

**MINUTES OF A
REGULAR MEETING
OF THE JACKSON COUNTY
BOARD OF COMMISSIONERS
HELD ON
OCTOBER 15, 2015**

The Jackson County Board of Commissioners met in a Regular Session on October 15, 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

Chuck Wooten, County Manager
Angela M. Winchester, Clerk to Board
Heather Baker, County Attorney

Absent: Boyce Deitz, Commissioner

Chairman McMahan called the meeting to order.

(1) **AGENDA**: Commissioner Elders moved to approve the Agenda. Commissioner Jones seconded the Motion. Motion carried.

(2) **MINUTES**: Commissioner Jones moved to approve the minutes of a Regular Meeting of October 01, 2015. Commissioner Elders seconded the Motion. Motion carried.

(3) **NCACC WORKERS COMPENSATION POOL 2015 SAFETY AWARD**: Bob Curruth, NCACC Risk Control Manager, presented the 2015 Workers Compensation Pool Safety Award to Jackson County. Mr. Curruth stated that last year Jackson County had an excellent safety record with only 15 workers comp claims and ranked the best of all counties with a payroll of \$10-20 mil.

(4) **NCACC / LGFCU EXCELLENCE IN INNOVATION AWARD**: David Nicholson, NCACC Outreach Associate, presented the LGFCU's Excellence in Innovation Award to Kevin Jamison and Adam Blythe of the GIS Department. Ashton Turnage, LGFCU Membership Development Officer, presented a \$1,000 check to the recipients. The award was won by Mr. Jamison and Mr. Blythe for their GIS program that enabled the environmental health inspectors to collect GPS data for wells and septic systems, which has been running successfully.

(5) **NCAZO – CERTIFIED ZONING OFFICIAL STUDENT OF THE YEAR AWARD**: Josh Harrold, NCAZO Treasurer, presented the Certified Zoning Official Student of the Year Award to John Jeleniewski, of the planning department. This award was presented to Mr. Jeleniewski for his high scores on the Certified Land Official exam.

(6) **CHAIRMAN'S REPORT**: Chairman McMahan stated he attended the monthly Comprehensive Plan Committee Meeting, where they were given the results of the survey that was conducted in the county. Over 2,100 residents participated in the survey asking for feedback on various issues including transportation, planning, education and services. Rose Bauguess, Senior Planner for Southwestern Commission, will analyze the data from different perspectives to guide the committee as they work through the comprehensive transportation plan.

During the next couple of meetings, they will collect data from various sources such as information regarding economic impact and business climate in the county. Another meeting will feature utilities information with a focus on broadband.

(7) **COMMISSIONER REPORTS:** Commissioner Greene stated that she, Chairman McMahan, Commissioners Jones and Deitz attended Chief Patrick Lambert's inauguration celebration and it was a wonderful community event.

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

(a) **Golden Leaf Grants Making Program:** He received confirmation that both proposals submitted by the county were complete and have been officially accepted for consideration. A meeting to allow Golden Leaf officials to gather additional information or to resolve any questions related to the applications will be held on Friday, October 23rd at the High Tech Center in Haywood County.

(b) **SCC Firing Range:** The consulting engineer has been asked to expand their study because of possible elevated lead levels around the range. Another report will be forthcoming that describes the areas of concern and corrective action to eliminate the concern. The current firing range is leased to SCC and is used in their basic law enforcement curriculum and also serves as a qualification site for most of the law enforcement agencies throughout western North Carolina.

(c) **SCC Building Issues Related to R-5000:** DeVere promised to have a report back to NCDOT outlining their evaluations of the settlement issues related to R-5000 within 30 days following the meeting. This report is past due and Dr. Tomas has inquired about the report status and was told that DeVere's insurance companies were the cause of the delay. DeVere has promised to complete and remit the report in the next few weeks. To my knowledge, there has not been any further evidence of additional damages to the Balsam building.

(d) **Cell Tower Applications:** Based on conversations with site developers for cell towers, we believe at least two applications are in the works. It does appear that Verizon will re-submit an application for the Cashiers community within the next 30 days. US Cellular is proposing to construct a tower to replace an existing tower at the airport. The Airport Commission is negotiating with the company and will be advertising the proposed lease of space on the airport tower to US Cellular for a 25 year period. The Airport Commission should be ready to approve this lease at their December meeting and then US Cellular will submit a formal application. The new ordinance allows this approval to be handled internally without a quasi-judicial hearing; however, they must submit the formal application and their review of the application will be identical to a non-county owned property.

(e) **Charters of Freedom:** The kick off fund raising event will take place on Friday, November 6th at the Aging Center. We are also discussing a similar event in southern end of the county at a future date. The information will also be presented as part of the veteran's dinner on Sunday evening, November 8th.

(f) **Single Point of Entry:** The new security procedures seem to be working without any major issues. We are continuing to evaluate the need for modifications and improvements to the ordinance. We are also looking at a couple of other security measures that need attention to limit ingress and egress to the building. A meeting of the security committee identified in the ordinance will take place to conduct a review of the policies and concerns expressed following implementation of the single point of entry.

(g) **Paving at Cashiers SRC:** The work will begin on October 19th and the site will be closed during the construction period which could be up to 45 days. During the closure, household waste may be taken to the Glenville SRC and construction debris must be taken to the Tuckasegee SRC. The closure has been advertised in Cashier's paper, notices are posted at the current SRC site, and flyers have been given to all customers.

(h) Sales Tax Issue: He talked with Kevin Leonard, Executive Director of NCACC, and he has provided me with spreadsheets representing one of the scenarios that was under consideration by the legislature that may be the basis for including 79 counties in the distribution of expanded sales tax revenue. He was reviewing the information. According to Mr. Leonard, he has heard concern from some of the smaller counties that were omitted from the distribution; however, silence from the larger counties as the final action was so much better than they anticipated since they did not lose any current revenue.

(i) Upcoming Meetings:

October 20, 2015	Regular Scheduled Work Session
October 27, 28, 29, 2015	Interviews with finalists for Director of Planning
October 28, 2015	Ground Breaking for Harris Hospital Emergency Room
October 29, 2015	Joint Board Meeting – Commissioner and Health Board
November 5, 2015	First Commissioner meeting in November
November 6, 2015	Charters of Freedom Fund Raising Breakfast
November 8, 2015	Veteran’s Parade
November 8, 2015	Veteran’s Dinner – Aging Center
November 11, 2015	Veteran’s Day Holiday – Offices Closed
November 17, 2015	November Work Session
November 19, 2015	Second Commissioner meeting in November
November 26 & 27, 2015	Thanksgiving Holidays – Offices Closed

(j) Social Services Reimbursements: The Department of Health and Human Services stated there was an issue regarding the food stamp program in the state. Over the past year, the Department of Social Services has been working through implementation of a new software package. North Carolina as a whole has been under a warning regarding the timeliness of the application processing. Statewide, this is a cause for real concern.

The Department of Agriculture has stated that July through December, the entire state must have an 85% completion rate. Meaning applicants for food stamps must have their cards available to them within 30 days of application. For the first six months of 2016, the state as a whole must have a 95% timeliness rate. Currently, the state is in the low 80’s. The Department of Agriculture will be conducting random samplings, which will most likely come from the larger counties.

The feds have said the consequences, if the state as a whole does not meet the 95% rate, will be that the \$75 mil the state currently receives for administration reimbursements will go away. Obviously, this is a great interest to every county in the state. If the reimbursements are lost, this cost would be passed on at the county level. Jackson County is not contributing to the lower percentages and is doing what it needs to do to be successful. He will continue to keep Commissioners updated on the situation.

(k) Skyfi, Inc. Update: The broadband company SkyFi, Inc., has completed its Kings Mountain and Cowee Towers. Currently, it has approximately 100 customers with a waiting list, but more towers need to be installed before more customers can be added. Mr. Wooten had been researching ways that the county could help the company by building infrastructure by accessing federal grants and then lease the equipment to SkyFi, Inc. The company has been successful in getting a signal at the airport, which has been a tremendous help to pilots. Mr. Lewis, Owner of SkyFi, Inc., is currently working on a business plan and is also working to provide free Wi-Fi for downtown Sylva.

Commissioner Greene stated that she thought Mr. Lewis had a great idea and would be offering a much needed service, but thought he needed a business plan in place and also to explain to Commissioners how this was going to be a viable operation.

Chairman McMahan stated that he thought the single-point of entry had been working well and he appreciated the job that had been done. The only comments he heard from staff were concerning issues with the parking lot. It seemed staff had been directed to park in a certain area, but court people were still using those spaces. They may need to designate an employee parking area or put up gates and crosswalks.

Mr. Wooten stated he had not noticed any issues since there were always vacant spots in the lot. There were issues with cross-pollination with staff and people coming to the Justice Center, but the parking out front had been mostly vacant. They could use the far lot as a designated staff lot, but the only way to truly do that would be to gate it. He did think they needed to add clearly marked crosswalks.

Chairman McMahan stated that they would have the official report from Benchmark Planning concerning the performance audit at the work session on Tuesday. He asked that the county manager to follow-up so that they could receive a copy of the report before the weekend.

(9) PLANNING BOARD UPDATE: Mr. Wooten stated that the Planning Board did not have a quorum at their last meeting, so they did not have an update.

(10) INFORMAL COMMENTS BY THE PUBLIC: Sheriff Chip Hall stated that the Sheriff's Office, Sylva Police Department and TWSA had been collecting items for the flood victims in South Carolina and they were continuing to collect items.

Also, the Sheriff's Office's annual "Shop with a Cop" program would be coming up and they would begin taking donations soon.

(11) CONSENT AGENDA:

(a) Darlene Fox, Finance Director, presented the Finance Report for September, 2015, and a Budget Ordinance Amendment for fiscal year ending June 30, 2016, for approval.

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

(c) Mr. Wooten reported that an application had been received for a fireworks display on October 16th at Castle Ladyhawke in Tuckasegee.

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

(12) JCPC UPDATED FUNDING ALLOCATION: Steve Lillard, Chair, presented an updated NC DPS County Funding Allocation 2015-16, with a revised amount of DJJDP Funding for Project Challenge. In previous years, Project Challenge received their appropriation directly from the state. This year the funds went back to the counties instead. JCPC voted to give Project Challenge funds at a local level in the sum of \$2,035, at their last regular meeting. JCPC requested Commissioners' approval of this allocation, which does not require an additional match from the county.

Motion: *Commissioner Jones moved to approve the request for the \$2,035 allocation from JCPC to Project Challenge. Commissioner Elders seconded the Motion. Motion carried by unanimous vote.*

(13) GLENVILLE-CASHIERS RESCUE SQUAD PROPERTY PURCHASE:

Brandy Sullivan, Chair of the Rescue Squad Board of Directors, presented a Loan Commitment Letter from Entegra Bank, for a loan amount of \$187,500 for the purchase of a vacant commercial lot in Cashiers, which would be used for an additional rescue squad location in the future. The property has 1,200-1,400 gallons of sewer allocations attached. The main purpose for purchasing the property is to install an additional station at this location, which is in town, to increase response time to various locations, such as Highway 64 East and Highway 107 South. Entegra Bank is requiring that they hold a public hearing, which is scheduled and also receive approval from Commissioners in order to move forward with the project.

Commissioner Greene asked if an analysis had been done on how many calls they had from the Highway 64 East and 107 South areas.

Mr. Wooten stated they had 630 total calls or 37% in 2014 from those areas.

Commissioner Greene asked if they were asking for funds from the county for this project.

Mr. Sullivan stated that they would like to have county support, but were planning to fund raise in their community to support the project. They are not looking to the county for construction funds in this fiscal year.

Chairman McMahan stated that he thought Entegra was requesting a letter from Commissioners assuring funding levels will remain stable in the future.

Commissioner Greene stated that she supported the project, but felt they would need to get in line for construction funds as Savannah and Cullowhee Fire Departments had already requested construction funds.

Mr. Sullivan stated that most banks do not deal in land loans anymore. Entegra would like them to start construction as soon as possible. They will meet with architects in the next week or so. He would like to speak to Commissioners about construction at a later date.

Chairman McMahan stated they would invite the Glenville-Cashiers Rescue Squad to the budget hearing process next year, where they look at capital projects and will look at ways to help with this project. The letter requested by Entegra will not obligate the county in anyway, it only states that the county will continue to provide the same level funding to the Glenville-Cashiers Rescue Squad's operating budget.

Commissioner Jones stated he was glad to see that they are looking years down the road to make sure they have enough room for growth with regards to the sewer allocations that are tied to the property.

***Motion:** Commissioner Jones moved provide a letter of reference to Entegra Bank stating that the Glenville-Cashiers Rescue Squad has been funded by the county and will continue to be funded at the same level in the county budget in the future. Commissioner Elders seconded the Motion. Motion carried by unanimous vote.*

(14) US 441 SIDEWALK CONSTRUCTION AGREEMENT: Mr. Wooten presented the finalized agreement for construction of a sidewalk from US 441 Business to Catamount Travel Center, which the DOT has asked the county to enter into. The DOT requires the county to assume responsibility and to maintain the sidewalks after DOT constructs them.

Chairman McMahan requested Ms. Baker make inquiry of the insurance company to see if the county would need additional liability coverage.

***Motion:** Commissioner Greene moved to approve US 441 Sidewalk Construction Agreement with DOT. Commissioner Elders seconded the Motion. Motion carried by unanimous vote.*

Commissioner Elders stated that Senator Davis met with folks at the Catamount Travel Center yesterday, and they were very excited about the sidewalk project.

(15) **AMERICAN LEGION LEASE**: Mr. Wooten presented a Lease and Use Agreement with American Legion Sylva Post 104, District 25, Division 5 Department of North Carolina, for 530 square feet, known as the “meeting and kitchen area” inside the Former Rescue Squad Building, for a period of one year, which can be renewed annually, commencing on November 1, 2015 for the sum of \$1.00.

***Motion:** Commissioner Jones moved to approve the Lease and Use Agreement with the American Legion Sylva Post 104 for the designated 530 square feet inside the Former Rescue Squad Building. Commissioner Elders seconded the Motion. Motion carried by unanimous vote.*

(16) **ELDERLY AND DISABLED OPERATING AND CAPITAL 5310 PROGRAM GRANT RESOLUTION (R15-14)**: Mr. Wooten requested the Board adopt a resolution authorizing submission of Section 5310 Program Grant application to NCDOT. A public hearing was held at 5:50 p.m., prior to this meeting and no public comments or objections were made.

***Motion:** Commissioner Greene moved to adopt the Resolution R15-14. Commissioner Jones seconded the Motion. Motion carried by unanimous vote.*

(17) **COMMUNITY TRANSPORTATION PROGRAM GRANT RESOLUTION (R15-15)**: Mr. Wooten requested the Board adopt a resolution authorizing submission of Section 5311 Program Grant application to NCDOT. A public hearing was held at 5:55 p.m., prior to this meeting and no public comments or objections were made.

***Motion:** Commissioner Greene moved to adopt the Resolution R15-15. Commissioner Jones seconded the Motion. Motion carried by unanimous vote.*

(18) **HISTORIC PRESERVATION COMMISSION**:

***Motion:** Commissioner Jones moved to appoint Connie Haire to serve a three year term on the Historic Preservation Commission, term to expire on December 31, 2018. Commissioner Greene seconded the Motion. Motion carried by unanimous vote.*

(19) **CASHIERS PLANNING COUNCIL**: Carry over.

(20) **RECREATION AND PARKS ADVISORY BOARD**:

***Motion:** Chairman McMahan moved to reappoint Kyle Clayton to serve three year term on the Recreation and Parks Advisory Board, term to expire on December 31, 2018. Commissioner Greene seconded the Motion. Motion carried by unanimous vote.*

(21) **HEALTH BOARD**:

***Motion:** Commissioner Elders moved to reappoint Joyce Lovin, Kim Woodard, Brandy Hicks and Doug Homolka to serve three year terms on the Health Board, terms to expire on October 15, 2018. Commissioner Greene seconded the Motion. Motion carried by unanimous vote.*

(22) **PRESS CONFERENCE**: None

(23) **CLOSED SESSION**:

***Motion:** Commissioner Elders moved that the Board go into closed session for three items pursuant to G.S.143-318.11(a)(5) Real Property. 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 except the approval of the Closed Session Minutes of October 01, 2015.

Chairman McMahan amended the agenda by adding an item for Savannah Park and an item the Webster Services Park property. Commissioner Greene moved to approve the amended Agenda. Commissioner Jones seconded the Motion. Motion carried.

(24) SAVANNAH PARK: Chairman McMahan stated this was a piece of property in the Savannah Community that could potentially be the site of a park or recreation area, with an asking price of \$36,000 and a \$2,000 due diligence fee (PIN #7528-38-0817, 7528-28-9609 and a portion of 7528-28-6787).

***Motion:** Commissioner Greene moved to proceed forward with the Offer to Purchase and Contract for PIN #7528-38-0817, 7528-28-9609 and a portion of 7528-28-6787, with a purchase price of \$36,000 and a due diligence fee of \$2,000. Commissioner Elders seconded the Motion. Motion carried by unanimous vote.*

(25) WEBSTER COMPLEX PROPERTY: Chairman McMahan stated that the county had been offered the sum of \$61,212, in cash, by Sam and Rachel Bartlett for 10.202 acres (a portion of PIN 7641-50-4222), a portion of the Webster Complex property, located in Webster Township. This offer will go through the 10 day upset bid process.

***Motion:** Commissioner Greene moved to proceed forward with the Offer to Purchase and Contract to sell the 10.202 acres, a portion of PIN #7641-50-4222, to Sam and Rachel Bartlett, with a purchase price of \$61,212, subject to the upset bid process. Commissioner Jones seconded the Motion. Motion carried by unanimous vote.*

There being no further business, Commissioner Elders moved to adjourn the meeting. Commissioner Jones seconded the Motion. Motion carried and the meeting adjourned at 8:20 p.m.

Attest:

Approved:

Angela M. Winchester, Clerk to Board

Brian Thomas McMahan, Chairman