

**MINUTES OF A
REGULAR MEETING
OF THE JACKSON COUNTY
BOARD OF COMMISSIONERS
HELD ON
JUNE 09, 2020**

The Jackson County Board of Commissioners met in a Regular Session on June 09, 2020, 6:00 p.m., Justice and Administration Building, Room A201, 401 Grindstaff Cove Road, Sylva, North Carolina.

Present: Brian McMahan, Chairman	Don Adams, County Manager
Boyce Deitz, Vice Chair	Heather C. Baker, County Attorney
Mickey Luker, Commissioner (via Zoom video conferencing)	Angela M. Winchester, Clerk to Board
Ron Mau, Commissioner (via Zoom video conferencing)	
Gayle Woody, Commissioner	

Chairman McMahan called the meeting to order.

(1) **AGENDA**: Commissioner Deitz moved to approve the agenda. Commissioner Woody seconded the Motion. Motion carried.

(2) **MINUTES**: Commissioner Woody moved to approve the minutes of a Work Session of May 12, 2020 and a Regular Meeting of May 26, 2020. Commissioner Deitz seconded the Motion. Motion carried.

(3) **CHAIRMAN'S REPORT**: None.

(4) **COMMISSIONER REPORTS**:

(a) Commissioner Woody stated that she had the privilege of participating in the demonstration on Tuesday that some students from Western Carolina University organized. She was so proud of the community and the respectful manner in which people presented themselves. There were citizens near the monument and they were very respectful of the other participants. What really meant so much to her in light of some things that had been happening in the country was the organizers from WCU and the citizens by the monument both commended law enforcement. They were so well prepared, everyone knew what the guidelines were and there was such respectful behavior. She appreciated the citizens for standing up for what they believed in, but also doing it in a way that was respectful of all citizens.

(b) Commissioner Mau reported that TWSA was going through the budget process and the public hearing for the budget would be on June 16th. Highlights included to not raise rates that year because of COVID and impacts on the economy. Also, it was proposed to reduce System Development Fees on smaller projects for at least two years to try to help people through the difficult times. The proposed budget was on the TWSA website for viewing.

(5) **COUNTY MANAGER REPORT**: None.

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

(7) FIREWORKS DISPLAY REQUESTS: Tony Elders, Director of Permitting and Code Enforcement, requested approval for the following applications he received for fireworks displays:

- Friday, July 3rd Country Club of Sapphire Valley
Friends of Lake Glenville
Lonesome Valley
- Saturday, July 4th Cedar Creek Racquet Club
Jackson County Chamber of Commerce – Downtown Sylva
Mountaintop Club
Wade Hampton

Motion: Commissioner Luker moved to approve the request for fireworks displays as presented. Commissioner Woody seconded the Motion. Motion carried by unanimous vote.

(8) CULLOWHEE PLANNING AREA DEVELOPMENT STANDARDS: Caroline LaFrienier, Planner II, stated that members of the Cullowhee community addressed the Cullowhee Planning Council during public comment concerning the Special Use Standard allowing five unrelated persons to dwell in a home if it was ¾ mile or less from WCU’s campus and three unrelated persons if the home was more than ¾ mile from WCU. After hearing the concerns from the public, the Cullowhee Planning Council requested that Planning staff research what other jurisdictions similar to Cullowhee allow in this regard. After being presented the research, the Cullowhee Planning Council voted to amend Table 9.9: List of Permitted Uses to allow “unrelated persons” as a permitted use in the multi-family low density district and in Section 9.4.4 Additional Standards: Special Uses to state that the maximum number of unrelated persons in a home shall be three.

The Cullowhee Planning Council held a public hearing on March 2nd to give the public an opportunity to comment on the proposed amendment. The Cullowhee Planning Council approved the text amendment with a unanimous vote on March 2nd. The Planning Board reviewed and recommended approval of the text amendment on May 14th. Both the Cullowhee Planning Council and the Planning Board found the amendment to be consistent with a goal identified in the Cullowhee Small Area Plan. More specifically, the goal was: to protect the character of existing neighborhoods near campus and in potential growth areas.

Planning staff requested that the Board of Commissioners consider calling for a public hearing on July 7th at 5:45 p.m. to give the public an opportunity to comment.

Commissioner Woody stated that she wanted to make sure she was understanding correctly, the maximum number of unrelated persons shall be three, regardless of how close they were to WCU as long as they were in that Cullowhee Area.

Ms. LaFrienier stated that the maximum number of unrelated persons standard would be in a single family district. There was a single family and single family manufactured home district. The other districts in Cullowhee were a permitted use so there was no maximum.

Commissioner Woody asked for an example of what that kind of residence looked like.

Ms. LaFrienier stated that a single family home would be a typical stick built with one family living in it. It would not be a duplex or apartment.

Motion: Commissioner Deitz moved to set a public hearing on July 7th at 5:45 p.m. to be held at the Justice and Administration Building, Room A201. Commissioner Woody seconded the Motion. Motion carried by unanimous vote.

(9) POOL OPENING AND OTHER RECREATIONAL OPERATIONS: Rusty Ellis, Recreation and Parks Director (via Zoom video conferencing) presented a proposed operating schedule for the Sylva Pool during Phase 2 of the reopening procedures. The Sylva Pool passed inspection and the Cashiers Pool would be inspected on June 10th. Both pools were on track to open on June 15th. The Health Department and Environmental Health had given approval for everything they were doing.

(a) Sylva Pool Operations: They had taken into consideration all CDC guidelines for operation during this phase and put into place what they thought was in the best interest of all county citizens. Based on occupancy requirements, they were only allowed 60 total occupants in the Sylva Pool at one time. Based on this number they have decided to split the pool day into two sessions to allow for more usage. There would be a 9:30am-2:00pm session and a 3:00pm-7:30pm session. This schedule would operate seven days a week.

The cost would be \$3.00 per person and participants were only allowed to come to one session per day. Both sessions would be first come, first serve. While participants were waiting to either check-in or waiting for the next session to begin, they would have markers in place to encourage social distancing. No season passes would be sold in order to provide as many people possible the opportunity to come to the pool. They would also not be having swimming lessons as it would be impossible to adhere to the social distancing guidelines. No pool parties would take place during phase 2. Although this would eliminate lap swim, parent/child swim and family nights they felt this was the only way to provide maximum user opportunities at the pool. They were tentatively scheduled to open on Monday, June 15th with the understanding that they had been inspected by the Jackson County Health Department and all lifeguards had been hired and trained.

(b) Sylva Pool Opening Procedures:

1. Limited to the first 60 each session (53 main pool, 7 kiddie pool) 50% capacity was 186
2. Sessions (9:30am-2:00pm (60), 3:00pm-7:00pm (60)
3. 2:00-3:00pm guards will be taking a break and cleaning
4. No lap swim, no swim lessons, no pool parties during Phase II
5. Deck furniture will be taken off (patron will have to bring their own chair and towel)
6. X's will be placed on deck to allocate 6 feet social distancing
7. Swim team will practice Mon, Wed and Fri from 7:30pm-9:00pm
8. X's will be placed out front to allow social distancing while waiting to get into the pool
9. Middle sink in each bathroom will be closed to allow social distance
10. Concession stand will be closed
11. Plexiglas shield will be in place at the front desk

(c) Cashiers Pool Operations: They had taken into consideration all CDC guidelines for operation during this phase and put into place what they thought was in the best interest of all county citizens. Based on occupancy requirements, they were only allowed 34 total occupants in the Cashiers Pool at one time. Based on this number, they have decided to keep operations the same as in years past, but with the reduced numbers. On Monday's, the pool would be closed. Tuesday-Saturday, the pool would operate from 12pm-5pm and Sunday 1pm-6pm. Open lap swim (only 1 swimmer per lane) would be 10am-11am Tuesday-Saturday and 12pm-1pm on Sunday.

The cost would be \$3.00 per person. While participants were waiting to either check in, they would have markers in place to encourage social distancing. No season passes would be sold in order to provide as many people possible the opportunity to come to the pool. They would also not be having swimming lessons as it would be impossible to adhere to the social distancing guidelines. No pool parties would take place during phase 2. They were tentatively scheduled to open on Monday, June 15th with the understanding that they had been inspected by the Jackson County Health Department and all lifeguards had been hired and trained.

(d) Cashiers Pool Opening Procedures:

1. Limited to the first 34
2. Guards will be cleaning during their hourly breaks
4. No lap swim, no swim lessons, no pool parties during Phase II
5. Deck furniture will be taken off (patron will have to bring their own chair and towel)
6. X's will be placed on deck to allocate 6 feet social distancing
7. X's will be placed out front to allow social distancing while waiting to get into the pool
8. Concession stand will be closed
9. Plexiglas shield will be in place at the front desk

Chairman McMahan asked if the time slots they recommended were too long? Could they cut those times in half to do four sessions in a day to give more people a chance to potentially be able to come to the pool.

Mr. Ellis stated they could. They just figured that the 3½ to 4-hour time slot was what people would normally stay at the pool with the \$3 daily fee. But, they were open to suggestions and changes if they received complaints.

Commissioner Woody asked if someone came and missed the quota, could they be put on the list for the next day?

Mr. Ellis stated that they were working on a first come, first serve basis at that time. They thought about taking reservations online, but someone could just sign up for each one of the time frames throughout the summer.

Commissioner Mau asked if it was a Governor's restriction on the lap swim or did they decide to do that? That was the one thing he had heard about if there was going to be lap swim?

Mr. Ellis stated that they looked at that, but with lap swim they were only allowed one person per lane for the adults. They averaged 6-10 for lap swim in the mornings. If they came, they may not be able to do lap swim or they may have to limit the time they did it. That was open for discussions if they got a lot of people wanting to do lap swim. But at the time, they were just trying to get maximum capacity to get the public in to swim, but they could always look at that.

Commissioner Woody thanked Mr. Ellis for his and his staff's hard work to get this ready. She knew the community would appreciate it.

Commissioner Mau stated that people would bring in their own chairs and there would be no concessions. Could people bring their own snacks with them?

Mr. Ellis stated that yes, they could.

Commissioner Mau asked if they would take steps to encourage people to bring it in and bring it out to not pile up the trash because it would create more contact potentially.

Mr. Ellis stated that was new territory for them, but they would encourage them to pack out their trash with them.

Commissioner Mau stated that Ms. Smith made a comment in the Zoom Chat that if they went to more time slots, it would put more work on them to get everything cleaned up in between. They would need to consider that.

Mr. Adams stated that an action by the Board was being requested. The Board approved the fee schedule for pools. The request would be to temporarily suspend the current and future fee schedules and to allow the Rec Department to charge the \$3 per day. This would mean no season passes or fees for swim lessons.

Motion: *Commissioner Mau moved to suspend the current and future fee schedules and adopt a modified schedule of \$3 per session. Commissioner Woody seconded the Motion. Motion carried by unanimous vote.*

(10) OTHER RECREATIONAL OPERATIONS: Mr. Ellis presented:

(a) Phase 2 Parks:

- East Laporte: Open spaces only and trails, Bathrooms open
- Little Canada: Open spaces only and trails, Playground Closed, Bathrooms open
- Cullowhee Complex: Open spaces only and trails, Playground Closed, Bathrooms open
- Cashiers Complex: Open spaces only and trails, Playground Closed, Bathrooms open
- Mark Watson: Open spaces only and trails, Playground Closed, Bathrooms open
- Balsam: Open spaces only and trails, Playground Closed, Bathrooms open
- Fairview Youth Complex: Open spaces only and trails, Playground Closed, Bathrooms open
- Savannah Park: Open spaces only and trails, Playground Closed, Bathrooms open
- River Access: Open spaces only and trails, All open

(b) Phase 2 Facilities:

- Cullowhee Recreation Center: Facility Closed
- Cashiers/Glenville Recreation Center: Facility Closed
- Ralph J. Andrews Campground: Tentative open date June 19th
- Cashiers Pool: Tentative open date June 15th (34 capacity)
- Sylva Pool: Tentative open date June 15th (60 capacity)

(c) Phase 2 Programming:

- Modified programming that maximized physical distancing and limits group size (25 and under) sandlot, family camp-outs, movies in the park. Begin registration for fall soccer?
- Outdoor aerobics classes (bring own mat, etc.)
- Summer Camp (Cullowhee 32, Cashiers 21)
- Continued online, virtual programming offered

Commissioner Woody stated that last week on Saturday, her family went to East Laporte where they tubed and had a picnic. There were a lot of people there, but she was very pleased to see that people were in family groups, were social distancing and being very respectful of each other. That was great to see and to see all of the people out.

Informational item.

(11) BOND ORDER INTRODUCTION FOR INDOOR POOL FACILITY: Mr. Adams presented a proposed Bond Order for Introduction. It was a requirement to introduce the Bond Order to the Board at a public meeting. There were three requirements:

- This Bond Order was being introduced at this meeting.
- He read aloud the title: This was a Bond Order Authorizing the issuance of general obligation bonds for indoor pool facilities in the maximum amount of \$20,000,000, subject to voter approval.
- He indicated to the Board and to the public that this Bond Order would be put on a later meeting for final Board action. That meeting would be after the public hearing was held.

Informational item.

(12) RESOLUTION R20-09 SETTING THE PUBLIC HEARING FOR INDOOR POOL FACILITY: Mr. Adams presented Resolution R20-09 setting the public hearing for an indoor pool facility. This resolution was recognizing that the Bond Order had been introduced at this meeting and stated that the public hearing was required. It stated that the Board resolved to set a public hearing on the Bond Order to be held at 5:55 p.m. on July 7, 2020 in Room A201. The resolution also resolved that the County Finance Officer was directed to prepare and file, prior to the publication of notice of the public hearing, a sworn statement of the county's net debt.

He provided the Board a sample notification that would be sent to the newspaper. Also, he provided a sample of the Net Debt Statement and Statement of Interest. These were items that the Finance Officer would have to file in order for them to proceed.

Motion: *Commissioner Deitz moved to approve Resolution R20-09, as presented and set a public hearing on July 7th at 5:55 p.m. to be held at the Justice and Administration Building, Room A201. Commissioner Mau seconded the Motion. Motion carried by unanimous vote.*

(13) RESOLUTION R20-10 SOUTHWESTERN NC HOME CONSORTIUM: Mr. Adams stated that this resolution was proposed to authorize the County Manager to negotiate the Regional Housing Consortium. Also included was an agreement that must be signed by all localities by the end of June in order to qualify for next fiscal year. Traditionally, they did not usually present an agreement and request that the Board vote on it at the first meeting. This was something that could be held off until June 23rd to give them an opportunity to review.

They were attempting to accomplish a housing consortium comprised of all the entities of Southwestern Commission Region A, which would qualify them for federal monies that could be applied to housing programs in the region. There had to be a lead agent in the agreement and Haywood County had agreed to be the financial lead agent. Haywood County would contract with Southwestern Council of Government (COG) to run the program.

In the next year, there would be a regional housing plan created, which would involve input from all from all of the members in the agreement, including county governments and municipalities in the COG catchment area. The plan would be developed in order to proceed forward to receive the federal monies to go toward the housing plan.

This had been delayed coming to the Board due to COVID. At that point, the COG was attempting to get the agreement passed by the region so they could move forward with the program. He believed if all proceeded forward in the next fiscal year, then the next fiscal year, there would be \$600,000 made available for housing programs in the region.

He and Ms. Baker had been working on some of the language in the agreement, specifically to item #4. It basically allowed the Board, as a member, along with any other member to decide what programs they would provide matching funds for. The original language, although it was not intending to state this, it legally stated that if they passed it in its original form, it required them to make matches to projects they did not necessarily have a say in approval. This was just lining up the language with the intent of the COG, which was if they were able to get projects in Jackson County and the Board agreed with a project, they would have the option to provide matching funds for that project. The deadline for the COG was June 30th or the process would be delayed another year.

Commissioner Deitz stated that Russ Harris, Southwestern Commission Director of Community and Economic Development, was in the audience. He requested to allow him to speak to the item.

Mr. Harris stated that there was a match required in the first year of \$80,000, which Dogwood Health Trust had agreed to provide. They felt that there was an opportunity as a regional entity working with local governments to get these funds. There would be about \$600,000 per year and if it was not spent in that year, it would carry over to the next year.

One of the advantages was the flexibility of the money. It could go to property purchase, construction, rental assistance, down payments and economic rehab. When they did a housing study last year, they found one of the biggest needs in the region was the aging population, in terms of affordable housing and needing help. In that case, rehab would help those folks out. They did not know exactly what it would look like, but there would be a planning process for a year. This did fall in line with a lot of what they did with their workforce and aging programs with federal and state funds.

Commissioner Woody stated that she participated in the Southwestern Commissions Zoom meeting and this was mentioned that it would be so beneficial. As Mr. Harris mentioned and as the Board had discussed, affordable housing was a huge issue in the county and she hoped they could approve this and move ahead.

Mr. Adams stated that if the Board wished to have time, this could be brought back to the June 23rd meeting for consideration. If the Board was willing to move forward that day, the agreement was being recommended by Ms. Baker and himself. He did not believe it was necessary for the Board to take action on the resolution since it was authorizing the County Manager to finalize the agreement. That was set up in case they were running into timing issues.

Ms. Baker stated that there could be changes later depending on how the money came in.

Mr. Harris stated that during the planning process, it did allow for amendments, so there was an opportunity to make changes.

Ms. Baker stated that was one advantage of the resolution.

Mr. Adams stated that they were going to hold off on recommending the agreement, but Mr. Harris let him know before the meeting that the language was set.

Chairman McMahan stated that he did not think it would hurt to pass the resolution.

Motion: *Commissioner Mau moved to approve Resolution R20-10 and the Southwestern NC Home Consortium Agreement, as presented. Commissioner Luker seconded the Motion*

Discussion: Commissioner Woody stated that she thought it was a great addition to it of the \$80,000 match from the Dogwood Health Trust. That was a great benefit to them.

Motion carried by unanimous vote.

(14) PLANNING BOARD: *Carry over.*

(15) SEDIMENT CONTROL APPEALS BOARD: *Carry over.*

(16) TRANSIT ADVISORY BOARD:

Motion: *Commissioner Deitz moved to reappoint Eddie Maney to another three-year term on the Transit Advisory Board, term expiring June 30, 2023. Commissioner Luker seconded the Motion. Motion carried by unanimous vote.*

Commissioner Woody requested to revisit the Sediment Control Appeals Board item.

(17) SEDIMENT CONTROL APPEALS BOARD:

Motion: *Commissioner Woody moved to reappoint William Owen, Matthew Nicholson and Lloyd Green to additional four-year terms on the Sediment Control Board, terms expiring March 09, 2024. Commissioner Mau seconded the Motion. Motion carried by unanimous vote.*

(18) PRESS CONFERENCE: None.

(19) CLOSED SESSION:

Motion: *Commissioner Luker moved that the Board go into closed session pursuant to G.S.143-318.11(a)(6) Personnel. Commissioner Woody seconded the Motion. Motion carried.*

Chairman McMahan called the regular meeting back to order and stated that no action was taken in closed session.

(20) AGENDA: Commissioner Deitz moved to approve the agenda to add one item: Salary Supplement. Commissioner Woody seconded the Motion. Motion carried.

(21) SALARY SUPPLEMENT: Chairman McMahan stated that for a period of 34 days and many long hours, Ms. Baker served as Acting County Manager in Mr. Adam's absence while he was out on sick leave. They had on multiple occasions extended their appreciations to Ms. Baker for the work she had done and continued to do. They felt that they did need to compensate her for those hours she worked those extra loads. There was a recommendation that they provide her a one-time salary supplement to cover the extra burden that was placed on her shoulders in the amount of \$3,200.

Motion: *Commissioner Luker moved to approve a one-time salary supplement to Heather Baker in the amount of \$3,200. Commissioner Woody seconded the Motion. Motion carried by unanimous vote.*

There being no further business, Commissioner Deitz moved to adjourn the meeting. Commissioner Luker seconded the Motion. Motion carried and the meeting adjourned at 7:01 p.m.

Attest:

Approved:

Angela M. Winchester, Clerk to Board

Brian Thomas McMahan, Chairman