

**MINUTES OF A  
WORK SESSION  
OF THE JACKSON COUNTY  
BOARD OF COMMISSIONERS  
HELD ON  
FEBRUARY 11, 2020**

The Jackson County Board of Commissioners met in a work session on February 11, 2020, 1:00 p.m., Justice and Administration Building, Room A227, 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) RESOLUTION SETTING REGISTER OF DEEDS HOURS OF OPERATION:**

Joe Hamilton, Register of Deeds and Shandra Sims, Deputy Register of Deeds, were present for this item.

Mr. Hamilton stated that his office had been discussing a change in process for some time. This would allow for documents received after 4:30 p.m. to be processed on the next official business day. For all other purposes, the office would remain open to the public until 5:00 p.m. If approved, notice would be sent in advance to attorneys, banks, etc.

**Consensus:** *Add this item to the next regular meeting agenda for consideration.*

**(2) HIRING PAY POLICY:** Sheriff Chip Hall and Chief Deputy Kim Hooper were present for this item.

Mr. Adams stated that this item was to discuss the current hiring pay policy. In the past couple of years, the Board adopted a Pay Policy, which allowed the County Manager to take into consideration years of experience to determine the step an individual would be hired on. When hiring, grades were determined by position and steps were determined by years of service. They were unable to implement the policy until the Board was able to get all existing employees on their current steps. When all existing employees were placed on their steps based on their years of service, it allowed them to come up with policies to recruit other experienced people.

The current policy allowed for direct experience and indirect experience. If someone had two years of experience, they could bring them in on a step two. When the policy was started, they only allowed people that came from a system that participated in the Local Government Retirement System, which was only towns and counties in the state. It did not allow for other areas, such as Western Carolina University, as their officers were state employees.

The second part was the indirect experience on the existing policy. It was defined as anyone that did not qualify for direct, but had experience and was participating in another retirement system. They could bring the person in at 25% of their years of experience. For the most part, they were having good experiences with the current policy, but it was limiting some of the Sheriff's recruitment ability.

Sheriff Hall stated that during the recent recruitment of a sworn police officer with the Cherokee Indian Police Department to become a sworn deputy in Jackson County, an omission to the county pay scale policy was realized. Many employees of the Eastern Band of Cherokee were enrolled in their own retirement system administered by the EBCI. The pay policy directs looking at an employee's experience as based upon a limited set of circumstances proven within the North Carolina Retirement System. It further limited recruiting state law enforcement officers for direct experience.

In both instances of recruiting tribal employees or state law enforcement officers, the policy had been interpreted to only allow for experience as indirect. This policy interpretation should allow for direct experience in these cases. All North Carolina law enforcement officers were certified under the North Carolina Department of Justice through one of two divisions, the North Carolina Sheriff's Training and Standards or Criminal Justice Training and Standards. This was regardless of their employment as local, state or tribal officers, which in turn, should relate as direct experience. This would significantly assist in the recruitment of employees to become deputy sheriffs in Jackson County and provide a recruiting tool as the policy was intended.

Mr. Adams stated that from a management standpoint, he would recommend this policy update. The distinguishing feature was a state certification and the job was practically identical going across the different agencies. It would be a one to one if they had the certifications, plus being active duty and not retired.

The Sheriff currently had a policy that if he recruited retired individuals that had the certifications, it would be 25%. This would empower the Sheriff to recruit active officers. Also, the County Manager was limited to step 12, so they were really looking for active officers with 2-10 years of experience and the required certifications, mainly being able to recruit from local municipalities, WCU and EBCI.

Also, it would be difficult to describe every circumstance that may come before them. This was not a mandated policy it was at the discretion of the County Manager. This was different than other employees in that if they were not in the local retirement system they would have to have a state certification that was relevant to the position.

***Consensus:*** *Staff to work with the Sheriff to develop the language to add to the policy for Board consideration at a future regular meeting.*

**(3) WEEKEND INSPECTIONS:** Tony Elders, Permitting and Code Enforcement Director was present for this item.

Mr. Adams stated shared information regarding revenues in Permitting:

- 2014-2015: \$376,601
- 2015-2016: \$390,912
- 2016-2017: \$428,642
- 2017-2018: \$466,301
- 2018-2019: \$509,726
- 2019-2020: \$537,836 (July 2019 through December 2019)

Mr. Adams stated that they saw an increase from year to year, but going into 2019-2020, they were half way through and were surpassing any other revenues they had seen in the past. There were major commercial projects occurring, particularly at Western Carolina University for apartment complexes. Mr. Elders approached him regarding staff time, the complexity of some inspections and the stress this was putting on his office. Mr. Elders had inquired about coming up with some solutions to help compensate his employees temporarily to get them through this inspection period with some weekend overtime discussions.

Mr. Elders stated that he and Darlene Fox, Finance Director, had projected revenue of \$606,000 for the entire year and as of the end of January, they hit \$629,500. The building permit fees were based on square footage and size of the building, so this was due to a combination of more construction and larger buildings. Also, at the end of the year, they did a census report that indicated there were 60 houses that were over \$400,000.

What started the discussion was that one inspector may be at one site for the entire day, which took that inspector out of his pool of inspectors for the day. One site manager stated that in other jurisdictions they paid overtime for after-hours inspections and asked if they would be willing to do the same. He came up with a number that would involve three to four inspectors that would focus on the inspections of folks that were willing to pay for the inspections that took up so much time. He did not believe it would be every Saturday or last much longer than August.

Commissioner Deitz asked if they needed to hire another inspector or part-time people?

Mr. Adams stated that this would be an issue that he and Mr. Elders would have a conversation about at budget time. The inspections had increased, even if they removed the large projects, there was a consistent increase of need of man hours. That would be a conversation coming up in budget season regarding additional personnel. At that time, they were trying to take care of what they knew would be coming up in a few months. Also, beyond an increase in inspections, they needed to discuss the overall operations of Permitting and Code Enforcement with eventual retirements and replacements.

Mr. Elders stated that if they hired a licensed electrician or plumber, it would take a minimum of three months before they could get minimum probationary certification to do inspections in only the trade they were licensed in. That was why it was difficult to hire part-time employees. He did reach out to neighboring counties, but they were in a similar situation. In the long-term, they had the same number of inspectors as they had since 2008. When they started discussing replacing retirees, for example, it would take a person six years to become a Level Three Inspector.

Mr. Adams stated that they would prepare a schedule regarding requests for inspections after 5:00 p.m. on weekdays or weekends, the county would charge additional fees for a minimum of two-hour blocks on weekdays and a minimum of four-hour blocks on weekends. Employees would receive time and a half pay for the extra requested inspections, assuming they had a regular 40-hour work week. If there was a holiday or days missed, it would be straight pay. This would be done with the understanding that it was temporary and the service would be made available to the larger commercial projects that were causing the issues they were facing.

Mr. Elders stated that his office would invoice them and let them know that nonpayment would result in no certificate of occupancy being issued.

Commissioner Woody inquired about the Millennial project being cited again for violation. Was Mr. Elders' office holding back inspections until they fulfilled the requirement for the violation?

Mr. Elders stated that the notice of violation was from Water Quality for mud in the stream. He had been working with Ms. Baker regarding this and in his opinion, the way the laws were written, he did not believe he could issue a stop work order to them. Previous fines had been appealed.

Commissioner Woody stated that her concern was that they had ordinances in place and they had been violated, they had been fined and nothing had changed. Mud was still coming into the streams and there was a long-term effect from the silt with the quality of water and the ability of trout to have a healthy environment to thrive. It was a big concern to her and she appreciated Mr. Elders following through.

**Consensus:** *Add the Weekend Inspections item to the next regular meeting agenda for consideration.*

**(4) R&B LANDFILL CONTRACT AMENDMENT:** Chad Parker, Public Works Director, stated this was a proposed amendment to the Waste Management Contract for the county. This would only make a clarification on "Construction and Demolition Waste". Construction and demolition waste had always been accepted and there would be no changes in operations, but in the original contract that was signed, there was language that allowed construction and demolition waste to be unacceptable. There had been no issues with operations, this was only to clarify that they could take construction and demolition waste to the landfill in Homer, Georgia.

**Consensus:** *Add this item to the next regular meeting agenda for consideration.*

**(5) RECREATION UPDATES:** Mr. Parker and Rusty Ellis, Recreation and Parks Director, were present for this item.

**(a) Mark Watson Batting Cages:** Mr. Parker stated that they would be pouring concrete soon, but they were waiting for the weather to clear up.

Mr. Ellis stated that it had been a long process. The area where they were digging was sort of a wetland area and due to the weather it had taken longer than expected. The contractor indicated that the building could be erected in 7-10 days and gravel had been donated by Harrison Construction. The \$20,000 allocated should cover everything.

Mr. Parker stated that staff would install the gravel, the nets, electrical and lights. At that point, it should be ready to use.

(b) ADA Swing: Mr. Ellis stated that the wheel chair swing for Mark Watson was purchased from a variety of donations and the county paid for the installation of the swing. The concrete sidewalk and pad under the swing had been donated also, but they were waiting for the weather to break.

(c) Swing at Little Canada Park: Mr. Ellis stated that this swing was purchased after the new budget year and was on backorder for approximately two months. When the swing was delivered, the wrong hardware was sent, but the swing had now been installed.

In the next year or two, they would be placing in the budget a new playground for the Little Canada Park, as that equipment was nearly 20 years old. They were also looking to install a first-ever inclusion Playground at Webster Community Park in the future.

*Informational item.*

(6) **TAX COLLECTION CONTRACTS**: Tabitha Ashe, Tax Assessor, was present for this item.

Mr. Adams stated that it had been discovered that all of the collection contracts with the towns had expired.

Ms. Ashe stated that she reached out to all of the towns and gave them until April 1<sup>st</sup> to respond. She had received a response from Webster and Dillsboro that they both wanted to continue their contracts. She did want to get those in place before she sent the tax bills out in August.

*Informational item.*

(7) **WOLFETOWN MEETING**: Mr. Adams stated the Clerk had been working to find a facility to meet on the boundary.

Ms. Winchester stated the Wolfetown Gym was booked with community activities. They directed her to reach out to the Wolfetown Community Center, which was also booked for April 7<sup>th</sup> and had limited parking.

Commissioner Woody stated that she wanted to have a meeting in the northern end of the county, but it was a concern if they could not find a location.

Chairman McMahan stated that if they wanted to have a meeting on the Qualla Boundary, they would have to wait until a place became available, but they may change the date. They had meetings in the past at the Shoal Creek Community Building and at Smokey Mountain Elementary School.

Commissioner Woody stated that her motivation was to make the citizens of Jackson County that lived on the Qualla Boundary feel welcome. She felt that if they went to them it sent the message that they were welcome. Not that they were not welcome anywhere that they met. She did not mind moving the date from April 7<sup>th</sup>.

Chairman McMahan suggested they choose another location for the April 7<sup>th</sup> meeting and try for the next quarter on the Qualla Boundary. Commissioner Deitz had previously suggested the Addie Community at the Jackson Community School. He requested staff to check on the availability of that location.

*Informational item.*

(8) **OTHER BUSINESS**:

(a) Commissioner Deitz stated that they had previously discussed the old store in the Addie Community. The county condemned the building, but what did that mean legally?

Ms. Baker stated that it meant that no one could live, work or do any activity in the building. It could exist in the current state. They could send notice to the owner and have a hearing, but for the county to be able to proceed to tear it down, they would have to go to court to get a court order to do that.

General discussions were held.

Chairman McMahan asked Commissioner Deitz to talk with the owner and find out if he had plans to tear the building down. If so, maybe they could have a conversation to see if there were options.

*Informational item.*

(b) Commissioner Woody stated that she had a citizen ask if they could come up with an inclusive statute about holiday decorations. They were told that there was not an ordinance in place about this and that the county would have to come up with something that would give guidance. The citizen wanted this to be brought up now, because if they waited until the holiday season, it would be too late.

Mr. Adams stated that around the holiday season, there had been last minute ideas and concepts of what the holiday decorations should be. He requested to have the conversation during a non-holiday season. He believed this was generated from members of the local Library Board. They were having different concepts and ideas of what the decorations should be on the courthouse lawn for the holidays. He recommended to the group to come up with ideas and he would put them on a work session agenda to discuss with the Board. In the past, it was brought up a few days prior and a lot of work went into the decorations. They may need to have a formal process going forward.

Chairman McMahan stated that from a historical perspective, the courthouse library complex was one of the most iconic structures and locations in the county. It was important they always protect the hillside and were careful to make sure it was always decorated in a way that was fitting, tasteful and non-controversial. They also wanted to be respectful.

They had a request in the past that came at the last minute to display a Hanukkah menorah, but it was already in an area where they had installed holiday decorations and did not fit. The decision had always been with the county, that any type of decoration that took place on the courthouse hill had to be pre-approved. Citizens could not just go out and place decorations without approval and that was what had happened, it had been placed without approval. That was why in years past, they approved other items such as the pinwheels for AWAKE. They had set a precedent that either administration or the Board had to approve because they wanted to make sure it met their standards and was done in an appropriate way. He was in favor of this and it may be that they would need to develop a policy.

Mr. Adams stated that he thought this group was different since they were the Library Board and this was where they worked if they had concepts and ideas for the holiday decorations for a broader conversation.

*Informational item.*

(c) Commissioner Woody stated that she and Commissioner Deitz were approached by the Appalachian Women's Museum to help facilitate sewer for their facility. They had moved forward and she wrote an official letter stating her and Commissioner Deitz's willingness to help. She met with officials from TWSA and Environmental Health and they were willing to help, but needed approval from Dillsboro to move forward. Dillsboro would be looking at the letter at their board meeting. If they approved it, the next step would be for the Health Department to go back and look at the lay of the land and see where a possible septic system could go. If not, TWSA had a sewer line under the railroad, but it would take a pump because it was in the flood plain, which would be a \$10,000 expense. There was a strong possibility they could get a septic system for free, but location was the issue because of the lay of the land.

Chairman McMahan suggested that this could become a part of the budget process. Appalachian Women's Museum annually requested funds and the county also set aside funds to work with municipal partners with the municipal grants.

*Informational item.*

(d) Commissioner Mau stated that he had received phone calls and communications regarding "Support the Constitution - Second Amendment" that other counties were doing. There were petitions being signed, so it was coming. Instead of waiting for the people to be there in force, he would rather be proactive.

He presented a draft copy of the resolution from Forsyth County, which they could look at as a potential model. He knew there were a lot of different versions and that there was probably different language that the Board and Ms. Baker would want to look at. He wanted to go ahead and take this step to get things moving on it.

Chairman McMahan stated that he agreed with Commissioner Mau about being proactive. He and Commissioner Woody had the conversation that in some ways this was really no different than the resolution they recently adopted supporting the 19<sup>th</sup> Amendment, the right for women to vote. This resolution stated they also supported this effort. Some of the wording he and Commissioner Mau discussed in other counties went beyond what he could ever support. This draft looked more amenable and he would definitely be willing to look at it.

Commissioner Mau stated that some of the wording he had issues with made it sound as if the Board would start telling the sheriff how to spend their money.

Commissioner Woody stated that she thought they needed to be clear, when she talked to the Attorney General Josh Stein about his understanding of these kinds of proclamations, he stated that they did not carry weight and had no legal status. She asked Ms. Baker about the wording.

Ms. Baker stated that she would need time with the document. There were some issues. They took an oath to uphold the Constitution and they wanted to be really sure that they did not take any action that was in conflict with their oath.

Commissioner Woody stated that she had stated to several citizens that she had already taken an oath and that she would never do anything that would take away from that.

Commissioner Deitz asked why they would want to do anything else?

Chairman McMahan stated they were saying that they would only adopt a resolution potentially, that would reaffirm the oath they had taken.

Commissioner Deitz stated that they all said they would uphold the Constitution and that was not just the Second Amendment, it was all of it.

Chairman McMahan stated that this was just for discussion that day to develop a potential draft for future discussions.

*Informational item.*

(e) Chairman McMahan stated that going back to the old courthouse, he had received a request for the county to participate with “Paint the Town Purple” in conjunction with the Chancellor’s installation at Western Carolina University. The Town of Sylva was working to put up decorations downtown. The request would be to install vertical purple banners that would hang down between the columns of the old courthouse, on the light poles and railing along the steps, additional decorations at the bottom and changing the lights out to purple.

It was also requested that the county help contribute to the cost. The banners were \$864 from WCU’s Print Shop. As with everything else they did at the old courthouse, it had to be approved administratively. Were they interested in participating and directing Mr. Adams and his staff to help make this happen. He thought they were asking the county to contribute \$1,000. This would happen on March 21<sup>st</sup> until March 30<sup>th</sup>.

**Consensus:** *Mr. Adams to move forward with the request and the county to contribute \$1,000.*

(f) Chairman McMahan stated he wanted to make the Board aware of information from a meeting he attended the day before in Macon County for the seven western counties regarding the budget cuts for Vaya. Since 2015, the General Assembly initiated Single Stream Budget Cuts, which were supposed to be a non-recurring, where they would require them to use fund balance to pay for their operating expenses. The cuts had recurred every year since then for all LME’s across the state. Each year they had seen the numbers change. The amount of cash on hand had gone down and their budgets had shrunk. They had requirements regarding fund balance and had to maintain a certain amount in reserve.

In addition, there was a mandate that came down from the CMS through the Federal Government stating that the state had to reserve 15% of the costs of claims. This would be in the event there was some type of catastrophic failure and the LME's went away, there would be a reserve account set aside to fund those claims. Each LME was mandated to divert 2% annually into the reserve account until they reached the 15%. Vaya would reach the 15% that year. The amount of flexible funds that was expendable had decreased drastically each year, so they were down to minimal dollars. They were projected in the current budget year to have been cut \$9 mil, but the state initiated a new formula that worked to Vaya's advantage because of the rural nature and other factors. Instead of \$9 mil it was going to be a \$4.5 mil cut.

Also, because the state did not fund the budget, they continued with a recurring budget and were unable to utilize return monies that would come back through the Federal Government Medicaid Program. There was an announcement made yesterday that they would be closing the Balsam Center, which was located at the Jackson/Haywood County line. This would have massive implications for law enforcement, hospitals and emergency departments since now, these people would be diverted to emergency departments.

There were discussions about the availability of funds and shifting around funds, but it looked like the next budget year may not be any better. This would affect not only the Balsam Center, but basic psychiatric and clinical services that were standard across the entire service region could be cut or eliminated. It was at a critical juncture with mental health as there was a lot of uncertainty. Shelly Foreman, Vaya Health Western Region Community Relations, would be providing the Board with additional information so they could have conversations with people at the legislature, as this was critical.

*Informational item.*

There being no further business, Commissioner Woody moved to adjourn the meeting. Commissioner Deitz seconded the Motion. Motion carried and the meeting adjourned at 3:00 p.m.

Attest:

Approved:

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Angela M. Winchester, Clerk to Board

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Brian Thomas McMahan, Chairman