

**MINUTES OF A
WORK SESSION
OF THE JACKSON COUNTY
BOARD OF COMMISSIONERS
HELD ON
AUGUST 18, 2014**

The Jackson County Board of Commissioners met in a Work Session on August 18, 2014, 2:00 p.m., Justice & Administration Building, Room A227, 401 Grindstaff Cove Rd., Sylva, North Carolina.

Present: Jack Debnam, Chairman
Doug Cody, Vice Chair
Charles Elders, Commissioner
Mark Jones, Commissioner
Vicki Greene, Commissioner

Chuck Wooten, County Manager
Angela M. Winchester, Clerk to Board
J. K. Coward, Jr., County Attorney

Chairman Debnam called the work session to order.

(1) **AGENDA:** Chairman Debnam amended the Agenda by deleting Item 2 and Item 3. Commissioner Greene moved to approve the amended Agenda. Commissioner Jones seconded the Motion. Motion carried.

(2) **PERMITTING SOFTWARE SYSTEMS UPDATE:** Tony Elders, Permitting and Code Enforcement Director, along with Mike Murphy, Software Developer, ROK Technologies and Tiffany Qualls, Permitting Software Coordinator, presented the following update:

(a) **Current Activities:** Staff is continuing to operate a “dual system” entering old permits and new ones. Plan to continue this dual tracking until the end of 2014. When all testing is complete all permitting will be switched and inspections over to new system. Goal for full changeover is January 1, 2015 though continued dual operation will continue for remainder of 2014.

(b) **Phase One:** The following items are remaining goals for 2014 which should complete the first full phase of the project:

- Begin email notification to contractors and permit holders immediately when field inspection is complete. (**Time line:** Currently testing. Plan to complete testing by October 1, 2014 and make available to all that have emails in the system as soon as possible after that.)
- Complete the commercial plan review and permitting portion of the project. (**Time line:** Complete and test this portion by mid October 2014.)
- Complete a multi-departmental complaint form and tracking system to connect all involved departments. (**Time line:** Complete and activate by October 2014.)
- Complete the reporting system for tracking permit activity and offer to in house users. (**Time line:** Currently under development, should be available by mid-September.)
- Miscellaneous and mobile home permitting. (**Time line:** Some testing complete, should be active by September 2014.)
- Complete flood plain permitting and produce new FEMA compliant forms. (**Time line:** Should be complete by October 2014.)

(c) **Public Access:** After the above items are complete and tested fully, the public access portion of the project will be addressed. The data will be there, with needed direction from administration and IT staff regarding data security, etc. before moving forward with that portion and linking to the website.

(d) **Future Development:** Because this software system is the property of Jackson County, our software coordinator along with assistance from ROK and our own IT staff will be working on delivering the data in the format required by the Tax Administrator and Finance officer. She will also be working to add the fire inspections tracking and permitting.

(3) **SYLVA MAIN STREET FIRE UPDATE:** Tony Elders reported that the fire on August 16th caused significant damage to the old Hooper's Restaurant Building. It along with Motion Makers Bike Shop have now been condemned. Due to new cracks discovered at the Blackrock Outdoor Company it has also been condemned. Currently, the county is waiting on the insurance adjusters to give voluntary permission to take down the Hooper's Restaurant Building. If voluntary permission is not given, the Town of Sylva would proceed with the condemnation proceedings to take it down. It is possible that Motion Makers Bike Shop and Black Rock Outdoor Company could reopen with engineer certification. The street will remain closed until the Hooper's Restaurant Building is taken down. It is currently in danger of falling into the street.

The cause of the fire has been narrowed to an air handler that was above the men's bathroom in a concealed location above the ceiling. It is believed that is where the fire started. The 100 year old firewalls inside the buildings were very impressive. They did what they were designed to do. The Fire Departments did impressive work. The ladder trucks were invaluable in this situation.

(4) **MANNA FOOD BANK LINE OF CREDIT:** Mr. Wooten stated that during the budget process, the County received requests from the Community Table and the Gathering Table for support of the meal program and food boxes that both of these entities are currently providing to County residents. The County has previously supported the Community Table by providing a \$15,000 annual allocation in fiscal year 2014 and the same was approved for fiscal year 2015. The Gathering Table requested funds in fiscal year 2014; however, an allocation was not made. A similar request was made in fiscal year 2015 and \$2,000 was allocated in the current budget. United Christian Ministries (UCM) requested support for fuel assistance; however, based on the information presented, it appears their request would only serve 10 families. Acknowledging that there are other entities that provide fuel assistance to county residents and the fact that UCM also provides food assistance through food boxes, a recommendation is submitted to provide \$2,000 in fiscal year 2015 in support of food assistance programs.

Manna Food Bank has been contacted about the idea of providing funds to purchase a line of credit for the Community Table, the Gathering Table and United Christian Ministries. The Manna Food Bank advised that a line of credit could be provided to entities in the County that were members of their organization. All three entities have been members; however, the Gathering Table is the only inactive member at this point that would need to go back through the application process with Manna. Based on information from Manna, these entities can obtain significant amounts of food through the County contribution.

It is recommended that all or a portion of the funds provided to these entities be directed to Manna Food Bank where the entity can obtain significant amounts of food beyond the actual allocation of funds. In the case of the Community Table, it is recommended that 50% of their allocation be provided to Manna Food Bank and the remaining 50% be given in the form of a cash allocation.

Consensus: Add issue to a regular meeting to take action.

(5) NCDOT TRANSPORTATION PROJECTS: Gerald Green, Planning Director, along with Phillip Moore, Southwestern Planning Commission, presented NCDOT a list and ranking of transportation system project priorities for Jackson County. This list is the culmination of an almost 2 year process of assessing needs, identifying projects, and ranking them that involved local government elected officials and staff, public input, and NCDOT staff at the Division and state levels. The project priority list includes highway, airport, bicycle, and pedestrian projects. A total of 29 projects are included in the list of project priorities for Jackson County, with 17 of them highway projects.

Identification and ranking of the projects typically began at the regional level with the Rural Planning Organization (RPO), made up of the 6 western counties in North Carolina. The process for ranking of the projects included recommendations by the RPO’s Transportation Coordinating Committee, composed of local government staff, and Technical Advisory Committee, composed of local elected officials. The ranking recommended for Jackson County’s transportation projects by the RPO is reflected in the final ranking assigned by NCDOT. Most of the projects on the list reflect the input of local governments, but some were submitted by NCDOT Division 14 following review of projects by the RPO. Additionally, the aviation projects were submitted by NCDOT’s Division of Aviation.

The various projects in ranked order are:

Airport Projects:

1. Terminal building – 22.34 points
2. The 3 hangar projects (phases 1, 2, and 3) all ranked the same with 3.67 points each

Pedestrian and Bicycle Projects:

1. Mill Street sidewalk – 25.92 points
2. Skyland Drive sidewalk – 21.16 points
3. Country Club Drive sidewalk – 21.09 points
4. Central Drive sidewalk – 20.55 points
5. US 23 Business sidewalk – 18.89 points
6. US 441 North multi-use path – 16.57 points
7. US 74 bike lane – 14.6 points
8. Tuckasegee Greenway – 13.77 points

Highway Projects: (Note: Based upon their scale and impact, highway projects may be assigned points at the statewide, regional, and/or division level. Where assigned, points are indicated below for all 3 levels. The ranking is based upon the points assigned at the division level.

<u>Project</u>	<u>Division</u>	<u>Regional</u>	<u>Statewide</u>
1. NC 107/US 23 Business Intersection	24.43	35.96	
2. NC 107 Sylva	22.39	29.13	
3. NC 107 Connector	16.78	26.54	
4. US 64 Cashiers	13.77	16.01	
5. US 23 Business-Sylva	11.03	14.46	
6. US 74	10.28	13.67	15.46
7. US 19 West	9.62	11.48	

<u>Project</u>	<u>Division</u>	<u>Regional</u>	<u>Statewide</u>
8. Monteith Gap Road	7.94		
9. 107 South (SR 1002 – NC 281)	7.85	9.77	
10. Old Settlement Road	7.84		
11. US 19	7.72	9.43	
12. US 74/US 23 Interchange	7.36	12.07	15.46
13. US 23, US 441	7.07	10.06	10.24
14. Cullowhee Mountain Road	6.95		
15. Monteith Gap Road/Ledbetter Road	6.75		
16. US 441/NC 116 Interchange	6.51	15.76	10.71
17. US 441 North	3.83	6.11	6.22

The RPO can give additional points to Division (25 points) and Regional (15 points) projects based upon a point assignment methodology approved by its members. Jackson County projects proposed to receive points from the RPO are as follows:

Division:

Country Club Drive sidewalk

US 441 North multi-use path

Regional:

NC 107/US 23 Business intersection highway project

NC 107 Sylva highway project

Likewise, the local NC DOT Division 14 office can assign individual points. Projects proposed to receive local points from Division 14 are as follows:

Division:

Country Club Drive sidewalk (6.25 points)

Central Drive sidewalk (6.25 points)

US 23 Business sidewalk (6.25 points)

US 441 North multi-use path (6.25 points)

NC 107 Sylva highway project (25 points)

Us 19 highway project (25 points)

Regional:

NC 107 Sylva highway project (15 points)

US 64 Cashiers highway project (15 points)

The rankings shown above provide an indication of the potential for implementation of the projects. The amount of funds available within each category, and the cost of the project, also will be factors in determining whether a project will be undertaken. In addition, 20% of the cost of bicycle and pedestrian projects has to be provided by the local government in whose jurisdiction the project is located. If adequate right-of-way is not currently available for bicycle and pedestrian projects, the local government must acquire the right-of-way. An exception to the 20% match requirement for bicycle and pedestrian projects may exist for projects within 2 miles of a K-8 school. In this case the project may be a Safe Routes to School project and the state has sufficient funding to provide the match for 1 – 2 more years. Beyond 2 years, the match will be required from the local government for all bicycle and pedestrian projects.

Consensus: Chairman Debnam will attend the DOT Meeting on Wednesday, August 20th to encourage the Division to allocate their points to the following four projects:

1. NC 107/US 23 Business Intersection
2. NC 107 Sylva
3. US 441 North multi-use path
4. Monteith Gap Road/Ledbetter Road

(6) COMPREHENSIVE TRANSPORTATION PLAN ADVISORY COMMITTEE AND NEXT STEPS: Gerald Green, Planning Director, presented the development of the previous update of Jackson County's Comprehensive Plan, adopted in 2007, guided by a steering representing the governmental bodies, institutions, and agencies in the County. The following entities were represented on the steering committee:

- Jackson County Board of Commissioners
- Jackson County Planning Board
- Municipalities (Sylva, Dillsboro, Webster, and Forest Hills)
- Cashiers Planning Council
- TWSA
- Western Carolina University
- Southwestern Community College
- NC Department of Transportation

Appointment of a steering committee by the Board of Commissioners to guide the preparation of the Jackson County Comprehensive Plan is requested. It is suggested that the following governmental bodies, institutions, agencies, and organizations be represented on the steering committee:

- Jackson County Board of Commissioners
- Jackson County Planning Board
- Municipalities (Sylva, Dillsboro, Webster, and Forest Hills)
- Cashiers Planning Council
- 441 Corridor Planning Council
- TWSA
- Jackson County Board of Education
- Western Carolina University
- Southwestern Community College
- Harris Regional Hospital
- NC Department of Transportation

The Board of Commissioners may identify the entities to be represented on the steering committee and permit the entities to designate the persons to serve on the committee.

(7) SOLID WASTE CONTRACTS: Chad Parker, Public Works, presented the County has two contracts that will be ending this year in the Solid Waste Department. Both of these contracts are considered service contracts. They are the hauling contracts of Republic Services, Inc. and Kinsland Trucking. The Republic contract includes staffing of the collection sites as well as the hauling of recycling and municipal solid waste (MSW) to the Transfer Station from all staffed recycling centers in the County. The Kinsland Trucking contract is the hauling of waste to Homer, Georgia and the recycling to Asheville. Both contractors have served the County well in the last eight years.

The last time contracts ended, the Board of Commissioners decided to go through the bidding process. Both contractors have indicated they would like to continue providing service to the County. Documents from Republic Services, Inc. were provided for review. Randy Kinsland has indicated that he would request a new modified contract. A local contractor has requested the hauling contract for recycling and MSW hauling to Georgia and will be submitting a competitive bid.

The recommendation would be to allow Republic Services, Inc. to continue with approval from the County Manager and County Attorney regarding the amendments to the contract. Republic Services, Inc. is not asking for any increase in payment and is waiving the CPI until January, 2016 as well as the other items documented in the letter dated July 7, 2014.

Due to the fact that the County has had another local contractor expressing an interest in hauling services and Kinsland Trucking is projecting a price increase, bidding this service is an option. There are no complaints with either of these current contractors.

Consensus: *Advertise both contracts for bids.*

(8) HUMAN RESOURCE POLICY (CONTINUING REVIEW): Danielle Wittekind presented the following proposed revisions to Articles X: *(proposed changes in italics)*

Article X. Personnel Records

Section 2. Information Open to the Public

The following information on each County employee is public information *as outlined in G.S.153A-98:*

1. Name
2. Age
3. Date of original employment or appointment to County service
4. *The terms of any contract by which the employee is employed whether written or oral, past and current, to the extent that the County has the written contract or a record of the oral contract in its possession*
5. Current position
6. Title
7. Current salary
8. Date and amount of each increase or decrease in salary
9. Date and type of each promotion, demotion, transfer, suspension, separation, or other change in position classification
10. *Date and general description of the reasons for each promotion*
11. *Date and type of each dismissal, suspension, or demotion for disciplinary reasons. If the disciplinary action was a dismissal, a copy of the written notice of the final decision of the county setting forth the specific acts or omissions that are the basis of the dismissal.*
12. Office to which employee is currently assigned.

Section 4. Confidential Information

E. An official of any agency of the state or federal government or any political subdivision of the state may inspect any portion of a personnel file when such information is deemed by the person having custody of the file to be necessary and essential to the pursuance of a proper function of the inspecting agency, but no information shall be divulged for the purpose of assisting in a criminal prosecution of the employee or for the purpose of assisting in an investigation of the employee's tax liability. *However, the official having custody of such records may release the name, address, and telephone number from a personnel file for the purpose of assisting in a criminal investigation.*

F. *An employee may sign a written release, to be placed with his personnel file, that permits the person with custody of the file to provide, either in person, by telephone, or by mail, information specified in the release to prospective employers, educational institutions, or other persons specified in the release.*

G. *The County Manager, with concurrence of the Board of County Commissioners, may inform any person of the employment or nonemployment, promotion, demotion, suspension or other disciplinary action, reinstatement, transfer, or termination of a county employee and the reasons for that personnel action. Before releasing the information, the manager or board shall determine in writing that the release is essential to maintaining public confidence in the administration of county services or to maintaining the level and quality of county services. This written determination shall be retained in the office of the manager or the county clerk, is a record available for public inspection and shall become part of the employee's personnel file.*

Even if considered part of an employee's personnel file, the following information need not be disclosed to an employee nor any other person:

- A. Testing or examination material used solely to determine individual qualifications for appointment, or promotion in the County's service, when disclosure would compromise the objectivity or the fairness of the testing or examination process.
- B. Investigative reports or memoranda and other information concerning the investigation of possible criminal action of an employee, until the investigation is completed and no criminal action taken, or until the criminal action is concluded.
- C. Information that might identify an undercover law enforcement officer or a law enforcement informer.
- D. Notes, preliminary drafts and internal communications concerning an employee. In the event such materials are used for any official personnel decision, then the employee or his duly authorized agent shall have the right to inspect such materials.

(9) NCACC LEGISLATIVE GOALS: Mr. Wooten presented the NCACC Legislative Goals Process. It is time to begin the NCACC legislative goals development process for the 2015-16 biennium. The NCACC goal setting process is open, inclusive and deliberative and is designed to give all 100 counties a voice in developing the Associations' legislative agenda. Goals submission deadline is September 19, 2014.

(10) NCACC FISCAL SUMMARY: Mr. Wooten presented a report by the state on 2012-13 data. The County's analysis of available fund balance shows the County is in strong financial condition at this time:

2008-09	17.26/mil.
2009-10	19.71/mil.
2010-11	17.81/mil.
2011-12	17.89/mil.
2012-13	18.80/mil.

(11) OTHER COMMENTS: Mr. Wooten shared travel and tourism statistics. There has been an ongoing discussion regarding the discrepancy between Jackson and Swain Counties tourism expenditures. All tourism expenditures from people visiting Cherokee that took place off the reservation were credited to Swain County. This report has now been restated for 2012-13 with the expenditures being reallocated among Haywood, Jackson and Swain. The expenditures reported for Jackson County in 2011 were 66.79 mil. The restated report for 2012 shows an increase 156 mil. Another increase 4.5% has now been report for 2013 for a total of 163 mil. This added almost 100 mil to the total expenditures. Jackson County went from the low 1/3 in the state to the top 1/3. The County now shows the 27th largest expenditure out of 100 counties. This is significant and gives the image known to exist, just not reported. Appreciation is expressed to the Department of Commerce and Travel and Tourism for being willing to listen and take action.

Commissioner Greene stated that she would like to discuss fracking at the next work session in order to determine the Commissioners' opinion concerning the issue. Senator Davis, a co-sponsor of the fracking bill, now says it is a waste of money or is at least in Western North Carolina quoting from an article in *The Sylva Herald* "The rock formations in the west are not conducive to shale gas". A question has been posed is how are "they" going to get the rocks, minerals for assessment? Are "they" just going to go into DOT right-of-way? It appears that \$12,000 could be spent better where there is more probability of finding natural gas than here in Western North Carolina. She stated she has received a lot of phone calls, Facebook messages and emails about this issue. The Board, as a group, should consider discussing this issue. Three of the four towns in the county have passed resolutions opposing fracking. Swain County has done so as well.

There being no further comments, Commissioner Jones moved to adjourn the Work Session. Commissioner Greene seconded the Motion. Motion carried and the Work Session adjourned at 4:30 p.m.

Attest:

Approved:

Angela M. Winchester, Clerk to Board

W. J. Debnam, Chairman