cats

**(d) Euthanasia:** May 1-September 28, 2015

- 96 Animals
  - 10 dogs
    - 5 aggressive
    - 3 owner requested
    - 2 medical
  - 86 Cats
    - 19 un-weaned
    - 52 medical (URI)
    - 8 space
    - 4 feral
    - 1 aggressive
    - 2 owner requested

- (e) Euthanasia: FY 14
  - 843 Animals
    - 457 dogs
    - 354 cats
    - 32 wildlife
- (f) Community Rabies Clinics:
  - 637 Dogs and Cats were vaccinated for Rabies
  - Jackson Vet, Sylva Animal, Cherokee Animal and Cope Creek participated
  - Jackson County Animal Shelter held 2 special clinics-
  - 308 were done at ARF and Tuckasegee Trading Post (donations were split between ARF and Catman2) Dr. Rick Wall volunteered his time for these 2 special clinics
- (g) Task Force Recommendations:
  - A new facility to include isolation and quarantine rooms for both dogs and cats
  - Needs assessment of county for future growth/size of shelter
  - Separate intake area/discharge area
  - Additional runs (currently 15)
  - Additional cat space
  - Sound proof cat room
  - Medical Treatment area
  - Separate room for euthanasia
  - Grooming/bathing area
  - Adoption area-get to know the animal area
  - Area for volunteers to work with animals
  - Larger office, laundry area and break room for staff
  - Mandatory Spay and Neuter
  - Leash Law
  - Microchip

*Informational item only.*

**(11) PLANNING BOARD ORDINANCE AMENDMENTS:**

**Motion:** *Commissioner Greene moved to set a public hearing on October 20<sup>th</sup> at 6:00 p.m. to be held at the Justice & Administration Building, Room A201, 401 Grindstaff Cove Road, Sylva, North Carolina. Commissioner Elders seconded the Motion. Motion carried by unanimous vote.*

**(12) MOUNTAIN AND HILLSIDE DEVELOPMENT ORDINANCE AMENDMENTS:**

**Motion:** *Commissioner Jones moved to set a public hearing on October 20<sup>th</sup> at 6:15 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) COUNCIL ON AGING:**

**Motion:** *Commissioner Jones moved to appoint John McFadden to fill the unexpired term of Jan Denkert, set to expire October 1, 2016, on the Council on Aging Board. Commissioner Elders seconded the Motion. Motion carried by unanimous vote.*

**(14) US 441 GATEWAY DISTRICT COMMUNITY PLANNING COUNCIL:**

**Motion:** *Commissioner Elders moved to reappoint Debbie Cowan, Dora Robinson, Myra Cloer, Lyna Ferguson and Mary Moody as voting members; Mike Moore and Mary Helen Henderson as alternate members on the US 441 Gateway District with all appointments expiring on December 31, 2018. Commissioner Elders seconded the Motion. Motion carried by unanimous vote.*

**(15) GREENWAY ADVISORY COMMITTEE:** *Carry over.*

**(16) CEMETERY BOARD:**

**Motion:** *Chairman McMahan moved to appoint Joe Rhinehart to a four year term on the Cemetery Board. Commissioner Elders seconded the Motion. Motion carried by unanimous vote.*

**(17) WATERSHED BOARD:** *Carry over.*

**(18) PRESS CONFERENCE:** None

There being no further business, Commissioner Deitz moved to adjourn the meeting. Commissioner Elders seconded the Motion. Motion carried and the meeting adjourned at 7:46 p.m.

Attest:

Approved:

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Angela M. Winchester, Clerk to Board

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Brian Thomas McMahan, Chairman