

**MINUTES OF A
REGULAR MEETING
OF THE JACKSON COUNTY
BOARD OF COMMISSIONERS
HELD ON
JANUARY 09, 2017**

The Jackson County Board of Commissioners met in a Regular Session on January 09, 2017, 3:00 p.m., Justice & Administration Building, Room A201, 401 Grindstaff Cove Road, Sylva, North Carolina.

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

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

Chairman McMahan called the meeting to order.

(1) PROCLAMATION FOR MARTIN LUTHER KING, JR. DAY OF SERVICE:

Chairman McMahan read a Proclamation to proclaim January 16th as Martin Luther King, Jr. Day of Service and presented the proclamation to Stella Moore, NAACP Local Chapter Board Member. Commissioner Elders moved to approve the Proclamation. Commissioner Mau seconded the Motion. Motion carried.

(2) AGENDA: Commissioner Deitz moved to approve the Agenda. Commissioner Elders seconded the Motion. Motion carried.

(3) MINUTES: Commissioner Mau moved to approve the minutes of a Work Session of December 13, 2016 and a Regular Meeting of December 15, 2016. Commissioner Elders seconded the Motion. Motion carried.

(4) CHAIRMAN'S REPORT: Chairman McMahan stated he enjoyed the opportunity to attend the Chili's Grand Opening on campus earlier that day. It was a great event and the opportunity added 50 new jobs to the county, which was good for the local economy. Also, he appreciated all of the emergency service workers and maintenance staff for all their work during the snow. They all did an outstanding job on behalf of the county.

(5) COMMISSIONER REPORTS:

(a) Commissioner Mau stated that he and Commissioner Luker attended the UNC School of Government's course on Essentials of Government. Because of the weather, they only held a portion of the session. They would be completing the course in the future.

(b) Commissioner Luker stated he was glad to have Commissioner Deitz back with them and that his thoughts and prayers were with him. He attended the Cashiers Code Enforcement opening and everyone involved with the remodel did an amazing job. Also, he heard only great compliments for Emergency Service, DOT and law enforcement for the way they all handled the snow storm. That morning, county maintenance workers were able to remove a dialysis patient from their home, who was unable to do so because of snow and ice, so that they could receive treatment. Also, he had discussed with the Sheriff the drug problem in the county, as it was having a major impact on the youth. The Sheriff was on top of the issue, but more work needed to be done by the county. Lastly, he lost a dear friend, Bill Stillwell, who had performed a lot of public service work in the county. His thoughts and prayers were with his family.

(c) Commissioner Elders stated his heart went out to law enforcement during the snow storm. He encouraged everyone to drive with extreme caution.

(6) **COUNTY MANAGER REPORT:** Mr. Adams stated had no report, but echoed the appreciation for law enforcement and maintenance.

(7) **INFORMAL COMMENTS BY THE PUBLIC:**

(a) T.J. Walker of Dillsboro stated he was a member of the Dillsboro Merchant Association and he requested that the county be mindful and respectful of the businesses in Dillsboro regarding a possible new riverfront economic development. Also, he asked that there be connectivity to the Town of Dillsboro.

(b) Susan Levelle of Dillsboro stated she was a merchant in Dillsboro. She felt it necessary to include merchants and residents of Dillsboro in the planning of any project that may involve the town and outdoors. She thought they could help with good planning to help the project be one they can all be proud of.

(8) **MUNICIPAL GRANT PROGRAM:** Mr. Adams stated the Town of Sylva presented a municipal grant application to install a drinking fountain with a bottle filling station on Main Street. The requested grant amount from the county was \$5,000.

***Motion:** Commissioner Luker moved to grant the funding request in the amount of \$5,000, made by the Town of Sylva, to install a drinking fountain on Main Street. Commissioner Mau seconded the Motion. Motion carried by unanimous vote.*

(9) **NCACC LEGISLATIVE GOALS:** Chairman McMahan stated that there were several steering committees that had met to review the goals of the various categories and then all of those goals were approved by those steering committees (i.e. tax and finance). They were then forwarded to the Goals Committee, which was a broad representation from across the state. The Goals Committee then voted and pared those down and rank them, which would most likely be the goals debated on the floor of the Legislative Goals Conference, to determine the top three.

Mr. Adams presented the top seven NCACC Legislative Goals Committee Priorities:

(a) HHS-1: Support increased state funding for behavioral health services and facilities at the state and local level, including dedicated resources for community paramedicine projects. Support Medicaid reimbursement to EMS for behavioral health transport to crisis centers and structure appropriate county participation in behavioral health program governance.

(b) PE-1: Seek legislation to establish a new state-county partnership to address statewide public school capital challenges--including but not limited to maintenance, renovation, construction and debt--through a dedicated, stable funding stream that is consistent from county to county and sufficient to meet the school facility needs of all 100 counties.

(c) GG-1: Support increased state funding for transportation construction and maintenance needs, and support legislation to ensure that the STI funding formula recognizes that one size does not fit all and that projects in both rural and urban areas are prioritized and funded.

(d) TF-1: Support efforts to preserve and expand the existing local revenue base of counties, and oppose efforts to divert to the state fees or taxes currently allocated to the counties to the state. Oppose efforts to erode existing county revenue streams and authorize local option revenue sources already given to any other jurisdiction.

(e) JPS-1: Support legislation and funding to raise the Age of Juvenile Jurisdiction from 16 to 18 with the exception of felony crimes

(f) TF-2: Support legislation to grow North Carolina's statewide economy through sound state investments, including public infrastructure funding, competitive incentives, and coordinated efforts with county economic development services.

(g) PE-2: Support legislation to repeal the statutory authority under N.C. Gen. Stat. 115C-431(c) that allows a local school board to file suit against a county board of commissioners over county appropriations for education.

Commissioner Mau requested another goal be added to the list that the county would support. He suggested adding:

GG-3: Seek legislation, funding and other efforts to expand digital infrastructure/broadband capability to the un-served and under-served areas of the state.

Motion: Commissioner Mau moved to approve NCACC seven stated goals with an amendment to include GG-3. Commissioner Elders seconded the Motion. Motion carried by unanimous vote.

(10) CULLOWHEE COMMUNITY PLANNING COUNCIL – WCU EX-OFFICIO

APPOINTMENT: Michael Poston, Planning Director, stated that on November 17, 2016, the Board of Commissioners approved an amendment to the Cullowhee Community Planning Area Development Standards Ordinance as follows:

“The Board of Commissioners may select, at their discretion or upon the request of the Cullowhee Community Planning Council, ad hoc or ex officio members for the purposes of contributing expertise to the planning council. Ex officio members may be selected from the community at large or may be selected from organizations or authorities. There should be a focus on representation from Western Carolina University. Ad hoc or ex officio members shall be non-voting.”

Mr. Poston stated the WCU Chancellor had sent a letter of support. Action by the Board would formalize the appointment and allow the Chancellor to determine the best person from the organization to represent WCU in the meetings.

Motion: Commissioner Elders moved that pursuant to the request of the Cullowhee Community Planning Council and Section 3-3(b)(5) of the Ordinance, to select a member from Western Carolina University, appointed by the Chancellor of the University, to serve as a non-voting Ex officio member to the Cullowhee Community Planning Council. Commissioner Deitz seconded the Motion. Motion carried by unanimous vote.

(11) PUBLIC TRANSPORTATION CONSOLIDATED CAPITAL RESOLUTION

(R17-01): Chuck Norris, Transit Director, presented Resolution R17-01 for consideration.

Motion: Commissioner Luker moved to adopt the Public Transportation Consolidated Capital Call for Projects Program Resolution R17-01. Commissioner Elders seconded the Motion. Motion carried by unanimous vote.

(12) COMMISSIONER APPOINTMENTS TO BOARDS AND COMMISSIONS:

Chairman McMahan stated that the Commissioners were required, by state statute, to serve on various boards and commissions. Board members volunteered to serve as follows:

- (a) Council on Aging: Commissioner Luker
- (b) Emergency Food and Shelter Board: Commissioner Luker
- (c) Health Board: Commissioner Elders
- (d) Juvenile Crime Prevention Council: Commissioner Deitz
- (e) Public Library Board: Commissioner Luker
- (f) Tourism Development Authority: Commissioner Mau
- (g) Tuckasee Water and Sewer Authority: Commissioner Mau
- (h) Vaya Health Commissioner Advisory Board: Chairman McMahan

Motion: Commissioner Mau moved to approve the appointments. Commissioner Luker seconded the motion. Motion carried by unanimous vote.

(13) BOARD OF ADJUSTMENT:

Motion: Commissioner Luker moved to reappoint Sue Bumgarner to serve another three year term on the Board of Adjustment, term expiring September 04, 2019. Commissioner Elders seconded the Motion. Motion carried by unanimous vote.

(14) FIREMEN'S RELIEF FUND:

Carry over.

(15) TRAILS AND GREENWAY COMMITTEE:

Carry over.

(16) TOURISM DEVELOPMENT AUTHORITY:

Carry over.

(17) AGENDA: Commissioner Luker moved to amend the agenda to add: Tuckasegee Water and Sewer Authority. Commissioner Mau seconded the Motion. Motion carried.

(18) TUCKASEEGEE WATER AND SEWER AUTHORITY REMOVAL:

Commissioner Luker stated that the history behind this was in looking at the newspaper and things that had been coming up lately, there was a huge majority of the community that had a concern about what was going on with the Tuckasegee Water and Sewer Authority. It seemed like that agency needed to take a fresh new look at the direction they were headed. Nothing against Mr. Ward, his big issue was that there had always been a Cashiers representative on TWSA and with Mark Jones coming off that board, he wanted to have a Cashiers representative. He thought TWSA needed a new focus on where it was headed and he had been hearing from a huge amount of folks that wanted a change up and to see something different.

Commissioner Deitz questioned why they were going to remove Mr. Ward because of the direction of TWSA when there were so many members on that board. He questioned if they felt that removing one person would change the direction or philosophy of that board. He thought they should remove someone because they were not attending meetings or not doing what they were supposed to do or something of that nature. If that were the case, he would agree with terminating him. Was this the case with Mr. Ward or was this political? He stated that as a country and state they were deeply divided and he hoped that the County Board would not become this way as well. The previous Board of Commissioners tried to be as civil as possible, even not removing members of boards and allowing them to serve out their terms.

Chairman McMahan stated that as far as he was aware, Joe Ward had attended the meetings and had done his job representing Jackson County very well.

Commissioner Elders asked Commissioner Luker if he had individuals coming to him or was this just what he had read in the newspaper.

Commissioner Luker stated this was numerous individuals and business owners coming to him just in the last week saying they were having difficulty getting things done or making things happen. They wanted to see a new direction. He felt they had to start somewhere and that this was an opportunity to listen to what people were saying. Also, this was not politically motivated.

Commissioner Deitz agreed there needed to be some change in the direction at TWSA. He was concerned about what he had read in the newspaper that week also. He thought they needed to look at that very strongly. If that was Commissioner Luker's point, he was for him and would work with him on that point. He thought if there was not a problem, then there was a perceived problem in that people did not understand how things worked, as far as impact fees etc.

Chairman McMahan stated that he had a conversation with the Mayor of Sylva and they were looking to have a meeting with Mr. Harbaugh, Executive Director TWSA, regarding impact fees, etc. The Commissioners may want to have discussions with Mr. Harbaugh as well.

Motion: *Commissioner Luker moved to remove Joe Ward from the Tuckaseegee Water and Sewer Authority. Commissioner Mau seconded the Motion. Motion carried by a vote of 3-2, with Chairman McMahan and Commissioner Deitz voting “nay”.*

(19) TUCKASEEGEE WATER AND SEWER AUTHORITY APPOINTMENT:

Motion: *Commissioner Luker moved to appoint Tom Sawyer to serve an unexpired vacant term on the Tuckaseegee Water and Sewer Authority, term expiring December 31, 2018. Commissioner Mau seconded the Motion. Motion carried by unanimous vote.*

(20) PRESS CONFERENCE: None.

(21) CLOSED SESSION:

Motion: *Commissioner Mau moved that the Board go into closed session pursuant to G.S.143-318.11(a)(3) Legal for four items and G.S.143-318.11(a)(5) Real Property for two items. Commissioner Elders seconded the Motion. Motion carried.*

Chairman McMahan called the regular meeting back to order and stated that no action was taken in closed session except the approval of the minutes.

(22) AGENDA: Commissioner Luker moved to amend the agenda to add: Offer to Purchase and Contract - Baldwin. Commissioner Elders seconded the Motion. Motion carried.

(23) OFFER TO PURCHASE - BALDWIN: Chairman McMahan stated that the county had received an Offer to Purchase on a vacant lot (PIN #7553-96-4954) from Walter and Susan Baldwin in the amount of \$3,000. The property was obtained by the county through tax foreclosure. The offer would be subject to the upset bid process.

Motion: *Commissioner Luker moved to proceed forward and begin the upset bid process with the understanding that all adjoining property owners would be notified of the offer. Commissioner Mau seconded the Motion. Motion carried by unanimous vote.*

There being no further business, Commissioner Elders moved to adjourn the meeting. Commissioner Luker seconded the Motion. Motion carried and the meeting adjourned at 4:36 p.m.

Attest:

Approved:

Angela M. Winchester, Clerk to Board

Brian Thomas McMahan, Chairman