

**MINUTES OF A
REGULAR MEETING
OF THE JACKSON COUNTY
BOARD OF COMMISSIONERS
HELD ON
FEBRUARY 18, 2020**

The Jackson County Board of Commissioners met in a regular session on February 18, 2020, 1:00 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) **AGENDA**: Chairman McMahan requested to add one item: Code Enforcement Overtime Policy. Commissioner Deitz moved to approve the amended agenda. Commissioner Mau seconded the Motion. Motion carried.

(2) **MINUTES**: Commissioner Woody moved to approve the minutes of a Public Hearing (Unified Development Ordinance Amendments) of February 04, 2020 and a Regular Meeting of February 04, 2020. Commissioner Mau seconded the Motion. Motion carried.

(3) **CHAIRMAN’S REPORT**: None.

(4) **COMMISSIONER REPORTS**:

(a) Commissioner Deitz reported that he attended the Transit Board meeting last week. Also, Mountain Projects held a meeting, where he was now the Vice Chair. They were working on affordable housing and he hoped to see that happen.

At the last Board meeting, he mentioned a swing for the Little Canada Park. That had been installed and he had received two texts of thanks for that. He appreciated that being taken care of.

(b) Commissioner Woody stated that she voted early and the new machines were nice and worked very well. It was impressive how the ballot was printed so they would have a secure voting procedure and ensure they had safe and legal elections in the county.

Also, she represented the Commissioners on the Board of Public Health and they held a joint meeting with them. It was so gratifying to hear how many awards the Jackson County Department of Public Health had received from the state. They were doing outstanding work and they were very blessed to have them in the community.

Lastly, she went last weekend to Winston-Salem, representing the seven western counties at the North Carolina Association of County Commissioners. There was an update on the opioid litigation and they were looking out for everyone in the state, which was nice to hear. They also had an update on broadband expansion in the state. There were a lot of barriers for rural areas to get the internet access they needed, but she was pleased to hear that they were starting to work closely with some of the large providers. It was important for every citizen in the state to have broadband access.

(c) Commissioner Mau stated that he had not met for TDA since the last meeting. With TWSA, they continued to make progress with the search for a new executive director.

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

(a) January 2020 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 five commercial zoning permits in the month of January. Code enforcement issued eight commercial permits and one renovation/addition permit in the month of January.

(b) Community Services Center: The project was 52% complete through January, 2020. Some highlights included the following: 90% of roofing complete; 77% of sprinkler work complete; 59% of HVAC complete; 62% of plumbing complete; and 41% of electrical complete. The contractor was continuing to install drywall. The furniture company met with staff and the majority of the furniture had been selected. The company used renditions to help assist staff in visualizing their work space. He provided some examples.

(c) Animal Rescue Center/Dillsboro Complex: A kickoff meeting between staff and McMillan/Pazdan/Smith would take place on Wednesday, February 26th.

(d) Indoor Pool: ClarkNexsen would be attending the budget retreat scheduled for Thursday, February 20th. The estimated construction costs and operational costs would be presented at this meeting.

(e) NCACC District Meeting: The North Carolina Association of County Commissioners Districts 16 and 17 meeting would be held on Thursday, April 2nd at 5:00 p.m. at the Lake Junaluska Harrell Center in Haywood County.

(6) INFORMAL COMMENTS BY THE PUBLIC:

(a) Luther Jones of Sylva stated that he understood that there was a petition going around asking Commissioners to pass a Second Amendment Sanctuary Resolution. He wanted to speak out against that. He was a Fire Arms Certified Instructor, a Range Safety Officer and a Shooting Sports Director for the Boy Scouts. He opposed the resolution because it had no basis under the law, it was not legal and could not be enforced. It would only be symbolic. He considered it divisive and he thought they needed to be looking at common causes.

(b) Joseph Stuccio of Sylva stated that he had been at board meetings in different areas and his second time there. He inquired why the Pledge of Allegiance was not said prior to the board meeting? 29 states with a total of 566 counties were Second Amendment Sanctuaries with more added every month. The Second Amendment was ratified in 1791 and had never faced the onslaught of attacks that it did currently. All of the Bill of Rights and the Constitution were under attack as well. If they wanted to amend the Constitution, that was acceptable, but he did not want laws forced down their throats which infringed upon everyone's individual rights. Where did they draw the line and say enough was enough? Free men need not ask permission to bear arms. He was in favor of a Second Amendment Sanctuary Resolution.

(c) Dick Wittekind of Cullowhee, stated that he encouraged each of the Commissioners to support and advocate for the Second Amendment Resolution on his behalf of an overwhelming number of Jackson County citizens. He requested they be proactive and pass the resolution so that while they debated and searched for solutions for the national problems, they would be sending a message to the state and national lawmakers that they did not support disarming and making Jackson County citizens helpless.

(d) Denny Wood of Sylva stated that he had talked to sheriffs from all over the country and he had been reading about the Red Flag Law. It meant that if someone deemed someone else as a threat, they could appear before a judge and the sheriff would confiscate that person's guns with no recourse until they had their day in court and they were still not guaranteed to get their guns back. He agreed that a resolution was not worth the paper it was written on, but it would send a message to the legislature and politicians. His family had been there since 1793 and he had always been taught God, family and guns and he honored that. He thought a resolution would go a long way. He encouraged the Board to pass a resolution.

(7) CONSENT AGENDA:

(a) Darlene Fox, Finance Director, presented the Finance Report for January, 2020 and a Budget Ordinance Amendment for fiscal year ending June 30, 2020, for approval.

(b) Brandi Henson, Tax Collector, presented the Tax Collector and Refund Reports for January, 2020, for approval.

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

(8) R&B LANDFILL CONTRACT AMENDMENT: Chad Parker, Public Works Director, stated that this was an item they discussed at the work session. The proposed amendment to the Waste Management Contract would only clarify that construction and demolition waste would be an acceptable material to take to the R&B Landfill. He requested approval of the amendment.

Motion: Commissioner Mau moved to approve the R&B Landfill Contract Amendment, as presented. Commissioner Deitz seconded the Motion. Motion carried by unanimous vote.

(9) HIRING/STARTING PAY POLICY UPDATE: Ms. Adams stated that this was a continuation of a conversation from the work session. He presented the amended Pay Policies for FY19-20. Several changes were minor, but the majority of the requested changes were very specific to law enforcement officers.

Currently, when they related an individual's experience to the pay they could offer, they had a definition of "direct experience" and "indirect experience". Direct experience only allowed for that experience to be associated with people in the Local Government Retirement System. Under the current policy, the Sheriff would only be able to recruit from other towns and counties. The Sheriff also attempted to recruit from Highway State Patrol, EBCI and WCU. All these other law enforcement entities had the same statewide certifications required for them to be deputies.

The request would be for the Sheriff to recruit in these other areas, which would allow them to bring in experienced law enforcement officers. Also, there were areas where people would come in with a certain amount of experience, they wanted to bump them up to a Step 2. The current policy made them round down, but in this particular case, they wanted to round up to Step 2.

Chairman McMahan inquired if the effective date needed to be changed.

Mr. Adams stated the effective date would be changed to February 18, 2020.

Motion: Commissioner Woody moved to approve the amended Hiring/Starting Pay Policy Update, with the stated effective date. Commissioner Mau seconded the Motion. Motion carried by unanimous vote.

(10) CODE ENFORCEMENT OVERTIME POLICY: Mr. Adams stated this was also a follow up item from the work session. He provided a summary of what was discussed at the work session and what was being requested of the Board:

Permitting and Code Enforcement Director Tony Elders appeared before the Board on February 11th to discuss the need for some building inspections to take place on the weekends and after normal weekday business hours. The need for inspections to take place outside of normal business hours was primarily driven by the significant amount of commercial projects being constructed in Fiscal Year 2019-2020. The size and complexity of these projects required a significant amount of the code enforcement officer's time for each inspection.

Mr. Elders was concerned that these commercial projects would cause significant delays in inspection response time to other projects. The only way known at that time to mitigate slow inspection response times was to provide services outside of normal business hours. In a regular year, there were occasions where inspections were needed outside of normal business hours. Employees who provided these sporadic inspections outside of normal business hours currently accumulated compensation time to be used at a later time.

The current situation with these large commercial projects may need to have some of their inspections take place after hours for the next six months in order to avoid negatively impacting other inspections. This could lead to massive amounts of compensation time to be built that could never actually be used. It was being requested that employees who inspected these commercial projects outside of normal business hours be paid overtime instead of accumulating compensation time. Some of the large commercial projects indicated that they were willing to pay additional fees to have inspections take place outside of normal business hours.

It was recommended that the Board temporarily establish an additional building inspection fee system for large commercial projects that requested building inspections after normal business hours. Large commercial projects were to be determined by the Permitting Code Enforcement Director and the County Manager. It was also recommended to authorize the payment of overtime to Permitting and Code Enforcement inspectors who provided inspections services to these commercial projects that paid the additional fees. The recommendations were with the following conditions:

(a) The fee system available to large commercial projects for after hour inspections was as follows:

- The fee for weekday inspections that occurred after 5:00 p.m. would be \$75 per hour with a minimum of two-hour blocks.
- The fee for weekend inspections would be \$75 per hour with a minimum of four hour blocks.

(b) Building Inspectors who provided inspections services after hours for large commercial projects that paid the additional fees would be paid overtime in lieu of accumulating compensation time. Standard overtime rules would apply. Time and a half pay would be provided only to those who work over 40 hours in a week. Hours above 40 due to a holiday would be paid at a straight time rate. The County Manager and Permitting / Code Enforcement Director will review this program on a monthly basis. Reports to the Board of Commissioners will be provided as needed and/or requested.

(c) Inspections performed after normal business hours was subject to availability of personnel. Jackson County, at its discretions, reserved the right to refuse any request for building inspections after normal business hours.

(d) Jackson County and the Board of Commissioners reserved the right to change or revoke this after hour service at any time.

Mr. Adams stated that there was only one other issue he had not addressed in the policy. They were talking about offering this to large commercial projects. One of the discussions they may want to have was that this was a service above and beyond what was available, primarily to help the employees. Secondly, it would be there so they did not get behind on inspections for the day-to-day contractors. Should they only make this available to companies that were in compliance with all federal, state and local laws?

Commissioner Deitz stated he thought if anyone wanted to pay the \$75 to get an inspection and they had a person that could do that on a Saturday, he did not see anything wrong with it.

Commissioner Woody stated that she believed they should be in compliance with federal, state and local ordinances before they made this service available.

Mr. Adams stated that this was really so that inspectors would not have to spend hours out of the weekday on a commercial project when they could be doing multitudes of the normal inspections. He believed if they offered this to everyone, they would be putting in permanent overtime weekend work.

Commissioner Mau stated that if there was a project that was in violation, did they want to go out and do overtime services for them before they had been cleared of any violations.

Mr. Adams inquired if they wanted to offer this to large commercial projects that were currently not complying with federal, state and local laws, such as notices of violation. This would be a service above and beyond, when they were available. Should they be offering an additional service to those not complying.

Commissioner Deitz stated if that was the question, he thought no.

Chairman McMahan stated that when they referred to all federal, state and local laws, were they speaking of all laws or certain laws that pertained to the subject matter at hand.

Mr. Adams stated he thought they were referring to laws as they related to the specific development. It would mainly be through the county's own NOV's and/or if it was a state monitored program. If they were not following the requirements, they should not be offering this additional service until they came into compliance.

Commissioner Mau asked if they were including when an inspector would go out and find a violation and it was simple to fix, would they go back out and re-inspect in that case?

Mr. Adams stated if they had available personnel they would, but if they did not, it would be Monday and they would go into the queue like everyone else. It was not meant to be a penalty regarding their own violation.

Chairman McMahan inquired if they needed that language written into the policy that he had suggested regarding pending violations.

Mr. Adams stated it was really about being under some type of development violation.

Ms. Baker stated that it would be for a known violation because sometimes they may not know if there was one.

Commissioner Woody stated that this would be for an official NOV on file.

Mr. Adams stated that he thought they would want to just add general language.

Commissioner Deitz inquired if they could table this item.

Chairman McMahan inquired about the existing proposed language that stated "...reserved the right to refuse any request for building inspections after normal business hours".

Ms. Baker stated that they needed to state it clear and consistent across the board. Although it was built in, she recommended that if they were not going to provide that service to someone under a notice of violation, that they clearly state that so they were made aware from the time the policy was in place.

Commissioner Woody stated that their motivation for doing this, would be that they come under compliance. She felt that if they stated that, then the goal would be that they would hurry and comply so that they could get the inspection in the time frame they wanted.

Commissioner Mau stated that they had discussed time being an issue with this, could they pass the policy as presented and then get the language worked out to address the NOV issue.

Chairman McMahan stated that they were potentially not going to address this item that day.

Motion: Commissioner Deitz moved to table this item. Commissioner Mau seconded the Motion. Motion carried.

Consensus: There was a general consensus to add language for restricting this service for NOV's.

(11) RESOLUTION R20-03 SETTING THE HOURS OF OPERATION FOR THE REGISTER OF DEEDS: Ms. Baker stated that this was the proposed resolution they discussed at the work session. This would allow the office to remain open until 5:00 p.m., but would cut off recording at 4:30 p.m. to have time to process in the same day. This would be effective on June 1st.

Motion: Commissioner Deitz moved to adopt Resolution R20-03, as presented. Commissioner Mau seconded the Motion. Motion carried by unanimous vote.

(12) **AIRPORT AUTHORITY**: Commissioner Deitz requested to appoint Gary Boyer. Chairman McMahan requested to reappoint Jason Kimenker.

Motion: *Commissioner Deitz moved to appoint Gary Boyer and reappoint Jason Kimenker to serve six-year terms on the Airport Authority, terms expiring December 31, 2025. Commissioner Woody seconded the Motion. Motion carried by unanimous vote.*

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

(14) **EQUALIZATION AND REVIEW BOARD**: Chairman McMahan stated that Tabitha Ashe, Tax Assessor, provided recommendations for the Equalization and Review Board.

Motion: *Commissioner Mau moved to reappoint Gail Cooper, Robert Edwards, Richard Robson, Norman West and David Noland. All to serve one year terms on the Equalization and Review Board, expiring April 04, 2021. Also, to reappoint Gail Cooper as Chair and Robert Edwards as Vice-Chair for one year terms. Commissioner Woody seconded the Motion. Motion carried by unanimous vote.*

(15) **PLANNING BOARD**: *Carry over.*

(16) **PRESS CONFERENCE**: None.

There being no further business, Commissioner Deitz moved to adjourn the meeting. Commissioner Woody seconded the Motion. Motion carried and the meeting adjourned at 2:17 p.m.

Attest:

Approved:

Angela M. Winchester, Clerk to Board

Brian Thomas McMahan, Chairman