

**MINUTES OF A  
WORK SESSION  
OF THE JACKSON COUNTY  
BOARD OF COMMISSIONERS  
HELD ON  
DECEMBER 13, 2016**

The Jackson County Board of Commissioners met in a Work Session on December 13, 2016, 10:00 a.m., Justice and Administration Building, Room A227, 401 Grindstaff Cove Road, Sylva, North Carolina.

Present: Brian McMahan, Chairman  
Charles Elders, Vice Chair  
Mickey Luker, Commissioner  
Ron Mau, Commissioner

Don Adams, County Manager  
Heather C. Baker, County Attorney  
Angela M. Winchester, Clerk to Board

Absent: Boyce Deitz, Commissioner

Chairman McMahan called the meeting to order in Room A201 for the Employee Recognition.

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

Retiring December 1, 2016:

|                 |                     |                             |
|-----------------|---------------------|-----------------------------|
| Darlene Burrell | 27 Years of Service | Department of Public Health |
|-----------------|---------------------|-----------------------------|

Retiring January 1, 2017:

|                    |                     |                             |
|--------------------|---------------------|-----------------------------|
| Jean Morgan        | 12 Years of Service | Department of Public Health |
| Zebbie Nations     | 17 Years of Service | Public Works - Housekeeping |
| Stephen Ray Coward | 19 Years of Service | Public Works - Housekeeping |
| Samuel Lewis Beck  | 30 Years of Service | Department of Public Health |

Mr. Adams recognized the following employees for their years of service:

Service Recognition:

|                  |                     |                               |
|------------------|---------------------|-------------------------------|
| Chuck Norris     | 30 Years of Service | Transit                       |
| Suzanne Allison  | 25 Years of Service | Tax Administration            |
| Kimberly Cabe    | 25 Years of Service | Department of Social Services |
| Wanda Hall       | 25 Years of Service | Emergency Management          |
| Linda Akins      | 20 Years of Service | Sheriff's Office              |
| Christopher Cabe | 20 Years of Service | Sheriff's Office              |
| Julie Creason    | 20 Years of Service | Department of Public Health   |
| Rusty Ellis      | 20 Years of Service | Parks & Recreation            |
| Rebecca Green    | 20 Years of Service | Department of Social Services |
| James McCoy      | 20 Years of Service | Sheriff's Office              |
| David Monteith   | 20 Years of Service | Public Works – Garage         |
| Chad Parker      | 20 Years of Service | Public Works                  |

Chairman McMahan moved the meeting to Room A227 for the Work Session.

**(2) PROPOSED STATE GRANT FUNDED POSITION – HEP C:** Melissa McKnight, Assistant Health Director, presented: Hepatitis C in Western North Carolina:

- (a) What is Hepatitis C:**
  - Bloodborne pathogen
  - Infection ranges in severity
  - Acute HCV: Mild, lasting a few weeks
  - Chronic HCV: Serious, lifelong illness
  - Re-infection is possible
  - No vaccine available
  - Syndemic with HIV
- (b) Progression of HCV infection: For every 100 people infected with the Hepatitis C Virus:**
  - 75-85 will develop chronic infection
  - 60-70 will develop chronic liver disease
  - 5-20 will develop cirrhosis
  - 1-5 will die of cirrhosis or liver cancer
- (c) Transmission:**
  - Primarily through exposure to infectious blood:
    - Injection drug use (IDU)
    - Needlestick injuries
    - Birth to infected mother
  - Infrequently through:
    - Sex
    - Sharing personal items
    - Invasive healthcare procedures
- (d) Acute Hepatitis C Cases in NC have risen from 2000 to 2015.**
- (e) Two epidemics in NC:**
  - Historic:
    - Chronic
    - 110,000+ infected
    - 75% of cases are among baby boomers
    - 25% infected with HIV are co-infected with HCV
    - 50% unaware of infection
  - Emerging epidemic:
    - Acute
    - Reported cases have tripled from 2010-2014
    - Underreported and underestimated
    - Coincides with increasing use of injectable opioids
    - Mostly among: younger, white and rural persons in poorer communities
- (f) Unintentional poisoning:**
  - In the period 2009-2013, 34 Jackson County residents died as a result of unintentional poisoning, with a corresponding age-adjusted mortality rate of 17.1 deaths per 100,000 population, higher than the WNC or NC averages.
  - Of the 34 unintentional poisoning deaths in the county in that period, 26 (76%) were due to medication or drug overdoses, with a corresponding mortality rate of 13.1, significantly higher than the average NC rate, but lower than the WNC rate.
- (g) Unintentional medication / drug overdoses: Other opioids caused the highest proportion of drug overdose deaths (38.7%) in Jackson County for 2009-2013.**
- (h) CDC Policy Impact: Prescription painkiller overdoses: For every one death, there are ten treatment admissions for abuse, 32 emergency department visits for misuse or abuse, 130 people who abuse or are dependent and 825 non-medical users.**

- (i) Counties most vulnerable to HCV/HIV outbreak:
  - Data sources:
    - Emergency department visits for opioid overdose
    - Reported cases of acute HCV
    - Chronic HCV data from Medicaid
    - Percent white population
    - Percent unemployed
  - Identified 11 most vulnerable NC counties, all in Western NC
- (j) Root causes of HCV and IDU:
  - SES:
    - Living in poverty
    - Lack of educational opportunities, affordable housing, living wage job opportunities
    - Overburden of the healthcare system
    - Criminalization of addiction and drug use which makes treatment and behavior change difficult
  - Environmental:
    - Overprescribing of opioids leading to IDU
    - Sharing needles
    - ACEs
  - Cultural bias:
    - Perceptions of the disease and its cause as a personal failure vs. failure of the system
    - Negative perceptions of addiction and the associated social stigma
  - Lack of resources:
    - Lack of primary and secondary prevention efforts
    - Lack of knowledge and awareness of how HCV can be transmitted and prevented
    - Lack of education for PCPs regarding HCV
    - Lack of available clean needles for SSPs
    - Limited access to PCPs or behavioral health care
  - Barriers of access:
    - Lack of insurance coverage making treatment inaccessible
    - Cost of treatment
    - Lack of treatment options
    - Lag time between screening and treatment
- (k) HEP CTLC:
  - Test: High risk populations for HCV, HIV, and other sexually transmitted infections
  - Link:
    - Medical care for HCV infection
    - Mental health and substance abuse disorder treatment
    - Social services assistance, as appropriate
  - Cure:
    - Curative treatment
    - Eliminate onward transmission and reduce prevalence
- (l) Public health response to HCV:
  - Enhanced surveillance: Chronic HCV reportable through electronic laboratory reporting (ELR)
  - Outreach and screening:
    - Targeted screening of high risk groups
    - Client education
    - HAV/HBV vaccination

- Linkage to cure
  - HCV Bridge Counselors
  - Expanded primary care capacity to treat HCV
- (m) HCV Bridge Counselor:
  - Position available to serve Region 1
  - Fully funded by the NC DPH Communicable Disease Branch
    - Funding available for remaining of FY16-17
    - Potential to continue for future fiscal years
  - Primary goals for position:
    - Link people who are infected with HCV to clinical providers for treatment and care
    - Provide disease specific education to patients and the community
    - Link providers to the NC HCV Test, Link, and Cure Academic Mentorship Program

Shelley Carraway, Health Director, stated that the Health Department had been given the opportunity to create a position that would cover all of the counties in Region I and II, to act as a Hepatitis C Bridge Counselor. The position would be funded by the state, including fringe, travel and supplies. The county would be responsible for providing a vehicle and office space.

The state wanted to create the position to replicate the highly successful model of Bridge Counselling used to link and re-engage HIV positive clients in care, but to do so for the Hepatitis C population in the regions. The funds were targeted for the western part of the state since it was identified as having a large population of people at high risk for Hepatitis C and opioid overdose.

This would be the only state funded Hepatitis C Bridge Counselor in the state. The position would work with people newly diagnosed with Hepatitis C to provide education about liver health, to identify and link to knowledgeable providers and to assist in locating resources payment of labs and medication, including patient assistance programs for Hepatitis C cure drugs.

The Jackson County Health Department would like to step up and help build this version of the model of a Bridge Counselor. If successful, the plan would then create more Bridge Counselors across the regions. The agreement addendum of the first release of funding was for the service period of 01/01/2017 – 05/31/2017. The state assured the funds were available for continuing the position with a new agreement addendum to begin 06/01/2017 – 05/31/2018 and potentially for years to come.

**Consensus:** *Add this item to the next regular meeting agenda for consideration.*

**(3) FAIR LABOR STANDARDS ACT:** Danielle Wittekind, Human Resources Director, presented the Fair Labor Standards Act (FLSA) Legislation Update:

On November 22, 2016, the US District Court for the Eastern District of Texas in the case of *State of Nevada, et al v. United States Department of Labor et al* issued a preliminary injunction enjoining the U.S. Department of Labor from implementing the revised FLSA overtime regulations on December 1st. The District Court concluded that the “significant increase to the salary level creates essentially a de facto salary-only test...Congress did not intend salary to categorically exclude an employee with (executive/administrative/professional) EAP duties from the exemption”. The District Court found that the Department of Labor lacked the authority to implement automatic updates to the salary basis threshold. The District Court also decided that a nationwide injunction was appropriate in the case since the regulations apply to all states. The decision halted the implementation of changes that were scheduled to take effect on December 1st, at least temporarily.

The District Court found that when Congress established the exemption for executive, administrative and professional employees, it intended it to be defined based on the duties being performed and not on a minimum salary level. A footnote states that “the Court is not making a general statement on the lawfulness of the salary-level test for the EAP exemption. The Court is evaluating only the salary-level test as amended under the Department’s Final Rule”.

The District Court believed that the regulations conflicted with the intent of Congress and cited the following statement in the final rules - “white collar employees subject to the salary level test earning less than \$913 per week will not qualify for the EAP exemption and therefore will be eligible for overtime, irrespective of their job duties and responsibilities”. The District Court noted that only Congress and not the Department of Labor can decide that the salary requirement should “supplant the duties test”.

The Labor Department issued the following statement in response to the decision: “We strongly disagree with the decision by the court, which has the effect of delaying a fair day’s pay for a long day’s work for millions of hardworking Americans. The department’s overtime rule is the result of a comprehensive, inclusive rulemaking process and we remain confident in the legality of all aspects of the rule. We are currently considering all of our legal options”.

At the time, it was unclear whether the Labor Department will appeal the decision to the US Court of Appeals or the Fifth Circuit. Also unknown is the position of the incoming administration of President Trump on the issue. For Jackson County, this did not change that identified errors of misclassified employees and part-time employee timekeeping errors are to be corrected immediately. The Human Resources Director is going to discuss with each Department Head the halting of the revised regulation and review all positions to notate the exempt or non-exempt status of the position under FLSA and review timekeeping methodologies to ensure that all hours worked are being accurately recorded and accrual of compensatory time is being tracked in accordance to Jackson County’s compensatory time policy.

*Informational item only.*

**(4) MUNICIPAL GRANT PROGRAM:** Paige Roberson Dowling, Sylva Town Manager, presented a municipal grant application for the Town of Sylva. If awarded, the Town of Sylva would utilize funding from the grant to install a drinking fountain with a bottle filling station on Main Street. The unit would be freeze resistant, ADA compliant and include a pet fountain. The Town of Sylva Public Works Department would install and maintain the drinking fountain. The Town of Sylva would be responsible for the monthly water and sewer bills. Requested amount from the county \$5,000, with a total project cost \$7,575.

Mr. Adams noted that The Town of Dillsboro withdrew their application.

**Consensus:** *Add this item to a January regular meeting agenda for consideration.*

**(5) SAVANNAH PARK:** Mr. Adams stated that he had met with recreation staff and Savannah Park was still on the radar for construction. There was another grant that the county could potentially have access to for additional funding. This item would be brought back to the Board for discussion when they were aware of all revenues that would be available for the project.

*Informational item only.*

**(6) CASHIERS POOL:** Rusty Ellis, Parks and Recreation Director; Michael Hopkins, Parks and Recreation Assistant Manager; and Victor Lofquist, Engineer, presented an agreement for preliminary consulting services related to the Cashiers Swimming Pool, for consideration. The project included developing a preliminary engineering report on the existing Cashiers Public Swimming Pool to evaluate current conditions and make preliminary recommendations for repairs, improvements and maintenance. The consultant would perform the services for a fixed fee of \$7,250, including expenses.

**Consensus:** *Move forward with the agreement with Mr. Lofquist for preliminary consulting services related to the Cashiers Swimming Pool.*

(7) **SKYLAND SERVICES CENTER:** Odell Thompson, Architect, presented an updated schematic design for the Skyland Services Center and the following estimate of potential construction costs:

|   | <b>QTY</b> | <b>UNITS</b> | <b>\$/UNIT</b> | <b>COST</b>        |
|---|------------|--------------|----------------|--------------------|
| Cooperative Extension upfit*                        | 2415       | SF           | \$135          | \$326,025          |
| Kitchen/Meeting construction*                       | 1192       | SF           | \$135          | \$160,920          |
| Soil & Water upfit*                                 | 1932       | SF           | \$150          | \$289,800          |
| Commercial Kitchen stub-up plumbing                 | 1          | LS           | \$2,000        | \$2,000            |
| Programming/Conference*                             | 349        | SF           | \$135          | \$47,115           |
| Mechanical  | 332        | SF           | \$85           | \$28,220           |
| Tel/Comm Room                                       | 85         | SF           | \$100          | \$8,500            |
| Public Works Storage                                | 839        | SF           | \$85           | \$71,315           |
| Unfinished Undesignated spaces                      | 644        | SF           | \$70           | \$45,080           |
| Circulation space: solar tubes, new finishes        | 2803       | SF           | \$90           | \$252,270          |
| Re-work sprinkler system                            | 10592      | SF           | \$7            | \$74,144           |
| Skylight feature over the common lobby              | 1          | LS           | \$150,000      | \$150,000          |
| Exterior facelift allowance                         | 1          | LS           | \$100,000      | \$100,000          |
| Sitework/landscape allowance                        | 1          | LS           | \$50,000       | \$50,000           |
| <b>Subtotal</b>                                     |            |              |                | <b>\$1,605,389</b> |
| Contingency 10%                                     |            |              |                | \$160,538.90       |
| Total Construction Costs                            |            |              |                | \$1,765,928        |
| Design Fees A/E Fees (A,M,E,P,S)                    | 1          | LS           | \$72,000       | \$72,000           |
| <b>TOTAL</b>  |            |              |                | <b>\$1,837,928</b> |
| Furniture, Fixtures and Equipment for *             | 5888       | SF           | \$15           | \$88,320           |
| Allowance for commercial kitchen equipment and hood | 0          | LS           | \$65,000       | \$0                |
|   |            |              |                |                    |
| <b>GRAND TOTAL</b>                                  |            |              |                | <b>\$1,926,248</b> |

Mr. Adams stated that this item had been approved and budgeted. A consensus from the Board was needed to move forward with the updated schematic design.

***Consensus:*** *Move forward with the updated schematic design, as presented. Mr. Thompson to move forward with contacting the engineers for drawings.*

(8) **CULLOWHEE VOLUNTEER FIRE DEPARTMENT:** Mr. Adams and Terry Ashe, Cullowhee VFD Treasurer, presented information from Pam Hyson, Area Director, Rural Development, USDA, regarding the Cullowhee VFD's USDA Loan:

The Agency received initial funding for Community Facilities in the 2017 fiscal year, but were insufficient to meet the needs of the projects already approved by the National Office, but not funded from FY16 funds. It was their intent to fund projects in date order based upon Authorization of Deliver Letter of Conditions (LOC) as additional funds become available with the passage of the FY 2017 budget or additional CR. It was obvious from the information provided that funding in FY 2017 would be delayed.

Currently, they were prohibited from delivering any Letters of Conditions, the final step before loan funding, until loan funds were available from a long-term CR or passage of a FY 2017 budget. It was Ms. Hysong's intention to have applications ready for funding when the allocation of Community Facilities funding was made available to the state, but she did not know when that would be.

The VFD had looked at other funding options from private banks, but the terms would not be the same as with USDA. A positive to the delay with USDA was that the interest rate had dropped, which would be a significant savings over the term of the loan. In the meantime, they could pursue quotes from other lenders, including Local Government Federal Credit Union for updated terms.

Mr. Lofquist stated that the site had been filled and remediation had been done to the needed areas and the site was now in good shape.

Mr. Thompson stated they could only go so far with documents until they knew if they would be using federal money or private banking.

**Consensus:** *Allow staff to work with the Cullowhee VFD to obtain more loan quotes so they may be in a position to make a decision to move forward in January.*

**(9) FIRING RANGE:** Dr. Don Tomas, SCC President, stated that upon receiving results from the latest round of tests at Southwestern Community College's firing range, the N.C. Department of Environmental Quality has recommended "capping" of a recently excavated section. From September through early November, approximately 350 tons of lead-impacted soil was removed from the range and successfully treated. It was in the process of being transported to regional landfills.

The area from which that soil was removed will now be "capped" with a non-porous soil, a synthetic liner or a combination of the two. A retaining pond was proposed to be constructed over a portion of the cap to remove future lead contamination from run-off water coming from the firing range.

As has been the case throughout the cleanup process, SCC was following every recommendation made by NCDEQ officials. SCC initially and voluntarily reached out to NCDEQ (formerly N.C. Department of Environment and Natural Resources) in May of 2014 for guidance in evaluating and ultimately remediating the soil at the college's firing range in Dillsboro. To continue monitoring the site and to ensure there's no further contamination, NCDEQ also asked that SCC install four monitoring wells at the range.

The monitoring wells will determine if the groundwater has been impacted beneath the firing range. Once NCDEQ officials approve the plan developed by ECS Carolinas, sampling from the wells should be completed within a month. An initial estimate has the project at \$14,400, all or part of which could potentially be covered by savings from the earlier remediation project. SCC and ECS Carolinas are contacting civil engineers who can design the cap and retaining pond. A timetable and estimated cost will be determined for that project after a civil engineer has been hired. Local and regional law enforcement agencies, as well as students in SCC's National Park Service/Seasonal Law Enforcement Training and Basic Law Enforcement Training programs, use the range.

*Informational item only.*

**(10) TOURISM DEVELOPMENT AUTHORITY (TDA) MEMBERSHIP:** Nick Breedlove, Executive Director and Robert Jumper, Chairman, presented proposed changes to the TDA Resolution:

**Section 2: Appointment of Membership:**

**A.** The Jackson County Tourism Development Authority shall consist of fifteen (15) members who shall be appointed and approved by the Jackson County Board of Commissioners. They shall also be voting residents and/or taxpayers of the County, and shall be selected as follows:

**Group One** – (5) Lodging Properties – south Jackson County; (3) medium properties – 25 10 rooms or units and up, (1) B&B, B&B Inn/Country Inn-25 rooms or less; and (1) Home Rental/Condo/Timeshare/Vehicular Campsite (if they collect tax),

**Group Two** – (5) Lodging Properties – north Jackson County; (3) medium properties – 25 10 rooms or units and up, (1) B&B, B&B Inn/Country Inn-25 rooms or less; and (1) Home Rental/Condo/Timeshare/Vehicular Campsite (if they collect tax),

**Group Three**- (3) Retail/Tourism related business representatives to include (1) from south Jackson County, (1) from north Jackson County and (1) Jackson County At-Large,

**Group Four** – (1) representative from the Cashiers Area Chamber of Commerce and the Executive Director from the Cashiers Area Chamber of Commerce will be an ex officio member with no term limit.

**Group Five** – (1) representative from the Jackson County Chamber of Commerce and the Executive Director from the Jackson County Chamber of Commerce will be an ex officio member with no term limit.

Mr. Breedlove stated that there were currently six vacancies on the Board and it was challenging to fill the current positions due to the requirements. In Groups One and Two, the requirement was for three medium properties with 25 rooms and up. The TDA recommended changing the requirement to be 10 rooms or units and up to help create a larger pool of people that would be able to meet the requirements to serve.

***Consensus:*** *Move forward with placing this item on the next regular meeting agenda for consideration to set a public hearing.*

**(11) QUALIFIED ZONE ACADEMY BONDS:** Mr. Adams stated this was regarding the \$9 mil slated to be borrowed for school construction. This was in regards to the projects this Board had already authorized to proceed and passed resolutions of reimbursement. Qualified Zone Academy Bonds was a federal program that was implemented through the state. There was a certain amount of allocations each year that banks could choose to participate in by issuing loans and they would receive tax credits in lieu of interest. This was not a federal or state loan program, this was private banks taking advantage of a federal program.

Darlene Fox, Finance Director, had been working with the school finance officer and BB&T to work out borrowing the funds from BB&T for 0% interest over a 15 year period. This could be a significant savings over that period of time.

Ms. Fox stated they were turning in six applications (Blue Ridge, Fairview, Smokey Mountain High, Cullowhee Valley, Scotts Creek and Smokey Mountain Elementary) and they all required a 10% match. The Board of Education had received grants that year to would cover the \$900,000 required match. The Board of Education would turn the applications in; however, the Board of Commissioners Chairman and the Clerk to the Board would need to sign the applications. Authorization was needed from the Board for the Chairman and Clerk to sign the applications. That was the first step, there would be multiple other steps for action from the Board in the future.

***Consensus:*** *Move forward with placing this item on the next regular meeting agenda for consideration.*

**(12) NCACC LEGISLATIVE GOALS CONFERENCE:** Mr. Adams stated that it had been requested by the NCACC that each Board of Commissioners designate a Commissioner or other official as a voting delegate for the 2017 Legislative Goals Conference. The Conference would be held January 12-13 in Wake County.

***Consensus:*** *Move forward with placing this item on the next regular meeting agenda for consideration.*

**(13) JANUARY MEETING DATES:** Due to the holiday schedule for January, the Board set the meeting dates and times as follows for January:

January 9<sup>th</sup> Regular Meeting at 3:00  
January 10<sup>th</sup> Work Session at 1:00  
January 17<sup>th</sup> Work Session at 1:00  
January 30<sup>th</sup> Regular Meeting at 6:00  
*Informational item only.*

**(14) PROPOSED FISCAL YEAR 2017-2018 BUDGET TIMELINE:** Mr. Adams presented the proposed budget calendar FY2017-18:

|                     |   |
|---------------------|---|
| January 10, 2017    | Board of Commissioners Preliminary Goal Setting/Budget Planning Session                       |
| February 14, 2017   | Board of Commissioners Final Goal Setting/Budget Planning Session                             |
| February 22, 2017   | Manager's Preliminary Meeting with Department Heads   |
| March 1, 2017       | Non-Profit Grant Applications disseminated  |
| March 20, 2017      | Departmental Operations and Capital Budget Requests submitted to Finance                      |
| April 3–28, 2017    | Manager/Finance Budget Meeting with Departments and Agencies                                  |
| April 11, 2017      | Budget Workshop 1 – Commissioners (JCPS, SCC, Library, Non-Profits, Debt Service)             |
| May 9, 2017         | Budget Workshop 2 – Commissioners (County Departments, Revenues, Capital Outlay, Other Funds) |
| May 15, 2017        | Manager's Recommended Budget Presented to Board   |
| May 16–June 6, 2017 | Budget Review by Commissioners  |
| June 5, 2017        | Public Hearing on Proposed Budget   |
| June 13, 2017       | Budget Workshop 3 – Commissioners (Final Adjustments / Discussion)                            |
| June 19, 2017       | Adoption of Budget  |

*Informational item only.*

There being no further business, Commissioner Elders moved to adjourn the meeting. Commissioner Mau seconded the Motion. Motion carried and the meeting adjourned at 1:59 p.m.

Attest:

Approved:

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Angela M. Winchester, Clerk to Board

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Brian Thomas McMahan, Chairman