The Jackson County Board of Commissioners met in a Regular Session on September 15, 2020, 1:00 p.m., at the Department on Aging Center, Heritage Room, 100 County Services Road, Sylva, North Carolina.

Present: Brian McMahan, Chairman
Boyce Deitz, Vice Chair
Mickey Luker, Commissioner (via Zoom video conferencing)
Angela M. Winchester, Clerk to Board
Don Adams, County Manager
Heather C. Baker, County Attorney
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 Deitz moved to approve the minutes of a Quasi-Judicial Hearing of August 11, 2020 and a Regular Meeting of August 18, 2020 as presented. Commissioner Woody seconded the Motion. Motion carried.

(3) **CHAIRMAN’S REPORT:** None.

(4) **COMMISSIONER REPORTS:**
(a) Commissioner Woody stated that Cathy Busick of the Appalachian Women’s Museum had reached out to her. As the Board knew, they had been working with the Town of Dillsboro to secure a sewer line through TWSA, so they could use the toilets and have water connected to the museum. Tim Parris, Town of Dillsboro Alderman, let Ms. Busick know that the Town of Dillsboro recommended that the Appalachian Women’s Museum proceed ahead establishing their own connection to TWSA. In the Town of Dillsboro’s timeline, they were not in a hurry to do bathrooms, at that point. The recommendation would be for the museum to put in their own pump. Daniel Manring, TWSA Executive Director, would use a community outreach grant to secure those lines, but the pump would cost between $15,000-$20,000. The request would be for those funds so that they could move forward so that they could have functioning bathrooms.

Chairman McMahan asked if there was a timeline associated with the request?

Commissioner Woody stated that they had no functioning bathrooms at that time. With the Governor’s 2.b plan, museums were allowed to open to limited capacity. If DOT was able to stay with their timeline, they were opening the road in front of the museum in October for people to get from Dillsboro to Sylva. This would likely increase the exposure of this location more than ever. They were hoping to have a couple of events in the fall, if they moved forward.

Mr. Adams stated that in his last conversation with Mr. Manring, whatever property the pump station was located on would be who would own and maintain it. Appalachian Women’s Museum would need to be prepared to own and maintain the pump station.

Commissioner Woody stated that whenever Dillsboro decided to fund and build bathrooms for their park, they would have to put in their own pump station on their property.
Mr. Adams stated that he met with the group and asked them to continue to try and work with the Town of Dillsboro, but if they were not able to come to an agreement, they needed a bathroom. Now, they were coming to the Board to ask for assistance with the pump station. TWSA would require this to be engineered.

Commissioner Woody stated that they were reaching out to engineers that were already there working. They hoped that since they were a nonprofit, they would do the engineering plan for free.

Mr. Adams stated that with the engineering plan, the pump size would be determined. If he understood correctly, the $15,000 to $20,000 was based on a pump that may operate both the museum and the public bathroom. If they were now talking about a pump specifically for the museum, it may or may not change the price. The next step would be for someone to do the engineering plan to determine the size of the pump and then they would know the exact cost.

Chairman McMahan stated that if that was the next step, it would be feasible to give time for that to happen before approving an unknown number.

Commissioner Woody stated that the museum needed to know that the county was willing to take care of that cost in order for them to move forward to request TWSA to do their part with the grant or the engineers to move forward.

Mr. Adams stated that the general request would be if the Board was favorable to look at cost of up to $15,000 to $20,000 to assist, if the engineering could be worked out.

Chairman McMahan stated they could continue discussions to get more exact details to bring up at the next meeting.

(b) Commissioner Deitz stated that he thought the county should be complimented on how vigilant it seemed that most people had been with this virus they were combating. It seemed that the university was doing as good a job as anyone around the country. It was amazing at events how many people were wearing masks and distancing themselves. That was important and they needed to continue to do that.

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

(a) August 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 three commercial zoning permits and Code enforcement issued two renovation/addition permits in the month of August.

(b) Court Order: They were meeting in the Heritage Room at the Aging Center instead of their normal Commissioners’ Board Room at the Justice Center because a court order that was issued on September 10th from Judge Letts. The courts were running into issues as far as space, so they needed to utilize the board room on occasion for courts. This would probably not be the last time they would have to deal with this issue. They had jury trials coming up in October. It was believed that the state would delay the start of those until November, but at that point it had not been changed. Once jury trials did start, because of separation requirements, it was going to take both courtrooms in order to have a jury trial. That exasperate the needs of the courts and would require them to utilize the board room more often. For general thoughts, the two ways they could deal with this was the Board could consider scheduling the meetings at night so they did not have conflicts or be prepared to utilize the Heritage Room. If the Board was fine with them making this transition on short notice, that could be their backup. They needed to be prepared in the next months of this displacement.

(6) INFORMAL COMMENTS BY THE PUBLIC: None.
(7) CONSENT AGENDA:
(a) Darlene Fox, Finance Director, presented the Finance Report for August, 2020, four Budget Ordinance Amendments and one Project Ordinance Amendment for fiscal year ending June 30, 2020, for approval.
(b) Brandi Henson, Tax Collector, presented the Tax Collector and Refund Reports for August, 2020, for approval.

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

The Board took at recess at 1:31 p.m.
Chairman McMahan called the meeting back to order at 1:36 p.m.

(8) FLU IMMUNIZATION PROGRAM: Shelley Carraway, Health Director (via Zoom video conferencing), stated that dealing with the pandemic and with the flu season on the way, it would be even more crucial for as many folks to get the flu immunization as possible. They planned several local flu clinics around the county that would have evening and weekend hours. The state and local health departments were planning marketing campaigns to increase the awareness of the importance of being vaccinated against the flu.

Recently, they were made aware that the CDC provided additional flu vaccines for adults with the focus on adults that were at an increased risk of flu complications. North Carolina’s share of this one-time special allowance would be distributed to the health departments. That was a free vaccine for targeted adults. Along with that, from the state, they received the recommendation to reduce any financial barriers on the vaccine.

She requested the Board to allow the Health Department to suspend the fee for the flu shot. They would still file insurance for anyone who was insured, which would be free for those folks already. Last year, they generated revenue through immunizations of around $21,267. Their expenditures for the flu vaccine last year was $18,897. They were not sure yet what the allocation of the free vaccine would be, but they would like to suspend the fee in order to give the free immunization to anyone without insurance, even if they ran out of the state obligated amount and start using the supply they were purchasing.

Motion: Commissioner Woody moved to accept Ms. Carraway’s recommendation to suspend the fee for non-insured for flu vaccines that year, as requested. Commissioner Mau seconded the Motion. Motion carried by unanimous vote.

(9) ANIMAL SHELTER STATISTICS: Ms. Carraway presented: Jackson County Animal Rescue Center:
(a) Animal Control:
• Public Health role to protect the community from rabies
• Pick up stray and unwanted animals
• Quarantine biting animals, as required by law
• Investigate cruelty and nuisance complaints
• Conduct rabies vaccination clinics
• Patrol the community for violations routinely
• Enforce the Jackson County Animal Control Ordinance

(b) Animal Adoption:
• Coordinate animal adoption, owner reunification and partner transfers
• Provide low cost access to spay/neuter services
• Educate the community about proper pet care in order to ensure the welfare of the animals
(c) Animal Control Program Historical Census – annual summary of animals taken in:

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(d) Live Release Rate: The average live release rate was 83% (93% for dogs and 71% for cats). This rate was possible because the Program heavily relied on partners. If the Program no longer had partners to rely on, the average live release rate would drop to 47% (43% for dogs and 50% for cats). Keeping this information in mind, the Program aimed to maintain an average live release rate of 80% (90% for dogs and 70% for cats) upon construction of the new Animal Rescue Center.

(e) Length of stay: The average length of stay was 9.8 days for dogs and 22 days for cats. The required length of stay set by law (from 72 hours up to 10 days in quarantine cases)

(f) New mission and vision:
- To develop a community hub advocating for animal welfare, but also one that was visually and programmatically appealing to the people of the county
- To focus on outreach, education and programming that people want to be a part of
- To promote and motivate responsible pet ownership and lifelong commitment to the humane treatment of the animals
- The new facility would not only serve this mission, but would be a destination that was an integral part of the larger Green Energy Park to promote community and volunteer engagement, non-profit partner involvement and to provide healthy spaces for people and animals in a park-like setting.

(g) Community Impact:
- Increased capacity at center, allowing for a safe environment for animals and for county staff
- Increased coordination for animal adoption and owner reunification
- More open spaces for individuals to engage with animals prior to adoption
- Increased coordination among non-profit groups serving the public
- Community Room for animal and owner training, school outreach programs and more
- Additional green space for outdoor activities, exercise and wellness
- Attractive draw for volunteers to the entire campus, including the Green Energy Park
- Clear commitment to the humane treatment of animals, public health and public safety

(h) Health and Safety Impact:
- Appropriate and welcoming space for rabies clinics allowing employees to better control communicable disease
- Safer workspace for employees, volunteers and the community at large
- Clearer environment that allows for controlling disease and sickness in animals
- Sterile medical area for the improved care of animals as well as safety of employees and volunteers
- Safer workspace for employees, volunteers and the community at large

General discussions were held.

*Informational item.*
(10) **INDOOR POOL**: Michael Hopkins, Assistant Recreation and Parks Director, presented:

Recreation Aquatics Center:

(a) **Process:**
- Information gathering with work group meetings in August and October with representatives from Aquatics, Swim Teams High School, Recreation Board and Recreation Staff.
- Operational work session to determine aquatic needs and operating costs.
- Existing building assessment, which they had done an excellent job of maintaining the facility.
- Site assessment.
- Preliminary geo-technical investigation.
- Developed two site options.

(b) **Site considerations:**
- Existing entry sequence and approach.
- Views of mountains and park areas.
- Adjacency to existing recreation center.
- Topography and property line constraints.
- Vehicular circulation.
- Connection to existing park amenities.
- Site placement that addressed solar heat gain and natural day lighting.

(c) **Option B:**
- The aquatics facility to the north of the rec center.
- The facility would house locker rooms, a completion seating deck, party room spaces, offices and adequate support spaces. It would also have a redesigned entry and front “face” from the road.
- The aquatics location would displace approximately 70 existing spaces and require new parking to be added in order to maintain the current space count.
- Visitor circulation would have one access point for both facilities.
- Positioning the pools along an east to west axis with southern facing exposures takes advantage of the solar orientation and frames a view of the park and mountains. This would allow for a visual connection between the new facility and existing exterior spaces.
- Exterior spaces could be created adjacent to the pools and the park.
- The displaced parking would be replaced and added to the east and south of the existing rec center.
- Views from the aquatics center would be directed toward the south and west, keeping a visual connection to the park and optimizing solar orientations.
- A new clear and central entry would be established.
- Circulation through the new entry to the rec center or to the aquatics center.

(d) **Program Study:**
- The displaced parking was replaced and added to the east and south of the existing rec center.
- Views from aquatics center were directed toward the south and west, keeping a visual connection to the park and optimizing solar orientations.
- A new clear and central entry was established.
- Circulation through the new entry to the rec center or to the aquatics center.
### Conceptual Budgeting:

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**Total cost in 2020 dollars**: $13,711,600.00

Escalation-Assumed Design start in Jan, 2021
Construction begin June 2022, construction complete Jan 2024*

*Escalation to the midpoint of construction: 27.0 month @ .5% per month 13.50% $1,851,066.00

Sub total: $15,562,666.00

CM Fee: 5% $778,133.30

Sub total: $16,340,799.30

Bonds and Insurance: 1.50% $245,111.99

Grand Total Construction Costs: $16,585,911.29

Owner Contingency: 5% $829,295.56

Soft Costs: 11.00% $1,915,672.75

Furniture, Fixture, Equipment: $246,400.00

Technology/Equipment: $123,200.00

**Total Project Costs**: $19,700,479.61

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(f) Frequently asked questions concerning bond referendum for Indoor Aquatics Facility:

• What is the exact question that will appear on the ballot? “Shall the order authorizing Jackson County general obligation bonds in the maximum amount of $20,000,000 plus interest to pay capital costs of providing indoor pool facilities and paying related costs and providing that additional taxes may be levied in an amount sufficient to pay the principal of and interest on the bonds, as adopted by the County’s Board of Commissioners on July 10, 2020, be approved?
  Yes ___ No ___”
• Would my taxes go up?
  Amount of Debt  Tax Increase
  $19,950,480 (Construction & closing costs)  $0.0222 per $100
  $ 380,324 (Projected operating costs)  $0.0040 per $100
  $20,330,804 (Total Amount)  $0.0226 per $100
• How do I calculate the tax impact for my household? Example: property tax value…$150,000/100=1500 x .0226=$33.90 property tax increase per year.
• What is a bond referendum? A bond referendum is a voting process that gives voters the power to decide to give authorization to raise funds through the sale of general obligation bonds. A general obligation bond is a long-term borrowing tool in which the county pledges its full and credit to repay the debt over a specified term. Generally, general obligation bonds are the least costly financing option available to the community for potential bond projects being considered. Once the bonds are paid off, the tax associated with the bond will go away.
• Where will the new facility be located? The location of the Aquatics Center will be at the Recreation Center Complex in Cullowhee.
• What amenities will the facility have? The new aquatics center’s amenities will include at 6 lane 25-yard competition pool, climbing wall, diving board with diving well, zero depth entry splash pad, vortex therapy pool, kiddie play features such as dumping bucket, spray fountains, water basketball and volleyball. Party rooms, shower and locker rooms, meeting room space, new main entrance lobby.
• What would the hours be at the Aquatics Center? Monday-Saturday 6:00am-9:00pm, Sunday 1:00pm-7:00pm
• What will the costs be to use the Aquatics Center?

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Mr. Adams stated that the information provided could be printed and published on the county website. This was information only to educate the public. There was a group called “Friends of the indoor pool” that had been organized that may take out ads in the newspaper, which would say “vote yes”. Those were private funds raised, not county funds. They may see ads containing general information paid for by the recreation department. If they saw things promoting the citizens to vote “for”, he asked them to pay attention to who it was paid for because it should not be the county, it should be a private organization. He wanted to make sure everyone understood that the county was not putting money in asking people to vote “yes or no”. They were only putting money into areas to educate the public what they were voting on.
Ms. Fox stated that the Local Government Commission approved the application for the bonds, if it was approved.

*Informational item.*

(11) **REGISTER OF DEEDS REFUND:** Ms. Baker stated that this was a request for a refund for revenue stamps paid to the Register of Deeds. There was an error on the deed where they listed $398.00 in revenue when it should have been $20.00. They had complied with the law and what was requested, including bringing this before the Board of Commissioners for approval.

**Motion:** Commissioner Deitz moved to approve the refund in the amount of $378.00, as requested. Commissioner Woody seconded the Motion. Motion carried by unanimous vote.

(12) **INTERLOCAL AGREEMENT FOR CORONAVIRUS RELIEF FUND:** Ms. Fox stated that the Interlocal Agreements were between the county and the municipalities that were receiving the Coronavirus Relief Funds. The agreement was for the management of the funds.

- Town of Sylva $411,583.26
- Town of Dillsboro $25,765.82
- Town of Webster $6,322.54
- Town of Highlands $1,000.00

**Motion:** Commissioner Woody moved to approve the Interlocal Agreements for Coronavirus Relief Fund, as requested. Commissioner Deitz seconded the Motion. Motion carried by unanimous vote.

(13) **NCDOT SAFETY STUDY:** Mr. Adams stated that this was a follow up from the work session. He requested that the Board consider authorizing staff to write letters to NCDOT and the US Forestry Service to study the areas that had been requested at the work session.

Chairman McMahan stated that they had those high traffic areas that they looked at during the work session that needed additional study.

**Motion:** Commissioner Mau moved to authorize staff to move forward with the study requests. Commissioner Deitz seconded the Motion.

**Discussion:** Commissioner Woody asked if this included her request to add Little Sliding Rock in Cashiers as well.

Mr. Adams stated that this did include that area also.

Motion carried by unanimous vote.

(14) **2020 NCACC LEGISLATIVE GOALS:** Chairman McMahan stated that they previously discussed Erosion Control Jurisdiction and decided to take the approach of writing a letter on behalf of the county to request for this consideration at the upcoming Goals Conference.

Mr. Adams stated that the letter was written to the NC Association of County Commissioners, to the attention of the Steering Committee, the Legislative Goals Committee and to the Board of Directors. These were the three committees and boards that the requested had to go through in order to make it to the floor at the Legislative Goals Conference to be voted on.
He broke the letter down into three areas:

**Requested Goal:** Seek legislation that will allow the NC Sedimentation Control Commission an option to delegate portions of its authority under the Sedimentation and Pollution Control Act to local county programs for all private state and federal projects. The Commission already had the ability to delegate erosion control authority to counties for private projects. This delegation only takes place with a voluntary memorandum of agreement between the county and the commission. The requested new legislation would also allow the commission to delegate its erosion control authority to counties for state and federal projects.

**Background Information:** In the year 2000 Jackson County was granted permission from the NC Sedimentation Control Commission to operate a Delegated Local Program to enforce provisions of the Sedimentation and Pollution Control Act within the boundaries of Jackson County, NC. There is an official Memorandum of Agreement between Jackson County and the State. Jackson County is one of several Counties in North Carolina that is designated to provide oversight of erosion control rules. We have chosen to invest in additional personnel and other related costs because we believe that protecting our environment is extremely important. NCDEQ has limited statewide personnel reducing their ability to inspect major projects on a frequent basis. Jackson County’s partnership with NCDEQ has enabled us to better protect our natural resources. This designation does not grant Jackson County authority over State projects.

Jackson County has experienced a tremendous amount of both private and public new construction growth in the past couple of years. Western Carolina University (WCU) is located within Jackson County. The needs of WCU have spurred a tremendous amount of private and public growth in the housing market. More specifically apartment complexes. In order to meet demand, WCU contracted with a private company to build out apartment complexes onto State property. The erosion control regulations have been enforced by NCDEQ for this project since the project is on State property. This project has consistently violated erosion control laws since June 2019. These violations have caused a significant amount of sedimentation to enter our streams, have caused evacuations of surrounding housing units due to mud slides and have caused multiple erosion issues upon roadways and surrounding property owners. Jackson County Code Enforcement employees worked diligently with NCDEQ to keep them informed of the ongoing issues. NCDEQ does not have the personnel to visit sites like these on a daily basis. Jackson County’s daily involvement in this project eventually aided NCDEQ in issuing multiple notices of violations and monetary fines. But damage to our environment has occurred during the construction period. Jackson County believes that if this project fell under our jurisdiction then our ability to enforce regulations on a daily basis could have prevented some of the environmental damage that occurred.

**NCACC Core Values and Environment Guiding Principles:** Jackson County believes that this legislative goal submittal coincides with NCACC “Core Values” since this request strengthens local decision making in order to respond to local needs. We also believe that this request coincides with NCACC “Environment Guiding Principles” by involving local governments in the development and implementation of state policies. This request also allows Counties to ensure that enforcement of erosion control rules is accomplished in consonance with local plans and policies.”

Commissioner Woody stated she thought the core values was a strong statement that strengthened the local decision making process in order to respond to local needs.

**Motion:** Commissioner Luker moved to authorize the letter to NCACC, as presented. Commissioner Mau seconded the Motion. Motion carried by unanimous vote.

**Billboard Leases with Allison Outdoor Advertising:** Mr. Adams stated this was a follow up from the work session. He provided the Board with a proposed letter to be signed by the Chairman. He spoke with Ms. Baker and they felt it appropriate for the Chairman to sign the termination letter since it was the Chairperson that signed the leases. The letter gave six months’ notice to terminate all leases with Allison’s Outdoor Advertising.

**Motion:** Commissioner Woody moved to authorize the termination letter, as requested. Commissioner Deitz seconded the Motion. Motion carried by unanimous vote.
(16) **ORDINANCE ESTABLISHING A SPECIAL REVENUE FOR CORONAVIRUS CARES ACT O2020-01**: Ms. Fox stated that this ordinance authorized the establishment of a special revenue fund for the Coronavirus Cares Act. It would take the revenue from the state of North Carolina, specifically for the Coronavirus Relief Fund, to be used for the reimbursement for completed and anticipated expenses to the response of the Coronavirus pandemic.

**Motion**: Commissioner Mau moved to adopt the Ordinance Establishing a Special Revenue for Coronavirus Cares Act O2020-01, as presented. Commissioner Woody seconded the Motion. Motion carried by unanimous vote.

(17) **CULLOWHEE PLANNING COUNCIL**: Carry over.

(18) **PLANNING BOARD**: Michael Poston, Planning Director, stated the Planning Board unanimously recommended Mark Letson for Chair and Tommy White for Vice Chair of the Planning Board.

**Motion**: Commissioner Mau moved to appoint Mark Letson as Chair and Tommy White as Vice Chair to one-year terms on the Planning Board. Commissioner Woody seconded the Motion. Motion carried by unanimous vote.

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

There being no further business, Commissioner Luker moved to adjourn the meeting. Commissioner Woody seconded the Motion. Motion carried and the meeting adjourned at 2:33 p.m.

Attest: 

Approved:

_______________________________  
Angela M. Winchester, Clerk to Board  

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Brian Thomas McMahan, Chairman