

**MINUTES OF A
WORK SESSION
OF THE JACKSON COUNTY
BOARD OF COMMISSIONERS
HELD ON
NOVEMBER 17, 2015**

The Jackson County Board of Commissioners met in a Work Session on November 17, 2015, 10:00 a.m., Justice & Administration Building, Room A227, 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 C. Baker, County Attorney

Chairman McMahan called the meeting to order.

(1) EMPLOYEE RECOGNITION: Mr. Wooten recognized the following employees for their years of service and retirement:

James Gregory	8 Years of Service	Public Works – Housekeeping	Retiring January 1 st
Teresa Womack	12 Years of Service	Department of Social Services	Retiring January 1 st

(2) THE COMMUNITY TABLE AND MANNA FOOD BANK: Charles Easton, President, stated he was back before the board to advocate for the remainder of the funds with Manna Food Bank be given to The Community Table as unrestricted funds. He presented the following report:

- January–October they served 23,631 meals and distributed 11,060 boxes of groceries, which means they will have another record-breaking year.
- \$2,746.91 spent with Reinhart since September 15th meeting.
- \$1,399.68 spent at Sam’s Club and local stores on food since 9/15; TOT \$4,146.59.
- \$5,625.71 of \$15,000 MANNA credit used since 9/15.
- \$20,452.43 spent on all other expenditures since 9/15.
- \$51,670 YTD grant funding, with \$35,500 restricted with \$20,000 additional restricted funding pending (\$3,000 Food Lion, \$420 Intel, \$5,500 Church of the Good Shepherd, \$25,000 Cannon, \$1,000 EFSP, \$5,000 GSHF, \$250 Wal-Mart, \$1,500 JCCF, \$10,000 Kate B. Reynolds, pending \$20,000 People in Need).
- \$14,636.50 in donor restricted funding YTD (Matching Donation Challenges).
- 2015 average costs (including all overhead) per meal \$3.04 and \$7.60 per box of groceries. This is a great value as these true costs are worth far more. Back in 2008, pre-recession, they had no pantry program and only served between 20-40 meals per day. They have responded to the growing level of need with efficiency and integrity, but we have only been able to do so with widespread community support, which includes county government. They again request the funding be less restricted, so that they may use it to purchase food from diverse sources and pay necessary expenses such as utilities.

Darlene Fox, Finance Director, provided information that there was a \$6,938 balance in the Manna Food Bank account for the benefit of The Community Table, as of that day.

Commissioner Greene believed that based on their expenditures so far, they would be able to use the remaining credit with Manna by the end of the fiscal year. However, she did feel that The Community Table provided a great service to the community.

Mr. Easton stated that food wise, that was correct, but they did have other bills to pay in order to keep the program going, such as electricity, repairs, equipment, etc.

Mr. Wooten stated that Manna Food Bank was agreeable to refunding the remaining balance back to the county. At that time the county could vote to reallocate those funds to The Community Table, if they wish to do so. Also, the past practice was to allocate the funds to The Community Table as unrestricted.

Consensus: Ms. Fox to proceed with a letter to Manna Food Bank requesting a refund to the county for the remaining funds, which they can reallocate to The Community Table as unrestricted funds.

(3) DREXEL PROPERTY LEASE: Joe Ward presented a proposed lease of the former Drexel Industrial Site from the Thomas Valley Agricultural Producers, LLC, (TVAP, LLC) for consideration. He stated that the site is ideal for the local farmers since it provides a central location for the storage and packaging of their products, as well as serving as a distribution point to wholesale and retail outlets. In return, each grower or producer would be charged a moderate fee for use of the facility to generate revenue for continued operations. Utilizing the site would provide a means of supporting economic development in the county with various components that will produce revenue for the maintenance and continuation of development of the site. It will also have the potential impact of adding many jobs to the community.

TVAP, LLC would provide all equipment necessary for renovation and operation of the facility, as well as making all necessary repairs and upgrades to meet both county and state requirements. All necessary repairs and upgrades would be paid by TVAP, LLC and identified funding sources, with no expense to the taxpayers of the county. The producers are currently in the process of becoming Good Agricultural Practices (GAP) Certified.

The lease would be for ten years for the sum of \$40.00 per year, with an option to renew after ten years, if conditions are favorable. An early termination option is desired. TVAP, LLC to provide \$1 mil in liability protection. Repairs and upgrades will be made to the building in phases to comply with county code regulations. TVAP, LLC would complete site clean-up, but would request the county to furnish trash bins for removal of debris, as well as waiving the waste disposal fee. All debris has been evaluated and deemed non-hazardous.

TVAP, LLC has started the process of identifying funding sources for the necessary building and site improvements, including Tobacco Trust Fund, NC Department of Agriculture and the Little Tennessee Land Trust. Each of these sources have grant cycles that will be open in 2016. Therefore, it is critical that they have a lease agreement with the county in place so that they can begin making application for the grant funding.

Chairman McMahan questioned if forming a non-profit would be more advantageous than an LLC.

Mr. Ward stated that they would need to form the company now and the non-profit would take 4-6 months.

Ms. Baker stated that forming a non-profit is different than obtaining 501c3 status, which can take a few months. The Non-profit could be done in a short time frame. She was concerned that they may have problems with the grant funding with an LLC.

Chairman McMahan recommended they pursue this as a non-profit and obtain a 501c3 status.

Commissioner Jones asked if they would be willing to make it a five year lease instead of a ten.

Mr. Ward stated five years would be the least amount they would be willing to do.

Consensus: Move forward with Ms. Baker drafting a lease agreement with options for all parties to consider. Mr. Ward to pursue a non-profit with a 501c3 status.

(4) SCC FIRING RANGE: Dr. Don Tomas, SCC President; Cliff Stalter, SCC Vice President for Financial and Administration Services; James Bevers, Environmental Project Manager, ECS Carolinas, LLP; and John Stewart, Principal Geologist, ECS Carolinas, LLP, presented the Initial Site Sampling Plan for environmental assessment services for the SCC firing range site:

(a) The site consists of approximately 1.5 acres and is currently used by SCC as an active firing range and has been in similar use since the early 1980s.

(b) ECS conducted soil sampling activities in general accordance with Initial Site Sampling Plans dated February 3, 2015 and July 8, 2015. The sampling area consisted of five 10 foot by 15 foot quadrants located on the western end of the firing range. Composite soil samples were collected for 0-6 inches below the ground services, 2-3 feet bgs. and 4-5 feet bgs. within each quadrant. Grab soil samples were also collected from 0-6 inches to the west of the sampling area. Laboratory analysis of the samples indicated elevated concentrations of lead.

(c) ECS collected one grab surface water sample from the adjoining stream at a downgradient location from the firing range. Laboratory analysis of the sample indicated an elevated concentration of lead. The surface water sample results indicate that lead contamination is leaving the firing range and entering the adjoining stream. Based on a conversation with Ms. Robin Proctor with the Department of Environmental Quality (NCDEQ), additional assessment was required to determine the extent of lead contamination in the surface water and sediment along the adjoining stream and to assess the extent of soil contamination along the slope between the previously sampled quadrants and the stream.

(d) Based on their understanding of the project information, ECS proposes the following scope of services. Activities will be performed under the responsible charge of a North Carolina Registered Professional Engineer or Professional Geologist. The scope of work is based on correspondence between Ms. Proctor and Mr. Bevers:

- Conduct work using the previously prepared site-specific health and safety plan;
 - Prepare an ISSP per Appendix 3 of the Guidelines that formally outlines the site assessment activities for submittal to the Hazardous Waste Branch for approval;
 - Contact NC One Call utility locating company to identify public underground utilities at the site;
 - Utilize hand spade to collect grab sediment samples along the stream bed to determine if there is lead contamination present;
 - Surface water samples will be collected from the stream at various locations;
 - Utilize hand spade, hand auger and /or shovel to collect soil samples along an approximate 100 foot by 30 foot grid area located along the slope between the previously sampled quadrants by the stream.
 - Upon receipt of the laboratory results, ECS will prepare a summary report.
- (e) Ms. Proctor's set out two phased steps to be implemented:
- Immediate action on erosion control
 - Remediation of the site

Informational item only.

(5) CHINQUAPIN DEVELOPMENT AGREEMENT MODIFICIATION: John Jeleniewski, Code Compliance Officer and Elliott Harwell of Chinquapin Development presented:

Chinquapin Development is located on a 2000 acre tract in the southern part of the county adjacent to the Panthertown Recreation Area. The original tract has been owned by the Carlton Family since the 1970's and several Carlton family members still maintain homes in the immediate area. The original 2000 acres was maintained by the Carlton Family as a private recreational tract until around 2004, when a commitment was made to permanently protect approximately 700 acres of the property as Conservation Area and to develop the remainder of the property as Chinquapin Development. The initial development was commenced in 2005 by Trillium Links & Village, LLC. Trillium built the existing roads, platted the 80 existing lots, and constructed certain amenities including a partially completed golf course, driving range, club house, an equestrian facility and other associated recreational areas. Trillium sold 30 lots from 2005 until 2010, when they came into financial difficulty and conveyed the property back to Carlton. In March 2012, having retaken possession and title to Chinquapin Development from Trillium Links and Village, LLC, the Carlton family acting through the Carlton Land Trust, made an agreement with the county under N.C.G.S. 153A-349, which defines and authorizes Development Agreements. The purpose of development agreements in general is to facilitate longer term, or more complex developments in the case where several local agencies may have jurisdiction, and to give developers and lot buyers a measure of confidence that the laws and regulations respecting development and use of the property will not change while the property is being developed. In the case of Chinquapin, with a significant amount of roadways, and infrastructure in place, including a private water system and with a complement of amenities to maintain, the Chinquapin Development Agreement assures the 30 existing lot owners that the remainder of the development will not be developed in a manner such that the existing roadways and infrastructure will be either not maintained or maintained by those 30 owners alone. From the standpoint of the county, the Agreement commits the developer to certain standards which are vested so that ordinances and regulations in effect at the time of the Agreement are protected.

In September 2015, Chinquapin, LLC purchased all of the existing lots and future development areas of the development from Carlton Land Trust and CLT Outdoors, LLC. The Carlton Land Trust remains collaterally involved however, to insure continued maintenance and protection of the Conservation Area. As part of the due diligence process conducted by Chinquapin, LLC prior to the sale, initial discussions were held with county officials about the need to propose an amendment to the Development Agreement.

The proposal seeks to make two basic changes to the Chinquapin Development. First, the golf course amenity, which is now in a state of substantial disrepair, is proposed to be eliminated. This is believed to be necessary on account of 1) the existence of a number of other golf courses in the area which adequately serve the existing market for golf, and 2) the cost of completing the course and improving it to standards which would be competitive in the market. The second basic proposal is to increase overall development density from 200 to 400 residential units. This essentially flows from the elimination of the golf course since that facility is well suited to residential use. In order to limit the impact of the additional residential units, much of the new development not already contemplated will likely consist of smaller clustered residences commonly referred to as 'cottage lots' or 'zero lot line' lots where a number of homes are clustered in one area, surrounded by an expanse of open space for the enjoyment of all. These homes will be constructed according to the same design and architectural controls as the existing homes, except on a smaller scale.

While increased density will have an obvious impact on the development, it will at the same time provide enough members in the Property Owners Association so that the roadways, water system and other amenities can be maintained. Despite the loss of the golf course (which was never fully completed) the Development still has a wide variety of attractive amenities, not the least of which is over 17 miles of developed trails within the Conservation Area exclusively licensed to the Association.

Additionally, the cart path from the former golf course will be repurposed as an amenity and to allow connectivity within the community. The former golf training facility is proposed to be converted to a clubhouse, and the driving range and putting green will remain. Chinquapin, LLC also is considering an additional clubhouse near Double Knob and an open-air pavilion near Tulip Pond. Except for additional areas of cluster development in the golf course area, along Packs Creek and adjacent to Wolf Lake, the future home site phases that are proposed will remain substantially the same as approved in the existing Development Agreement.

The Developer is entitled to vested rights according to the Development Agreement, which has been assigned to Chinquapin, LLC. Nevertheless given the suitability of the property for development, the standards applicable to additional roadways and development in Chinquapin are substantially the same as in existing subdivision ordinances, and the proposed amended development agreement is in accord with what would be approved in a newly developed subdivision. Since purchasing the property, Chinquapin, LLC has already sold over 20 of the existing lots and is anticipating several more sales this year. The development and maintenance staff hired by Carlton Land Trust remains in place for continuity and a local management company continues the daily operations of the Property Owners Association.

In order for the Commissioners to consider the amendments to the proposals, there must be a public hearing.

Consensus: *Set a date and time for a public hearing at the next regular meeting.*

(6) COURTROOM IMPROVEMENTS: Mr. Wooten stated that since completing the security improvements to the Justice Center, Judge Letts has indicated that he believes the next step is to look at the courtrooms for needed improvements. Specifically, improving technology and modifying the bench area to provide additional space for the clerk. Also, he wants to look at the law library as a potential space for a third courtroom, which would address some of the major issues with the building for the short term. Recognizing the fact that they will eventually need more and better space. If they wish to move forward with looking further at this project, they may want to invite Heery and Associates to readdress the issues since they had previously performed a needs and space assessment of the facility.

Consensus: *Mr. Wooten to ask Heery and Associates to provide a proposal to renovate the courtrooms, look at renovating the law library into a third courtroom and making modifications to the Commissioners Board room to allow it to be used for a courtroom when needed.*

(7) QUASI-JUDICIAL HEARING: Ms. Baker presented an update on the procedure for conducting the quasi-judicial hearing:

(a) All persons, including staff, who intend to present evidence must be sworn in.

(b) Members of the Hearing Body should disclose the following:

- Any site visits;
- *Ex parte* communications;
- Specialized knowledge they have relevant to the case;
- Whether they have a fixed opinion that is not susceptible to change based on what they learn at the hearing;
- Whether they have a close familial, business or other relationship with the applicant or other affected person;
- Whether they have a financial interest in the outcome of the case; and
- Any other information relevant to determining whether a conflict of interest exists.

(c) The Presider shall open the hearing.

(d) The Staff Representative should present the staff report.

(e) In order to preserve the integrity of the quasi-judicial hearing and at the same time comply with G.S. 153A-323, the Board of Commissioners shall consider the Wireless Communication Facilities permit request, at a public hearing, conducted simultaneously with the quasi-judicial hearing.

(f) The Board of Commissioners shall not approve the Wireless Communication Facilities permit application unless and until it finds that the application meets all the requirements set forth in the ordinance and the Board of Commissioners makes the following findings:

- That the proposed use or development of the land will not materially endanger the public health or safety;
- That the proposed use or development of the land is reasonably compatible with significant natural and topographic features on the site and within the immediate vicinity of the site given the proposed facility, site and access road design and any mitigation techniques or measures proposed by the applicant;
- That the proposed use or development of the land will not substantially injure the value of adjoining or abutting properties;
- That the site can be accessed by service and emergency vehicles; and
- That the application, site and proposed improvements comply with all provisions of the ordinance.

(g) The Board of Commissioners may: deny approval; table the request pending submittal of additional information; or approve the wireless communications permit with or without additional conditions.

Informational item only.

(8) BOARD APPOINTMENTS: Mr. Wooten presented the following upcoming board appointments for Commissioners review and consideration:

CASHIERS PLANNING COUNCIL

Current Board Member	Original Appointment	1st Term Expiration	Eligible for Reappt
Ann McKee Austin	10/15/2012	10/15/2015	Yes
Vice Chair		10/15/2015	

HEALTH BOARD

Classification	Current Board Member	Original Appointment	Reappointment	Expiration	Eligible for Reappt
Local Govt	Mark Jones	12/1/2008	12/1/2012	12/1/2015	Yes
Engineer	Jerry Deweese	7/17/2006	10/09, 10/12	10/15/2015	No
Dentist	David McQuire	10/19/2009	10/15/2012	10/15/2015	Yes
At Large	Nell Sanford	7/17/2006	10/09, 10/12	10/15/2015	No

INDUSTRIAL FACILITIES & POLLUTION CONTROL FINANCING AUTHORITY

Current Board Member	Original Appointment	1st Term Expiration	Eligible for Reappt
Vacant (Salzano resigned)			
Mike Lackey	8/18/2008	8/18/2014	Yes
Becky Reeves	8/18/2008	8/18/2014	Yes
Raye Parker	9/8/2008	9/8/2014	Yes

PLANNING BOARD

Classification	Current Board Member	Original	Reappt	1st Term	2nd Term	Eligible for	Corrected
		Appointment		Expiration	Expiration	Reappt	Ending Date
District One	David Brooks	9/6/2011	9/3/2013	12/31/2013	12/31/2015	no	12/31/2017
District Two	Bonnie Claxton (Ben Bergen)	1/1/2016		12/31/2017		yes	12/31/2017
District Three	Sarah Thompson	9/3/2013	2/19/2015	12/31/2015	12/31/2017	**	12/31/2017
District Four	Tom Rogers (Bumgarner)	9/3/2013		12/31/2015		**	12/31/2017
Chairman	Clark Lipkin	1/18/2011	3/3/2014	12/31/2013	12/31/2015	no	12/31/2017
At-Large	Kent Moore (Ferguson)	3/17/2014		12/31/2015		yes	12/31/2016
At-Large	Dickie Woodard (Jamison)	3/17/2014		12/31/2015		yes	12/31/2016
At-Large	Ed Weatherby (Carpenter)	4/7/2014		12/31/2015		**	12/31/2016
At-Large	Scott Baker	4/7/2014	2/19/2015	12/31/2015	12/31/2017		12/31/2017
At-Large	Ronald Story	3/7/2014		12/31/2015		yes	12/31/2016
At-Large	Burt Kornegay	3/7/2014		12/31/2015		yes	12/31/2016

* proposed one year appointment ending 12/31/16
 ** Do not wish to be reappointed

RECREATION AND PARKS ADVISORY BOARD

Classification	Current Board Member	Original	1st Term	Eligible for
		Appointment	Expiration	Reappt
Cashiers/Glenville	Arnold Nicholson	11/19/2012	11/19/2014	Yes
SCC	Vacant			

TOURISM DEVELOPMENT AUTHORITY

Classification	Current Board Member	Original	1st Term	Eligible for
		Appointment	Expiration	Reappt
South Jackson	Clifford Meads	12/3/2012	12/3/2015	Yes
Cashiers Chamber	Ken Fernandez	12/3/2012	12/3/2015	Yes
N. Jackson 25 + Rms	Vick Patel	12/3/2012	12/3/2015	Yes
N. Jackson Retail	Kelly Custer (Luker)	1/8/2015	12/3/2015	Yes

TUCKASEEGEE WATER & SEWER AUTHORITY

Classification	Current Board Member	Original	1st Term	Eligible for
		Appointment	Expiration	Reappt
Jackson County	Doug Cody	12/3/2012	12/31/2015	Yes

WATERSHED

Classification	Current Board Member	Original	Reappointment	Term	Eligible for
		Appointment		Expiration	Reappt
Reside Watershed	Rick Bennett	1994	03, 06, 09, 12	2/1/2015	?
Appointed	Jim Ryan	2/1/2009	2/1/2012	2/1/2015	?
Reside Watershed	Ray Trine ALTERNATE	1997	03, 06, 09, 12	2/1/2015	?
Appointed	Neil Dawson	7/1/2003	06, 09, 12	2/1/2015	?

Chairman McMahan stated that per the Benchmark Planning recommendations, he wanted to look at ways to provide training and orientation for new Planning Board members and eventually all new board members.

Informational item only.

(9) CLOSED SESSION:

Motion: Commissioner Deitz 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 Greene moved to adjourn the meeting. Commissioner Jones seconded the Motion. Motion carried and the meeting adjourned at 2:17 p.m.

Attest:

Approved:

Angela M. Winchester, Clerk to Board

Brian Thomas McMahan, Chairman