

**MINUTES OF A
REGULAR MEETING
OF THE JACKSON COUNTY
BOARD OF COMMISSIONERS
HELD ON
FEBRUARY 06, 2017**

The Jackson County Board of Commissioners met in a Regular Session on February 06, 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) **AGENDA**: Commissioner Elders moved to approve the Agenda. Commissioner Mau seconded the Motion. Motion carried.

(2) **MINUTES**: Commissioner Elders moved to approve the minutes of a Public Hearing – Wireless Communications Ordinance Amendment of January 30, 2017; a Public Hearing – Cashiers Commercial Area Land Development Ordinance Amendment of January 30, 2017; a Public Hearing – Tourism Development Authority Resolution Amendment of January 30, 2017; and a Regular Meeting of January 30, 2017. Commissioner Mau seconded the Motion. Motion carried.

(3) **CHAIRMAN’S REPORT**: None.

(4) **COMMISSIONER REPORTS**: None.

(5) **COUNTY MANAGER REPORT**: None.

(6) **INFORMAL COMMENTS BY THE PUBLIC**: None.

(7) **FY15-16 AUDIT REPORT**: Brian Broom of Dixon Hughes, PPLC, presented a summary of the audit report for fiscal year ending June 30, 2016. The audit reflected county assets exceeded its liabilities at the close of the fiscal year by \$57,679,156. The general fund balance increased approximately \$648,583. The unreserved fund balance was approximately \$24,974,866 million and represented 43% of general fund expenditures. The average for similar size counties in the state was 30% fund balances. The Local Government Commission recommended maintaining available fund balance equal to at least 8% of expenditures. The report contained an unqualified opinion and the county was in compliance with all federal and state program requirements. The property tax collection was 97.47%, which was above the previous year.

Informational item only.

(8) TOURISM DEVELOPMENT AUTHORITY (TDA) POSITION REQUEST:

Robert Jumper, Chairman of the TDA, requested approval from the Commissioners for the TDA to create a paid position within the TDA, per Resolution R12-34, Section 11, Subsection B and that the title of that position be Executive Director. The TDA would further request approval to hire Nick Breedlove into the position of TDA Executive Director and that the position be funded following the below proposed budget:

Item	Calc.	Amount
Salary		\$61,500.00
ERFICA	6.20%	\$3,813.00
ERMED	1.45%	\$891.75
WC	0.31%	\$188.19
Unemployment	1% of \$24,000	\$214.00
Cost	3.50%	\$2,331.24
Subtotal		\$68,938.18
401K	5%	\$3,075.00
HOSP	\$500X12	\$6,000.00
Annualized Total		\$78,013.18

The budget would be included in the TDA’s annual budget presentation for approval by the TDA and Commissioners during fiscal year reviews and approvals. The position, as part of the routine budget of the TDA, would also be subject to annual audit. The TDA would engage a company to handle payroll and the TDA would create a personnel committee with the board to handle the ongoing needs of personnel management, human resource policy and performance review. Mr. Breedlove was currently the TDA Executive Director by contract. The TDA voted unanimously in favor of this request.

Darlene Fox, Finance Director, stated she had performed a comparative analysis of this position and this was a mid-range, average starting point salary for this position.

Ms. Baker stated that from a legal standpoint, the position needed to be an employee instead of contract.

Commissioner Mau stated that TDAs were set up by legislation as an authority, so they would not be a part of the county government.

Mr. Adams stated that was correct, it was somewhat of a quasi-local government entity that was subject to the Fiscal and Budget Control Act of North Carolina, so they were a separate authority.

Commissioner Mau inquired if liability insurance would no longer be done through the county.

Mr. Adams stated that this had been a discussion with Ms. Fox and Ms. Baker. Currently, the professional liability insurance for the board did flow through the county, but once the TDA became an employer, it would be recommended that the professional liability insurance go through the TDA, which would also cover the actions of the employee. Also, for their information, the county finance officer, Ms. Fox, was also the TDA finance officer, but she had to be bonded separately. This was another example of how the law treated the TDA as a separate entity.

Motion: Commissioner Deitz moved to approve the request from the TDA to create an Executive Director paid position and hire Nick Breedlove into the position under the condition that the TDA acquire their own professional liability insurance. Commissioner Elders seconded the Motion. Motion carried by unanimous vote.

(9) WORK SESSION MEETING DATES: After discussions, the Board agreed to leave the work session meeting dates as they were originally scheduled to be on the second Tuesday of each month beginning at 1:00 p.m., with the exception of the work session scheduled on Monday, February 13th, which the Board had already approved the date change.

Informational item.

(10) TRAILS AND GREENWAY COMMITTEE UPDATE: Lance Elzie, Outdoor Recreation Manager, stated that this committee had not been active for some time. Several of the member's terms had ended and several members had been asked to be removed, so the priority was to have an active board back in place again. There had been discussions that in the future, the Parks and Recreation Advisory Board could possibly approve the applicants for the subcommittee.

Chairman McMahan stated there had been discussions that the Commissioners could make the initial appointments and then at some point the Parks and Recreation Advisory Board could then make those appointments in the future. Also, there was a question as to the intent of the district appointments stated in the procedures.

Mr. Elzie stated that there were recreation districts in the county, but the boundary lines were not exactly the same as the Commissioners' districts. Moving forward they could refer to them as recreation districts for the appointments.

Mr. Adams stated they could request the Rules and Procedures be amended so that it could be the guiding system for the Parks and Recreation Advisory Board to make reappointments in the future.

Informational item.

(11) TRAILS AND GREENWAY COMMITTEE: Chairman McMahan recommended Commissioner Deitz and Melissa McKnight as Ad Hoc/Ex Officio members. Commissioner Elders recommended David Blanton as the District One member. Commissioner Mau recommended Eric Myers as an At Large member and Gail Debnam as the District Three member. Commissioner Luker recommended Kyle Clayton and Ken Westmoreland as At Large members. Commissioner Deitz recommended Henry Bryson for the District Two member.

Motion: *Commissioner Elders moved to appoint Boyce Deitz and Melissa McKnight as Ad Hoc/Ex-Officio members; David Blanton as District One member; Henry Bryson as District Two member; Gail Debnam as District Three member; and Eric Myers, Kyle Clayton and Ken Westmoreland as At Large members. All to serve one year terms on the Trails and Greenway Committee, terms expiring December 31, 2017. Commissioner Mau seconded the Motion. Motion carried by unanimous vote.*

(12) CASHIERS PLANNING COUNCIL:

Motion: *Commissioner Luker moved to reappoint David Bond to serve another three year term and to appoint Glenn Ubertino and Michael Cox to serve three year terms on the Cashiers Planning Council, terms expiring February 17, 2020. Commissioner Mau seconded the Motion. Motion carried by unanimous vote.*

(13) FIREMEN'S RELIEF FUND: Recommendations for appointments were submitted by the respective fire departments.

Motion: *Commissioner Luker moved to reappoint BB Cantrell of the Balsam VFD; Darren Messer of the Canada VFD; Phillip Farmer of the Cashiers VFD; Blaine Ensley of the Cullowhee VFD; Nick Stewart of the Qualla VFD; and Jessica Buchanan of the Savannah VFD to two year terms on the Firemen's Relief Fund Board of Trustees, terms expiring January 1, 2019. Commissioner Deitz seconded the Motion. Motion carried by unanimous vote.*

(14) TOURISM DEVELOPMENT AUTHORITY:

Carry over.

(15) PRESS CONFERENCE: None.

(16) CLOSED SESSION:

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

(17) AGENDA: Commissioner Deitz moved to amend the agenda to add two items: (1) Donation of property to the county - 128 Lone Star Drive, Sylva (PIN #7641-27-9030) and (2) Offer to Purchase and Contract with the Gibson heirs – 700 Skyland Drive, Sylva (PIN #7642-52-3270). Commissioner Elders seconded the Motion. Motion carried.

(18) DONATION OF PROPERTY TO THE COUNTY: Chairman McMahan stated that the county had an opportunity to receive a piece property that was being donated by Wayne Smith, located at 128 Lone Star Drive. For the last couple of years, this property had been used for the fireworks display in the county.

Motion: *Commissioner Deitz moved to accept the donation and offer their appreciation to Mr. Smith. Also, staff to work to gain right-of-way from the adjoining property. Commissioner Elders seconded the Motion. Motion carried by unanimous vote.*

(19) OFFER TO PURCHASE AND CONTRACT – GIBSON HEIRS: Chairman McMahan stated an Offer to Purchase and Contract for the property located at 700 Skyland Drive had been presented to the Board, with a purchase price of \$424,350 and a due diligence fee of \$16,974 for a period of 180 days.

Motion: *Commissioner Luker moved to enter into the Offer to Purchase and Contract with the Gibson heirs, as presented. Staff to immediately move forward to start the process. Commissioner Elders seconded the Motion. Motion carried by unanimous vote.*

There being no further business, Commissioner Deitz moved to adjourn the meeting. Commissioner Elders seconded the Motion. Motion carried and the meeting adjourned at 4:32 p.m.

Attest:

Approved:

Angela M. Winchester, Clerk to Board

Brian Thomas McMahan, Chairman