

**MINUTES OF A  
REGULAR MEETING  
OF THE JACKSON COUNTY  
BOARD OF COMMISSIONERS  
HELD ON  
SEPTEMBER 01, 2020**

The Jackson County Board of Commissioners met in a Regular Session on September 01, 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	
Gayle Woody, Commissioner	

Chairman McMahan called the meeting to order.

**(1) PROCLAMATION: FIREFIGHTER, RESCUE SQUAD AND FIRST RESPONDER WEEK:** Michael Forbis, Fire Marshal was present via Zoom video conferencing.

Commissioner Mau read a Proclamation declaring September 6<sup>th</sup> – 12<sup>th</sup> as Firefighter, Rescue Squad and First Responder Week. Commissioner Luker moved to approve the Proclamation. Commissioner Woody seconded the Motion. Motion carried.

Mr. Forbis thanked the Board for the proclamation. He stated that there were many firefighters, first responders and rescue squad volunteers throughout the county that did a lot. He encouraged the public to let the volunteers know how much they appreciated them for what they did.

**(2) PROCLAMATION: OPIOID AWARENESS MONTH:** Melissa McKnight, Assistant Health Director, was present via Zoom video conferencing.

Commissioner Woody read a Proclamation declaring September as Opioid Awareness Month. Commissioner Mau moved to approve the Proclamation. Commissioner Luker seconded the Motion. Motion carried.

Ms. McKnight thanked the Board for recognizing September as Opioid Awareness month and for recognizing the efforts they put forward to protect the public's health in terms of substance abuse awareness, prevention and more. Throughout the month, they would have various media articles, social media posts and website updates to make sure the community understood the importance of this acknowledgment.

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

**(4) MINUTES:** Commissioner Woody moved to approve the minutes of a Regular Meeting of August 04, 2020 and a Work Session of August 11, 2020. Commissioner Mau seconded the Motion. Motion carried.

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

**(6) COMMISSIONER REPORTS:** Commissioner Woody congratulated James Buchanan. Governor Roy Cooper recently appointed him to a seven-year term on the North Carolina Board of Examiners of Electrical Contractors. Mr. Buchanan served Jackson County very well and lived in the Savannah Community. This acknowledgement of his expertise by the governor, spoke very highly of him.

Also, the Greenways and Trails Committee held a meeting and they now had the Story Map online. She encouraged everyone to take a look at that. It was so gratifying to see how the county was working so hard to move ahead with connectivity. Sidewalks had been built in Cashiers and were being used a lot. They knew that people had to alter their exercise because of Covid, but the Greenways and trails were being used greatly. She appreciated the county's work on those efforts.

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

**(a) Animal Rescue Center/Dillsboro Complex:** He provided the Board with the legal advertisement for bid that was going out for the Green Energy Park Project. The bids would be due October 1<sup>st</sup> and would be received in Room A201 at 2:00 p.m. They would also be holding a pre-bid conference on site September 17<sup>th</sup> at 2:00 p.m. at the Green Energy Park. This was not mandatory, but he did highly recommend that all bidders attend. They would send the ad to all of the local general contractors and subcontractors.

**(b) Animal Shelter Census:** He provided the Board with information that Commissioner Deitz had requested regarding the Animal Shelter census numbers.

**(c) County Building Energy Efficiencies:** He received information that day regarding energy efficiencies for the Health Department and the Animal Rescue Center. He would provide that information to the Board the next week.

**(d) Broadband Infrastructure:** Jeff Sural, Director of the North Carolina Broadband Infrastructure Office, would be attending a future work session.

**(e) NCACC Goals:** At the next work session, they would be discussing the NCACC Goals. He requested that Tony Elders, Permitting and Code Enforcement Director, put together information on how they needed to format a resolution and/or letter to the state when they requested the state to grant the authority for oversight for erosion. Mr. Elders would provide the technical language they would need to state in the request. Later in the meeting, Michael Poston, Planning Director, would discuss the proposed language change in the UDO.

Commissioner Deitz requested that Mr. Adams discuss the information he shared about the Animal Shelter census.

Mr. Adams stated that the Health Department gave them information on a total of animals from fiscal year 2015-16 to 2020-21 as follows:

- 2015-16            851
- 2016-17            982
- 2017-18            981
- 2018-19            974
- 2019-20            910
- 2020-21            84

The current year was low since it only accounted for one month. The information broke the number down between dogs, cats, wildlife and livestock.

General discussions were held.

Mr. Adams stated that if they wanted the numbers broken down further, he would suggest they bring in the Health Department to discuss it further.

Commissioner Deitz stated that he wanted to know, if they were going to build something for millions of dollars, was there a need for something that big? He just wanted to know more about the real number on it.

Chairman McMahan stated that with all due respect, they had been through many years of discussion about this facility. They paid two firms to conduct studies based on a needs assessment. The square footage of the building they gave was based on the need. They had gone through a lengthy process to go out to bid. He hoped the information was correct as that was what they had based their decisions on so far. Historically, everything had been based on the numbers and they had been at capacity or beyond capacity.

Commissioner Woody stated that the facility itself was a little more than \$3 million. They were talking about the whole park when they were talking about the \$5 million. She thought that distinction needed to always be clarified because it did sound like a lot. A well maintained and constructed building that was going to have a long life in the community was very important.

Commissioner Luker stated he thought Commissioner Deitz was asking some great questions. Sometimes the general public forgot how and why they got where they were, so sometimes they did need to be reminded of why they were spending \$3 million, \$5 million of the taxpayers' money.

In the whole situation, he hoped they had planned far enough ahead so that they were not making the same mistake they did with the with the Social Services Building, where the day they moved in, they were already out of space. He hoped they were not building something that only fit the current situation and not taking the next 20 years into perspective.

Mr. Adams stated that he would request that the Health Department present at the next work session or the next regular meeting on the breakdown of the numbers.

Commissioner Deitz stated that he may be a minority of one, but that was okay. He had not felt good from day one about some of the costs of this. It did not seem like they were building something to suit the needs. Some of the buildings in the county were \$450,000 - \$600,000 that were very nice. They were going to build \$3.5 million for an animal shelter and he thought they were out of touch. He thought a lot of people felt that way. It was important, but it was not more important than the people that lived there.

Mr. Adams stated that he would invite the Health Department staff to discuss the census numbers and how they managed the numbers. Also, any partnerships that were out there.

Commissioner Mau suggested they bring some numbers pre-Covid, because there could be some numbers that changed.

Mr. Adams stated that he would also go back and look at the two studies again. They could look at the facility itself and talk about the number of dog runs. At that point, the bids would come in October 1<sup>st</sup> and the Board would be in discussions to decide where they wanted to go from there.

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

**(9) SCHEDULE OF VALUES FOR REVALUATION 2021:** Tabitha Ashe, Tax Administrator, presented statutory proposed Schedule of Values for 2021. All counties were required to adopt a Schedule of Values to be effective at the beginning of each revaluation year. She requested that a public hearing be scheduled on October 6, 2020 at 5:50 p.m.

Mr. Adams stated that Ms. Ashe would come back to the Board at the next work session to answer any questions.

Commissioner Luker asked if they adopted the same process every four years?

Chairman McMahan stated that it was the same policy and procedure. They went five years on this one to put them into a better cycle. They last time, they went a full eight years, which was the furthest extent they could under the general statutes because of the collapse of the economy.

Ms. Ashe stated that she would be requesting they go back to the four-year schedule after that.

Commissioner Deitz expressed his appreciation to the Tax Office for their professionalism in helping citizens.

***Motion:*** Commissioner Mau moved to set a public hearing on October 6<sup>th</sup> at 5:50 p.m. to be held at the Justice and Administration Building, Room A201. Commissioner Woody seconded the Motion. Motion carried by unanimous vote.

**(10) UNIFIED DEVELOPMENT ORDINANCE AMENDMENT:** Michael Poston, Planning Director, stated that the Planning Department, in conjunction with the Code Enforcement and Inspections Department, worked on amendments to the Sedimentation and Erosion Control standards. The proposed amendment was designed to require that erosion control measures be in place prior to the issuance of building permits on multifamily developments. This would significantly reduce instances where site preparation (grading) and vertical building construction was conducted concurrently. This would allow the site preparation and erosion control measures to be in place prior to any additional activity being conducted on the site.

The Planning Department requested that the Board of Commissioners call for a public hearing to consider changes to Section 5.3.5(h) of the Unified Development Ordinance. The proposed amendment would require that erosion control measure be in place prior to the issuance of building permits for multifamily developments. The proposed language required that building pads be established, roadways in the development have an initial layer of compacted stone in place, slopes must be seeded, ground cover established and all stormwater basins and erosion control devices shown on the approved erosion control plan be in place.

The Planning Board would hold its public hearing on September 10<sup>th</sup> at 6:00 p.m. He requested that the Board of Commissioners call for a public hearing on October 6<sup>th</sup> at 5:55 p.m. to allow the public to comment on the proposed amendments.

Commissioner Luker stated that he was there Thursday and Saturday and visited all of the sites they had been discussing. It was disturbing what they were seeing and what was happening. It was something that needed to happen and it should have happened a lot sooner than later.

***Motion:*** Commissioner Luker moved to set a public hearing on October 6<sup>th</sup> at 5:55 p.m. to be held at the Justice and Administration Building, Room A201. Commissioner Mau seconded the Motion.

**Discussion:**

Commissioner Woody stated that just to clarify, this was not changing or adding to any of the current requirements, it was just changing the order. Was that correct?

Mr. Poston stated that this did not require doing anything differently other than they had to meet the benchmarks before they could move forward and the Building Department actually issue a building permit.

Commissioner Deitz stated that he was at the site on Friday when it was raining. They were literally digging ditches trying to do something with the erosion problem and doing carpenter work on the building at the same time.

Mr. Poston stated that this would help that. It may not take care of every instance of the erosion control process, but it would make sure they had a plan and infrastructure in place. It did not guarantee they would not have to go back and remediate something. This would make sure most of the site work was completed prior to the work going on for construction.

Commissioner Woody stated that she thought it would address citizens that had adjoining properties and/or driveways as well.

Commissioner Mau asked if that statement of “groundcover established” could mean mechanical? They were not talking about things up and growing, it could be the straw or whatever they may have as part of their erosion plan had to be in place.

Mr. Poston stated that was correct.

Commissioner Deitz stated that they also had thoughts about wall heights.

Mr. Poston stated that this was something that they identified quickly that they could start addressing some of the concerns and issues. This really dealt with some of the preconstruction and beginning of construction phase. They had talked about language in other ordinances that may help them address other issues that may be going on. They would have more updates for the Board in the near future about other items they thought they could recommend for the Board's consideration to help address some of the other concerns with erosion control and stormwater control.

General discussions were held.

*Motion carried by unanimous vote.*

**(11) OFFER TO PURCHASE AND CONTRACT FROM HARTLEY AND RESOLUTION R20-17:** Ms. Baker stated that she received an offer from Walter G. Hartley and/or assigns, for Lot 84, Phase 2, Bear Pen, containing approximately 1.20 acres (PIN #7545-38-1254) in the amount of \$10,700.00, which was the total amount of costs the county had in the lot.

She presented Resolution R20-17 for consideration. If the resolution was approved, it would go through the upset bid process. They had done several of these in this area. If they wanted them to notify the surrounding property owners, they could do that.

Chairman McMahan requested to send letters to the surrounding property owners.

Ms. Baker stated that Mr. Hartley was available via Zoom, if anyone had questions for him.

**Motion:** *Commissioner Mau moved to approve Resolution R20-17, as presented. Commissioner Luker seconded the Motion. Motion carried by unanimous vote.*

**(12) CULLOWHEE PLANNING COUNCIL:**

**Motion:** *Commissioner Woody moved to appoint Ollin Dunford to serve an unexpired term on the Cullowhee Planning Council, term expiring May 31, 2022. Commissioner Luker seconded the Motion.*

Mr. Poston requested that the Board appoint Mr. Dunford to a full three-year term to expire on December 31, 2023.

**Amended Motion:** *Commissioner Woody moved to appoint Ollin Dunford to serve a three-year term on the Cullowhee Planning Council, term expiring December 31, 2023. Commissioner Luker seconded the Motion. Motion carried by unanimous vote.*

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

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

**(15) CLOSED SESSION:**

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

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

**(16) AGENDA:** Commissioner Mau moved to amend the agenda to add two items: Pay Policy Revision and Contract for Employment First Extension for the County Manager. Commissioner Woody seconded the Motion. Motion carried.

**(17) PAY POLICY REVISION:** Mr. Adams stated that he was requesting a Pay Policy amendment. The requested addition was as follows:

*Licensure and/or Certification:*

*Adjustments may be calculated if the position with the county requires a professional licensure and/or certification as mandated by North Carolina General Statutes in order to perform the duties of the position if the following conditions are met:*

- 1. An assessment and verification will be made of the applicant's prior employment while in possession of such licensure and/or certification to ensure it was full-time with either the State of North Carolina, a political subdivision thereof, or by a federally recognized Indian Tribe.*
- 2. The applicant's licensure and/or certification must be in an acceptable active status at the time of hire.*
- 3. Any starting salary above the minimum must be approved by a management team including the Human Resources Director and Finance Director prior to County Manager approval.*

Mr. Adams stated that the purpose of the requested addition was to be able to recruit individuals who already obtained certain state licensures. Under the current policy, there were individuals that worked for recognized tribes or state agencies with the licensures, but the county was not able to offer them a one to one credit for years of service.

Commissioner Luker asked if instead of "federally recognized Indian Tribe", should it say "federal agencies"?

Mr. Adams stated they could add that instead of replacing it since Tribes were sovereign nations.

***Motion:*** *Commissioner Deitz moved to amend the Pay Policy, including the addition of "federal agencies". Commissioner Luker seconded the Motion. Motion carried by unanimous vote.*

**(18) CONTRACT FOR EMPLOYMENT FIRST EXTENSION FOR THE COUNTY MANAGER:** Chairman McMahan stated that the contract for the County Manager was set to expire August, 2021. This contract for employment was for a first extension. The term would commence on August 1, 2021. He would remain under the current contract until August 1, 2021. The first extension would continue through July 31, 2025, unless terminated sooner by the provisions of the contract.

Commissioner Luker stated that this spoke of the confidence they had in the County Manager and what he had done for the county and his commitment.

***Motion:*** *Commissioner Luker moved to move forward with the extension. Commissioner Woody seconded the Motion. Motion carried by unanimous vote.*

There being no further business, Commissioner Mau moved to adjourn the meeting. Commissioner Woody seconded the Motion. Motion carried and the meeting adjourned at 7:36 p.m.

Attest:

Approved:

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Angela M. Winchester, Clerk to Board

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Brian Thomas McMahan, Chairman