

**MINUTES OF A
REGULAR MEETING
OF THE JACKSON COUNTY
BOARD OF COMMISSIONERS
HELD ON
DECEMBER 17, 2019**

The Jackson County Board of Commissioners met in a regular session on December 17, 2019, 3:00 p.m., Justice and Administration Building, Room A201, 401 Grindstaff Cove Road, Sylva, North Carolina.

Present: Brian McMahan, Chairman
Boyce Deitz, Vice Chair
Ron Mau, Commissioner
Gayle Woody, Commissioner
Absent: Mickey Luker, Commissioner

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

Chairman McMahan called the meeting to order.

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

Retiring:

Mike Bryson	Fire	10.25 Years of Service
Martha Buchanan	Housekeeping	11.75 Years of Service
Teresa Kesselring	Social Services	14 Years of Service
Carla Morgan	Health	16 Years of Service
Steve Ogle	Housekeeping/Solid Waste	16.75 Years of Service
Kathy Ashe	Sheriff's Office	18 Years of Service
Andi Green	Sheriff's Office	19.25 Years of Service
Michelle Hopkins	Finance	20 Years of Service
Kathy Burrell	Transit	25.5 Years of Service
John Buchanan	Sheriff's Office	26 Years of Service
Rene Elders-Clontz	Sheriff's Office	26 Years of Service
Tamera Bradley	Social Services	31.5 Years of Service
Jaime Dellinger	Environmental Health	34 Years of Service

20 Years of Service:

Tony Elders	Permitting and Code Enforcement
Johnny Hollifield	Sheriff's Office
Glenda Laminack	Social Services
Dallas Stephens	Public Works
Pete Thomasson	Public Works
Blake Watson	Sheriff's Office
Kenneth Woodring	Sheriff's Office

25 Years of Service:

Sheila Clayton	Tax Collector
Theresa Junaluska	Finance
Lisa Lovedahl	Board of Elections
Jennifer Luker	Health

30 Years of Service:
Chris Tyson Animal Control

35 Years of Service:
Bobbie Rhymer Health

45 Years of Service:
Darlene Fox Finance

(2) **AGENDA:** Chairman McMahan requested to remove one item from the agenda: Firing Range Improvements Bid Update. Commissioner Deitz requested to add one item to the agenda: Morning Star Nursing Facility. Commissioner Mau moved to approve the amended agenda. Commissioner Woody seconded the Motion. Motion carried.

(3) **MINUTES:** Commissioner Mau moved to approve the minutes of a Regular Meeting of November 25, 2019. Commissioner Woody seconded the Motion. Motion carried.

(4) **CHAIRMAN'S REPORT:** Chairman McMahan stated that he attended the Vaya Health County Commissioner Advisory Board Meeting last week. The main topic was Medicaid Transformation and how that process was supposed to roll out in North Carolina with Managed Care being administered through a statewide program. When the budget did not get adopted, it all came to a stop. At that point, they did not know how it would unfold.

(5) **COMMISSIONER REPORTS:**

(a) Commissioner Deitz stated they were very fortunate to have Western Carolina University and Southwestern Community College in the county. He was invited to a luncheon at the North Carolina Center for the Advancement of Teaching (NCCAT), where they chose the North Carolina Teacher of the Year – First Year Teacher. There was 87 of them total with the top 25 coming to NCCAT for a week. It was a great event.

(b) Commissioner Woody stated she was so impressed recently in the community with the people that had stepped up to serve. Some of it was due to situations with budget shortfalls, nonexistent budgets or funds that had been allocated but had not flowed. They had so many nonprofits in the community that were stepping up. It was gratifying to see over 100 people turn out to pack over 400 bags of food for food insecure families. They took 45 of those to the Vecinos.

Also, she, along with Commission Mau and Commissioner Deitz were privileged to attend the ceremony for Dawn Gilchrist, who became the Regional Teacher of the Year. She taught English at the School of Alternatives and was one of the eight finalist for North Carolina Teacher of the Year. They were so proud of her.

(c) Commissioner Mau stated that he had the privilege to speak to a local Cub Scout group about local government. He talked about some of the ongoing projects and they appeared to enjoy it.

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

(a) **November 2019 Zoning and Building Permits:** He provided a report that listed the zoning district (if applicable), the owner/business name, the work permitted and the location of the project where the permit was issued. The Planning Department issued one commercial zoning permit and two renovation/addition permits in the month of November. Code Enforcement issued one commercial permit and three renovation/addition permits in the month of November.

(b) **Community Services Center:** The project was 45% complete through November. 84% of roofing was complete, 85% of framing was complete, 72% of windows/storefront was complete, 56% of HVAC was complete, 62% of plumbing was complete and 34% of electrical was completed. The storm sewer installation was near completion.

(c) **Animal Rescue Center:** The proposed Capital Project Ordinance and Capital Reserve Resolution would be discussed during the meeting.

(d) **Indoor Pool:** ClarkNexsen would be putting together construction cost estimates and operating cost estimates in the next couple of months. A stakeholder meetings would resume in February/March 2020. The goal was to have finalized estimated costs by April, 2020.

(e) **Millennial Campus Apartments – Erosion and Water Quality Violations:**

- Code Enforcement Resuming Inspections
- Planning Reinstatement
- NCDEQ Land Quality NOV Issues November 13, 2019. County staff only recently became aware of this violation.

Also, they did have a fairly large rain event the night before.

Tony Elders, Code and Permitting Director, presented photos from the rain event. There was no basin failure and there was no sediment. There was clear water that came off of the slope. Water Quality representatives were on site that morning. Land Quality was expected back on the 23rd.

Commissioner Woody stated that because there was so much rain the night before, she contacted Ms. Deitz, who told her there was still a lot of water coming from that hill. Ms. Deitz had told her that she had French drains put in and raised the level of the dirt around the outside of her houses. She thought they needed to ditch, pipe or something to catch all of the water. Did he feel that they had done all that they needed to be done?

Mr. Elders stated that water did come under the silt fence and they made the folks at the state aware of that. Probably a diversion ditch needed to be at the bottom of the slope on Ms. Deitz property. There would have to be some sort of easement for that and he thought they were discussing the matter. All they could do at that point was to document.

Mr. Adams stated that he had been in contact with the Governor's office regarding the status of the letter written. The response he had gotten was that they had received the letter and it was his understanding that there would be a response, but he did not know when. The Governor's office did provide him with the NOV of November 13th that they did not have.

Commissioner Woody asked if any fines had been levied.

Mr. Elders stated that Water Quality had levied fines from their earlier NOV's.

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

(8) **CONSENT AGENDA:**

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

(b) Brandi Henson, Tax Collector, presented the Tax Collector and Refund Reports for November, 2019, for approval.

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

(9) **VOTING MACHINES / BUDGET ORDINANCE AMENDMENT:** Ms. Fox presented a Budget Ordinance Amendment for Elections – Capital Outlay from Fund Balance in the amount of \$700,000.00 for voting machines. This item was discussed at the last work session.

Motion: *Commissioner Woody moved to approve the Budget Ordinance Amendment in the amount of \$700,000.00 for voting machines, as presented. Commissioner Mau seconded the Motion. Motion carried by unanimous vote.*

(10) FY2018-19 AUDIT REPORT: Drew Power of Dixon Hughes, PLLC, presented a summary of the audit report for fiscal year ending June 30, 2019. The audit reflected county assets exceeded its liabilities at the close of the fiscal year by \$37,079,199. The general fund balance increased approximately \$10,860,400. The unreserved fund balance was approximately \$17,782,022 and represented 23% of general fund expenditures. 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 97.88%.

Motion: *Commissioner Mau moved to adopt the FY2018-19 Audit Report, as presented. Commissioner Deitz seconded the Motion. Motion carried by unanimous vote.*

(11) MORNING STAR NURSING FACILITY: Commissioner Deitz stated that he heard there was a problem with the road at Morning Star Nursing Facility. They had a culvert at the end of the state road that was not a state culvert. The culvert rusted and washed out. It was being requested that the state take over the culvert and the rest of the road up to the nursing facility. It would go over three different landowners, who had agreed to give whatever property they needed to fix the problem. It was very important for ambulances be able to access the road every day. The county was being requested to write a letter asking that this situation become a priority.

Chairman McMahan stated that there was a legal process to go through and it would come before the Board of Commissioners. He requested that staff obtain and complete the applications to facilitate the process and then it would come back to the Board for official adoption.

Informational item.

(12) SMART FIRE SAFETY TRAINING TRAILER / BUDGET ORDINANCE AMENDMENT: Michael Forbis, Fire Marshal, stated this item was reviewed at the last work session. This was an issue that Emergency Services had talked about for a long time. They had been trying to grow the Fire and Life Safety Program in the county. The trailer would allow them to take their training to the next level and take it to any school, agency or company.

Chairman McMahan stated that this required a Budget Ordinance Amendment for Fire – Capital Outlay and Emergency Management – Capital Outlay from a Grant for School Safety and FEMA Disaster Assistance in the amount of \$169,434.00 for a Smart Fire Safety Training Trailer.

Motion: *Commissioner Woody moved to approve the Budget Ordinance Amendment in the amount of \$169,434.00 for a Smart Fire Safety Training Trailer, as presented. Commissioner Mau seconded the Motion. Motion carried by unanimous vote.*

(13) APPALACHIAN WOMEN’S MUSEUM: Commissioner Woody stated that as many were aware, the County Commission had supported the Appalachian Women’s Museum. They had a recognition ceremony last Saturday and she and Commissioner Deitz were able to attend. They presented the Commissioners with an appreciation plaque at the ceremony. She was so pleased that this was preserving an important part of the history in the county. They would be starting a program with fourth graders and they would be able to come to the museum to enjoy.

Commissioner Deitz stated they had one problem that they did not have any septic. They were looking into some things to help with water.

Informational item

(14) MUNICIPAL GRANT PROGRAM AWARD: Chairman McMahan stated that this was an item on a previous agenda.

Mr. Adams stated that they had four applications for the grant program. Three were from municipalities and one from the Village. There was a technical issue in the motion that was made that awarded three municipal applications. He received a phone call from the Sylva Herald asking if the Board did not fund the fourth application. His response was that the intention was to fund all four applications. As a matter of procedure, the request would be for the Board to approve the Village of Forest Hills application. The Village of Forest Hills requested \$1,540.00 to create a litter awareness and control project.

Motion: *Commissioner Mau moved to approve the application of the Village of Forest Hills, as presented. Commissioner Woody seconded the Motion. Motion carried by unanimous vote.*

(15) FIRE DISTRICT SERVICES COORDINATOR: Chairman McMahan stated that this was an item from the work session. The request was reduce the minimum requirement from five years to three years

Motion: *Commissioner Woody moved to accept the recommendation to change the requirement from five years to three years, as presented. Commissioner Mau seconded the Motion. Motion carried by unanimous vote.*

(16) PART-TIME COMMUNITY SOCIAL SERVICES POSITION: Mr. Adams stated that this would be changing the part-time Community Social Services position into a full-time position, as presented at the work session. This position would be utilized for transporting for visitation for foster care. There had been a lot of additional court orders and Social Services was in desperate need of this position. The overall cost to the county for the remainder of the year was less than \$5,000. They would discuss keeping this position at the same grade.

Motion: *Commissioner Mau moved to approve the request to move the part-time Community Social Services position to a full-time position, as presented. Commissioner Deitz seconded the Motion. Motion carried by unanimous vote.*

(17) ANIMAL RESCUE CENTER / CAPITAL PROJECT ORDINANCE: Chairman McMahan stated that this was also a topic they had discussed at length over the last several months.

Mr. Adams stated that this was the Capital Project Ordinance that would allow them to proceed forward with contracting for the architectural services and then proceed forward with the construction of the project. He presented the Capital Project Ordinance:

- Architect/Civil Engineering \$436,775
- Engineering/Permitting \$40,000
- Construction \$3,970,686
- Furnishings/Fixtures \$346,643
- Contingency \$595,896
- Total \$5,390,000

It was proposed to take the funds for the project from the Capital Reserve Fund.

Commissioner Mau stated that anyone could go online to see the cost broken down for the Animal Rescue Center and the park, if anyone wanted more details on the breakdown.

Commissioner Woody stated that she appreciated Commissioner Mau mentioning that because she thought it would be helpful to those that had questions about the amount and to understand that some of the funds were going for recreation use and also for ongoing efforts to make the whole area a very community minded center for the people that used it in multi-purpose ways.

Mr. Adams stated that online they would find the phases and a specific breakdown of the animal shelter. What was being funded at this point was the Animal Rescue Center, parking, repurpose of the closed landfill with the walking trails and all of the grading. Not included in the cost was the Innovation Center, but there would be a graded pad for future building.

Commissioner Deitz stated that he was very much for this, but he thought it was outrageously high and he could not vote for it. He could not bring himself to vote for something to spend that much money when there were so many things he saw that needed money spent on. He wanted to think they could build something really nice for a lot less than that, but maybe that was his ignorance of not knowing better.

Commissioner Mau stated that he agreed that it was a lot of money. He did his own research and was surprised that there were some architect firms that recommended \$475 per square foot to use for an estimated cost for an animal shelter. They were below that quite a bit. He was not saying that made it right, but at least they were in the ballpark or below what folks were saying it should be.

Commissioner Woody stated that from her standpoint, it was a lot of money, but they desperately needed a new animal rescue center in the county. It would not only serve the animals, but it would serve the people of the community as well. Things would not get cheaper. She was in favor of this.

Motion: *Chairman McMahan moved to approve the Capital Project Ordinance in the amount of \$5,390,000, as presented. Commissioner Woody seconded the Motion. Motion passed by a vote of 3-1 with Commissioner Deitz voting “nay”.*

(18) CAPITAL RESERVE RESOLUTION R19-36: Mr. Adams stated that as explained at the work session by the Finance Director, the proposed resolution would move the funds from the General Fund to the Capital Project Ordinance.

Motion: *Commissioner Mau moved to approve Resolution R19-36, as presented. Commissioner Woody seconded the Motion. Motion passed by a vote of 3-1 with Commissioner Deitz voting “nay”.*

(19) AIRPORT AUTHORITY: *Carry over.*

(20) BUSINESS AND INDUSTRY ADVISORY COMMITTEE: *Carry over.*

(21) HISTORIC PRESERVATION COMMISSION:

Motion: *Commissioner Deitz moved to reappoint Pamela Meister to serve another three year term on the Historic Preservation Commission. Commissioner Woody seconded the Motion. Motion carried by unanimous vote.*

(22) PLANNING BOARD: Chairman McMahan requested to appoint Brad Waldrop for his appointment.

Motion: *Commissioner Deitz moved to reappoint William Thomas White to serve another two year term and to appoint Brad Waldrop to a two year term on the Planning Board. Commissioner Woody seconded the Motion. Motion carried by unanimous vote.*

(23) PRESS CONFERENCE: None.

Commissioner Woody stated that she and Shelley Carraway, Health Director, were at a meeting where Dogwood Health presented an opportunity for short-term grants. She wanted this on everyone's radar because the deadline was January 15th. Their primary goal was health and safety.

There being no further business, Commissioner Woody moved to adjourn the meeting. Commissioner Mau seconded the Motion. Motion carried and the meeting adjourned at 4:25 p.m.

Attest:

Angela M. Winchester, Clerk to Board

Approved:

Brian Thomas McMahan, Chairman