

**MINUTES OF A
REGULAR MEETING
OF THE JACKSON COUNTY
BOARD OF COMMISSIONERS
HELD ON
FEBRUARY 19, 2018**

The Jackson County Board of Commissioners met in a Regular Session on February 19, 2018, 6:00 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 Luker seconded the Motion. Motion carried.

(2) **MINUTES**: Commissioner Mau moved to approve the minutes of a Public Hearing (Cullowhee Ordinance Amendment); a Public Hearing (Consolidated Human Services); Public Hearing (No Wake Zone); a Regular Meeting of January 29, 2018 and a Regular Meeting of February 05, 2018. Commissioner Elders seconded the Motion. Motion carried.

(3) **CHAIRMAN’S REPORT**: None.

(4) **COMMISSIONER REPORTS**: Commissioner Deitz stated he stopped by Skyland Services Center and they were doing a great job on the remodel.

(5) **COUNTY MANAGER REPORT**: Mr. Adams reported:

(a) **Skyland Services Center Remodel**: A certificate of occupancy was issued for the Skyland Services Center on February 13, 2018, which constituted substantial completion. They were currently working on a “punch list” for the contractor to complete and furniture would be ordered soon. They anticipated to move in within 60 days. A grand opening could be scheduled after the move in was complete (May or June, 2018). NCDMV determined that they would be able to continue conducting motorcycle testing on the existing paved area. They would install a gravel parking lot in the adjacent lot without pavement.

(b) **Health Department/Code Enforcement/Planning**: McMillan/Pazden/Smith Architects met with and received initial feedback from Planning, Permitting/Code Enforcement and the Health Department. New schematics had been created based upon initial meetings and feedback. The architects would meet with the team on Tuesday, February 27, 2018, to hopefully finalize the details. The revised goal was to have the new design and cost estimates completed and presented to the Board at the April, 2018 work session.

(c) **Courthouse Renovations:** The county issued a Request for Qualifications (RFQ) from architectural firms for planning and design of renovating two courtrooms, adding an additional courtroom and re-configuring the prisoner transport area. They received responses from five architectural firms. The selection process had been delayed until the Health Department/Code Enforcement/Planning programming had been approved.

(d) **Consolidated Human Services Agency:** Both DSS Director Jennifer Abshire and Health Director Shelley Carraway had been working with the DSS and Health Board members to compile a nomination list for the new Consolidated Human Services Agency Board. The goal was to have the nominations completed by April, 2018 so that both Boards could formally endorse the nominations. Danielle Wittekind, Human Resources Director, had been instructed to research and provide a job description and salary recommendation for a new Human Services Agency Director position. This would be discussed with the Commissioners at an upcoming work session.

(e) **Staff Meeting:** A staff meeting was held on February 14, 2018. The following subjects were discussed: FY 18/19 Budget calendar, basic budgetary documents were distributed, salaries and health insurance, five year CIPs, new work order system, new capital forecast system, existing FY 17-18 and new FY 18-19 departmental goals, 2040 Land Use Plan Action Items, departmental performance measurements, personnel policy update, upcoming county wide supervisor training, executive summary on the recent employee engagement survey, update on major capital/operational initiatives and general discussions.

(f) **Upcoming Meetings:**

Tuesday, February 20, 2018 – Commissioner Budget Retreat at 1:00 pm. NCCAT, Room 113
(Please arrive at 12:00 pm. Lunch would begin at 12:15 pm)

Monday, March 5, 2018 – Regular Commissioner Meeting at 3:00 pm

Monday, March 5, 2018 – Joint Meeting with Town of Dillsboro at 5:30 pm

Tuesday, March 13, 2018 – Commissioner Work Session at 1:00 pm

(g) **Abandoned Mobile Home:** Sheriff Hall stated that the owner of the mobile home had until March 12th to move it or NCDOT would remove it.

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

(7) **CONSENT AGENDA:**

(a) Darlene Fox, Finance Director, presented the Finance Report for January, 2018 for approval.

(b) Brandi Henson, Tax Collector presented, Tax Collector and Refund Reports for January, 2018, for approval.

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

(8) **SOUTHWESTERN COMMUNITY COLLEGE - SHOOTING RANGE REQUEST:** Dr. Don Tomas, SCC President presented a budget request:

NCDEQ approved the work plan to treat and remove approx. 200 CY / 300 tons of additional soil. This would require consulting, testing, project management, engineering services, and the excavation, treatment and removal of the soil.

- ECS Project Mgmt / Testing / Consulting – \$39,750
- Amec Foster Wheeler Engineering Services - \$54,600
- Expected Cost for Soil Mitigation (must be bid) – approximately \$160,000
- Total Requested Budget - \$254,350

Commissioner Deitz inquired if Jackson County was the only organization paying for this even though many other counties and organizations utilized the range?

Dr. Tomas stated that was correct. The general assembly of North Carolina did not allow for fees to be charged for first responders. They had the ability to use the range free of charge.

Motion: Commissioner Luker moved to grant the budget request to SCC for the firing range in the amount of \$254,350 from fund balance. Commissioner Elders seconded the Motion. Motion carried by unanimous vote.

(9) BUDGET ORDINANCE AMENDMENT: Ms. Fox presented a Budget Ordinance Amendment in the amount of \$254,350 for fiscal year ending June 30, 2018, for approval.

Motion: Commissioner Luker moved to approve the Budget Ordinance Amendment in the amount of \$254,350, as presented. Commissioner Mau seconded the Motion. Motion carried by unanimous vote.

(10) MEMORANDUM OF UNDERSTANDING FOR FAMILY CONSUMER SCIENCE AGENT: Rob Hawk, Extension Director, stated that this MOU was regarding the position that Sherrie Peeler retired from on December 31st. In order to review the position with NCA&TSU, they wanted to move to a 50/50 match with the county. This would increase the county's portion \$3,500-\$4,000.

Three years ago NC State went to a new strategic plan where they were sharing Family Consumer Science Agents between adjoining counties. They could get an agent 100% if they went through NCA&TSU, but if they went through NC State they would need to find a county to share an agent with. The preference would be to have a full-time agent and not share the position.

Motion: Commissioner Deitz moved to approve the Memorandum of Understanding for a Family Consumer Science Agent. Commissioner Elders seconded the Motion. Motion carried by unanimous vote.

(11) AGRICULTURAL ADVISORY BOARD: Charles Fowler, Chairman of the Agricultural Advisory Board, presented: Jackson County Farmland Preservation Community Outreach Programs:

(a) Advisory Board Members:

- Charles Fowler, Chairman
- Bryan Bumgarner, Vice Chair
- Brad Stillwell
- Chet Stephens
- Kent Cochran
- John Brown
- Joe Grasty

(b) 2017 Statistics:

- NC agriculture generates \$76 billion annually.
- Jackson County alone:
 - \$9.7 million in production.
 - 245 farms in county.
 - Totaling 16,201 acres in farms.
- 316,877 total acres in Jackson:
 - 71,688 acres in National Park/Forest land.
 - 19,287 acres with the Cherokee Reservation.
 - Leaving 162,361 acres in private forests or urbanized land.

(c) What was a Voluntary Ag. District: Agricultural land owners with common characteristics:

- Desire to preserve the landscape.
- Desire to farm.
- Enrollment in a Comprehensive Conservation plan.

- (d) Basic VAD Ordinance:
 - The land must be actively engaged in agriculture as that word was defined in G.S. 106-581.1 and had a written conservation plan as determined by the Agriculture Advisory/Farmland Preservation Board.
 - Formation of a 10 year agreement to sustain agriculture, forestry or horticulture
 - Form an approved agreement.
 - Approval by Agricultural Advisory/ Farmland Preservation Board.
- (e) Benefits of VAD:
 - Recorded notice of proximity to farmlands.
 - Reduction of nuisance actions.
 - Official role in county government.
 - Increase public awareness of Agriculture.
 - Fees waived for Water & Sewer or utility assessment.
 - Public hearing on condemnation.
- (f) Benefits of EVAD:
 - 10 year irrevocable plan.
 - Automatic 3 year renewal absent notice as required by the ordinance.
 - Remain bona fide farm exempt from county zoning.
 - Eligible for 90% Cost Share funds.
 - Grant Priority Consideration.
- (g) Qualifying Land:
 - Be actively engaged in agriculture as that word was defined in G.S. 106-581.1 and had a written conservation plan as determined by the Agriculture Advisory/Farmland Preservation Board.
 - Highly Erodible Land Standards met (NRCS).
 - Subject to a Conservation Agreement.
 - Exempt three building lots for family homes.
 - Subject to all applicable building codes.
- (h) Current Enrolled Acreage:
 - EVAD: 9 farms totaling 596 acres.
 - VAD: 7 farms totaling 417 acres.
- (i) Advisory Board's Role:
 - Review and recommend regarding establishment and modification of VADs.
 - Advise Commissioners on Ag and related issues.
 - Promote Countywide farmland protection planning (Zoning may be affected).
 - Other review tasks as assigned.
 - Members were appointed by Commissioners for a 3 year term, may serve 3 consecutive terms.

He made a request of \$1,000 to help with meals at their meetings and advertizing.

Motion: *Commissioner Elders moved to grant the request for \$1,000 to assist with advertising and conducting meetings, from the contingency fund. Commissioner Mau seconded the Motion. Motion carried by unanimous vote.*

(12) NO WAKE ZONE: Mr. Adams stated that at the last work session, the Board requested that he follow up with the state regarding delaying or moving the No Wake Zone hearing for Lake Glenville that was scheduled in February to late spring. The date had now been set was April 26, 2018. There was a rule that from the date of the application to when it was heard by the North Carolina Wildlife Resources Commission, had to be 120 days or less.

In order to move the hearing later, the only other option would be to withdraw the application, but he did not feel that option was discussed with the Board. At that point, the item had been placed on the April 26th agenda with the North Carolina Wildlife Commission. His office informed interested citizens that this would no longer be held in February. Anyone that wished to present information would need to do so in front of the Boating Safety Committee that would meet the day before the hearing.

Informational item.

(13) REZONING APPLICATION - DEBNAM: Chairman McMahan stated that a public hearing was held prior to this meeting with public comment.

Motion: *Commissioner Deitz moved to table this item until the March 5th regular meeting. Commissioner Elders seconded the Motion. Motion carried by unanimous vote.*

(14) RESOLUTION OF SUPPORT FOR NCDOT MONTEITH GAP ROAD (R18-04): Michael Poston, Planning Director, stated that the North Carolina Department of Transportation recently made available a High Impact/Low Cost funding source to NCDOT Divisions to address transportation concerns in their respective area. Division 14 submitted several projects from Western North Carolina for consideration, including a project to widen Monteith Gap Road, adding sidewalks and bicycle facilities, from Old Cullowhee Road to the intersection of Ledbetter Road. This project would be completed in conjunction with the replacement of Bridge #159 (on Monteith Gap Road) over Cullowhee Creek. The total anticipated cost for the project was 1.7 million dollars. Due to the cost of this project, NCDOT requested that the Board of Commissioners adopt a Resolution of Support for this project.

Included in the resolution was a statement that the county was aware of NCDOT requirements for a 30% match for sidewalk construction and was willing to maintain the sidewalk segment along Monteith Gap Road. Although the roadway design had not been completed, according NCDOT the average cost across the state for sidewalk construction was \$35.10 per yard. The Planning Department estimated that there would be approximately 1450 LF of sidewalk for the project (may change based on the final project design). For a five-foot wide sidewalk segment that would require approximately 805 yards, which amounted to \$28, 255. The county would be responsible for 30% of the cost, which was approximately \$8,500.

The widening and modernization of Monteith Gap Road was recommended in the 2017 Jackson County Comprehensive Transportation Plan and was also consistent with the Jackson County Land Use Plan 2040, specifically Transportation Goal 1 “Promote connectivity between schools, housing, business districts, recreation and community centers.”

He requested that the Board of Commissioners consider approval of the Resolution of Support for NCDOT’s use of High Impact/Low Cost funds to improve Monteith Gap Road at their regular meeting on February 19, 2018.

Motion: *Commissioner Mau moved to approve the Resolution of Support for NCDOT Monteith Gap Road R18-04, as presented. Commissioner Deitz seconded the Motion. Motion carried by unanimous vote.*

(15) ORDINANCE REGARDING SMOKING IN COUNTY BUILDINGS: Danielle Wittekind, Human Resources, presented the revised amendment to the Ordinance Regarding Smoking in County Buildings. The current Ordinance Regulating Smoking in Jackson County Buildings. This ordinance was done in 1993 and addressed smoking in county owned or leased buildings. It allowed for tobacco use in the cell block or jail. Currently, it was not permissible to use tobacco products in the jail or for inmates to use or have access to tobacco products in the jail. That language was not applicable to current practice.

Draft Ordinance Regulating Smoking in Jackson County Buildings. The revised ordinance reflected current practices in county owned and leased buildings. Cigarettes and vaping was not permissible, however, there was no signage or any documentation in place that stated vaping was not allowed in the buildings. The revised ordinance addressed no smoking or e-cigarettes in buildings. Should the Board pass the revised ordinance, there would be signage placed at the entrance of all buildings to let the public and employees know that it was not permissible to vape inside the building.

Also, as requested by the Board, the definition of e-cigarettes was revised to include vaporizer and vape. There was also a modification made in Section 2 regarding the designation of smoking areas, exterior to the buildings, specifically to the County Manager and the Sheriff.

A public hearing was held prior to this meeting with public comment.

Motion: *Commissioner Elders moved to adopt the amendments to the Ordinance Regarding Smoking in Jackson County Buildings, as presented. Commissioner Luker seconded the Motion. Motion carried by unanimous vote.*

(16) PLANNING BOARD:

Motion: *Commissioner Elders moved to appoint Kirk Stephens as Chair and Bonnie Claxton as Vice Chair of the Planning Board for 2018. Commissioner Deitz seconded the Motion. Motion carried by unanimous vote.*

(17) PRESS CONFERENCE: None.

(18) CLOSED SESSION:

Motion: *Commissioner Mau moved that the Board go into closed session pursuant to G.S.143-318.11(a)(4) Business Expansion for one item and G.S.143-318.11(a)(6) Personnel for one item. 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.

(19) AGENDA: Commissioner Deitz moved to amend the agenda to add one item: Veterans Service Officer. Commissioner Elders seconded the Motion. Motion carried.

(20) VETERANS SERVICE OFFICER: Chairman McMahan stated that the county advertised the position, chose a selection committee made up of county employees, as well as various veteran organizations in the county, to interview the applicants and the committee made a recommendation to the Board to appoint Shelia Setzer as the Veterans Service Officer. As a department head, Ms. Setzer would report to the County Manager.

Motion: *Commissioner Deitz moved to accept the recommendation to appoint Shelia Setzer to the Veterans Service Officer position at a Grade 21, Step 1 with a starting salary of \$33,958.32. Commissioner Elders seconded the Motion. Motion carried by unanimous vote.*

There being no further business, Commissioner Mau moved to adjourn the meeting. Commissioner Deitz seconded the Motion. Motion carried and the meeting adjourned at 7:15 p.m.

Attest:

Approved:

Angela M. Winchester, Clerk to Board

Brian Thomas McMahan, Chairman