

**MINUTES OF A
REGULAR MEETING
OF THE JACKSON COUNTY
BOARD OF COMMISSIONERS
HELD ON
OCTOBER 06, 2020**

The Jackson County Board of Commissioners met in a Regular Session on October 06, 2020, 6:00 p.m., Justice and Administration Building, Room A201, 401 Grindstaff Cove Road, Sylva, North Carolina.

Present: Brian McMahan, Chairman (via Zoom video conferencing) 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

Vice Chair Deitz called the meeting to order.

(1) **PROCLAMATION: FIRE PREVENTION WEEK:** Commissioner Mau read a Proclamation declaring October 4th – 10th as Fire Prevention Week.

Vice Chair Deitz stated that they were very fortunate in the county to have the fire prevention they had with the fire departments, all of the people that worked within the fire departments, the folks in the North Carolina Fire Service and the US Forest Service. They did a great job when they were called on and with educating the kids about the hazards of fire and fire prevention.

Vice Chair Deitz moved to approve the Proclamation. Commissioner Woody seconded the Motion. Motion carried.

(2) **AGENDA:** Commissioner Mau moved to approve the agenda. Commissioner Woody seconded the Motion. Motion carried by unanimous vote.

(3) **MINUTES:** Commissioner Woody moved to approve the minutes of a Regular Meeting of September 01, 2020 and a Work Session of September 08, 2020, as presented. Commissioner Mau seconded the Motion. Motion carried by unanimous.

(4) **CHAIRMAN’S REPORT:** Chairman McMahan reported that they delivered 20 puppies the day before to the Humane Society in Pinellas County Florida, to be adopted to their forever homes. They were on their way back home at that time.

(5) **COMMISSIONER REPORTS:**

(a) Commissioner Mau stated that Nick Breedlove, TDA Executive Director, reported to the Board recently that everything had been going well. The most recent week they had data on showed that they were still running ahead of last year, so there was lots of tourism going on in the county.

Also, he wanted to mention that he was not at the last meeting because he was on vacation at the beach using a week they had won at a silent auction for Full Spectrum Farms several years ago. He wanted to call out Full Spectrum Farms for all the good work they did working with the autistic folks in the community and he appreciated their willingness to work with them on the vacation as hurricanes had extended their opportunities. Full Spectrum Farms did a lot of good work and if they had the opportunity to support them, to please do so and many other nonprofits in the county.

(b) Commissioner Woody stated that she wanted to echo what Commissioner Mau stated that they did have so many wonderful nonprofits in the county and she knew that several of them had not been able to have their fundraisers that they normally had, especially in the fall. She encouraged all of them to think about giving donations, if they were able and for the community to support those groups.

Also, she wanted to commend Marcy Jones, who was serving as the Interim Director at United Christian Ministries. She was doing an amazing job and they appreciated her very much. They were in the search for a director if they knew of someone that had a heart for serving the community in that way, to point them to United Christian Ministries.

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

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

(8) **SCHEDULE OF VALUES 2021**: Tabitha Ashe, Tax Administrator, stated that she presented the proposed Schedule of Values for 2021 to the Board on September 1st and 8th. She was there to answer any additional questions the Board had.

Commissioner Woody stated that she read in the newspaper where Ms. Ashe mentioned they were going through this process and it would mean different things to different people. Some people's taxes may go up, some may go down and some may stay virtually the same, which was dependent on the area they lived. She thought that was important because a lot of people automatically assume that when there was an appraisal, their taxes would go up. When people asked the question, what was that based on, was it just the location of where the property was?

Ms. Ashe stated that it was based on a lot of different factors. Everyone was in a taxing neighborhood and they would review the sales of that particular neighborhood to determine the base rate. Then there were many other variables to factor in to adjust the base rate up or down.

Vice Chair Deitz stated that he read a couple of reports about this and Ms. Ashe's had been very transparent. At some point, he thought she said the value of the property of the county would go up 36%?

Ms. Ashe stated that was a projection, at that time, for Cullowhee Township as a whole. The projection of the whole county was 12%.

Vice Chair Deitz stated that he had heard from two people about their property taxes going up 36%, but he was able to explain to them that was not the case. He let them know they did not know exactly what their taxes would be at that point. Anything they put out, they needed to make it as clear as it could be, not that Ms. Ashe was not.

Ms. Ashe stated that she had received those questions as well. When they were talking about the percentage of increase, they were talking about the township as a whole. There were thousands of parcels within the township. One parcel may go up and one may go down as there were many different variables. Until the millage rate was adopted, they did not know what the tax rate would be. At that time, they were only talking about assessed values.

Commissioner Mau stated that he just wanted to make sure people understood that the tax rate had not been set, so until that got set, they did not know what their taxes were going to be. They could use their numbers so far to get an idea if that percentage applied in the township they were from and what their property value may go up. When the tax rate was set, that was when they would know what would happen with their tax bill.

Ms. Ashe stated that they did not have any property values set at that time as everything was changing. There were over 400 sales processed in the last month and the sales were fluctuating. They still had a lot of sales to review to make sure their values were accurate. The market was doing very well at that time.

Mr. Adams stated that state law required that they would publish the revenue neutral tax rate to the public well before the Board took action on the tax rate. Not only was it dictated by the rate set, the public would also know what the revenue rate was. When the Board made their decisions, the public would know their value, the revenue neutral tax rate and eventually what the tax rate was set at. Between all of those numbers, they would be able to figure out what their actual tax bill would be.

Vice Chair Deitz requested Mr. Adams to explain revenue neutral to the public.

Mr. Adams stated that revenue neutral was running a calculation of what the tax rate would be, for example, if the values did go up 12%, then they may reduce the tax rate by approximately 12% to be revenue neutral. It was basically setting the tax rate to pull in the same amount of money. He would caution people about using that simplistic version because state law allowed them to take growth into consideration.

Commissioner Woody stated that in thinking about the people coming in and purchasing property in Jackson County and what that may do to the future infrastructure needs, it was something to keep in mind when they were thinking about growth.

General discussions were held.

Ms. Baker stated that they would need to hold this item open as they would need to allow public comment for 24 hours. She requested to hold this item open until the recessed meeting on October 13th.

Hold Open.

(9) OFFER TO PURCHASE AND CONTRACT FROM HIGHTS, INC. AND RESOLUTION R20-19: Marcus Metcalf, Executive Director, HIGHTS, Inc. was present via Zoom video conferencing.

Ms. Baker stated that she received an offer from HIGHTS, Inc., for PIN #7642-40-0949, 854 Allen Street, Sylva; PIN #7642-40-0931, Chipper Curve Road, Sylva; and PIN# 7642-40-0913, 830 Allen Street, Sylva in the amount of \$4,000.00.

There had been some interest previously, but no one had come forward with an offer because of the size of the tracts and what they could do with them within the town. HIGHTS was interested in them related to their business. Mr. Metcalf did a lot of work to figure out the best way to come forward with an offer. He wanted to purchase the property and go through the upset bid process so that there would be no restrictions left on the property. Any other options that may have been available would have had some restrictions.

There was an overgrown trailer and a small house that was falling apart on the properties. At one point, they did find someone living there and there was some confusion. The person was not there during the foreclosure, but Mr. Metcalf was aware of that situation and understood that if he was successful in the purchase he would be taking that on.

Mr. Metcalf stated that he appreciated the hard work that everyone was doing. He fully appreciated how hard it was to be a community leader at that time and he was grateful for all of their service to the county.

HIGHTS partnered with the public schools and Juvenile Justice. They had offices at Jackson Community School and the High School. They worked to serve the most vulnerable and at risk children and families in the community. They did mental health services, free afterschool, summer programs and high school training programs.

They started this process a couple of years ago when the county started looking at the Green Energy Park for the placement of the animal shelter. They were a fan of that proposal, but HIGHTS had been housed and using space at the Green Energy Park for about six years for general purposes. They ran several hundred students through the Green Energy Park for education and all the programs they did.

They were grateful for all of the assistance they had received from Mr. Adams, Ms. Baker and Rich Price, Economic Development Director in working on this. As the animal shelter relocated to the Green Energy Park, HIGHTS needed to relocate as well. They found this particular property and were interested in it, mainly because of the central location to downtown. It would not suit the needs for everything they had located at the Green Energy Park, but it would work well for some of their workforce development programs.

They partnered with Southwestern Commission and was the WIOA Provider in the county. If a student dropped out, they would pay for their GED or high school diploma, pay for a technical degree from SCC and 16 weeks of an apprenticeship program, which was paid, on the job training with many local employers. They would probably use this as an opportunity to teach job skills and job skills training. It was hard to say exactly what they would do with it as there were a lot of variables and would depend on what they would find when they started digging into walls. They were under the clear assumption that the houses would probably need to be removed as they were in a significant state of disrepair. They would clear the property and clean it up as a benefit to the community and probably build low income housing or emergency housing. Their partnerships were strong and they would partner with the schools' career technology and shop classes and do whatever building projects with them.

HIGHTS was also the restitution community service provider in the county. If a juvenile was charged and had to do restorative justice programming or community service, they would be the provider for that. They had chosen to not do traditional community service and they would use this opportunity to allow them to work to restore their relationship with the community and learn important job skills.

General discussions were held.

Ms. Baker presented Resolution R20-19 for consideration. If the resolution was approved, it would go through the upset bid process.

Motion: *Commissioner Luker moved to approve the offer and adopt Resolution R20-19, as presented. Commissioner Mau seconded the Motion.*

Discussion:

Commissioner Luker stated that as a Commissioner and as a resident of the county, he offered many thanks to Mr. Metcalf for all that he did in the county with the youth. He had made a difference in so many lives. He personally appreciated the job that he did and the service he brought to the county.

Vice Chair Deitz asked if Mr. Metcalf had plans to upgrade the property as far as clearing it off before he started construction?

Mr. Metcalf stated that would be the first step, to clear the property. As soon as they would take ownership, it would be a matter of weeks before they would start the cleanup process.

Motion carried by unanimous vote.

(10) TRANSIT 5311 AND CAPITAL PROJECTS PROGRAM GRANTS: Ms. Baker requested that a public hearing be set for November 3rd at 5:55 p.m.

Motion: *Commissioner Woody moved to set a public hearing on November 3rd at 5:55 p.m. to be held at the Justice and Administration Building, Room A201, 401 Grindstaff Cove Road, Sylva, North Carolina. Commissioner Mau seconded the Motion. Motion carried by unanimous vote.*

(11) APPALACHIAN WOMEN'S MUSEUM: Mr. Adams stated that Commissioner Woody had brought this issue up at a previous meeting for follow up discussions. The item was placed on the agenda in hopes the Board could take action. However, there were still steps that needed to take place. He worked directly with the museum that week and he thought they had a good plan of action in place.

They had now acquired the free services of an engineer that would put together a proposal for estimates for design costs for a pump station for a bathroom for the museum. The proposal would list out the design cost, bidding and implementation assistance costs, equipment cost estimates, installation of the equipment and any other items the engineer may identify. The proposal was to be submitted to the museum by the end of the week or the beginning of the next week. He would bring this item back at the work session on Tuesday along with a detailed proposal from the engineer, so the Board would know exactly what was being requested.

As they were aware, the Town of Dillsboro was also looking to put a bathroom in that area. As the engineers looked at this, it was concluded that it may be better to split the systems. At first, they looked at combining the pump stations of the museum and the public bathroom, but this would bring in additional regulations and requirements and add additional costs to the system. This was with the understanding of the engineer, TWSA and the Town of Dillsboro. He was informed that it would be cheaper to split the systems and put a small system for the museum. The second part of that was that the Town of Dillsboro was on a different timeline than the museum.

Commissioner Woody stated that she appreciated Mr. Adams following through on this. Also, she wanted everyone to know that they did reach out to the Town of Dillsboro and they were in agreement with them moving forward in this way. They did not want to leave them behind or not be sensitive to their concerns and needs as well, but they had a different timeline.

Informational item.

(12) NCACC GOALS: Mr. Adams stated that the North Carolina Association of County Commissioners extended their deadline for goals submission to October 15th. In the interim, Chairman McMahan had been approached by a retiree regarding a request for an additional goal to be submitted to the NCACC. The requested goal was as follows:

“The North Carolina Local Government Employees Retirement System (LGERS) provides retirement benefits to all county and municipal local government retirees. The Jackson County Board of Commissioners requests the North Carolina Association of County Commissioners to engage in a discussion of reasonable pension reforms focused on maintaining retiree pension value. A part of this review should confirm the methodology for calculating and awarding cost of living increases is appropriate and reasonable.

All reforms should protect the fiscal integrity of the Local Government Employees’ Retirement System and its defined benefit structure. Reasonable pension reforms should attempt to meet the needs of local employees, employers and retirees.”

Mr. Adams stated that he specifically put the second paragraph into the goal because all local government retirees and current employees benefitted from the defined benefit structure. Their benefits were set out and were not dependent upon the market. The pros and cons to a defined benefit structure, in the sense that it guaranteed certain returns for the retirees, but generally speaking they did not see the great returns when the market did well.

Being an employee, a part of the employer and a future retiree, they all had something at stake when those discussions were taking place. When they tried to get the Association or other entities involved, they should always try to make sure they kept in mind they wanted to keep the structure to be reliable and make sure that current employees and employers be involved in the conversation.

Current employees paid 6% to their retirement and local government matched that by 10.23%. When they started making decisions about benefit structures or cost of living raises related to the retirement system, if the return on the investment could not pay for the increased cost, the cost would be put back on the employer and current employees. Current employees had benefitted for decades about maintaining their match at 6%. If the Association wished to participate, he recommended they make sure to take into consideration all aspects with the understanding they were trying to help the retirees.

Chairman McMahan stated that he thought the wording was very pertinent and important for them to take into consideration. He thought that as a county, it was important for them to be at the table through the Association to be part of this discussion to make sure the system was viable, it gave the retirees a COLA adjustment and protected the system, current employees and county budgets across the state. He was asked to present this goal by Chuck Wooten, former County Manager. Mr. Wooten was appointed to the board that worked with the state treasurer's office to administer and oversee retiree pensions.

Commissioner Woody stated that at the last statewide NCACC conference, Dale Folwell, State Treasurer of North Carolina, gave an update and North Carolina was number one in the whole country with the ability to continue funding the retirement system moving forward. She thought that was pretty impressive. North Carolina also had the second most efficient pension fund in the universe. They were very fortunate that they had been so careful and conscientious with that. Mr. Folwell did mention a concern, which was world-wide, there were less people paying into retirement than there were people getting retirement. It was a concern as they went forward. She thought that validated the importance of Mr. Adams' comment about the fiscal integrity.

Commissioner Mau asked when the goal was written, did the retiree pension value statement get linked to the return assumptions? Mr. Adams' stated that it did not depend on the market, but it did. Underfunded pension funds were a huge liability across the country. If the money was not there, potentially, they could always change it.

He believed that the return assumptions had been brought down in North Carolina in the last few years. That was where a lot of states were getting into trouble because the pension funds stated they could put this much in equities, this much in bonds and then they looked at the return assumptions they were making and that was not ever going to happen.

Mr. Adams stated that in North Carolina, they had to have over 7% in order to take a look at things like retiree cola. They were not even achieving the 7%. His understanding was that month, they were going to do a five-year look back and start potentially making more realistic assumptions about what the returns would be. They were going to start addressing that. All of the things they were talking about eventually evolved back around to their percentage of the match if the returns were not paying for the additional costs.

Commissioner Mau asked if anything about returns was written clearly in the goal?

Commissioner Woody stated that Mr. Folwell had stated that after 911, counties chose to fund 10% of the payroll, but he believed it needed to be moved to 15% just to be able to sustain.

Mr. Adams stated that the current lookout for the employer was 10.23% that year, 11.35% next year and 12.45% the year after. That was not mentioned in the statement and it was something that could be considered if that was what was recommended. The language could be changed for consideration on October 13th. If the returns did not pay for what they were discussing, it would eventually turn to the rates of the employers and employees. He thought all of that had to be taken into consideration when developing a defined structure for cost of living raises.

General discussions were held.

Informational item.

(13) UNIFIED DEVELOPMENT ORDINANCE AMENDMENT: Michael Poston, Planning Director and Steve Beasley, Chief Erosion Control Officer were present for this item.

Mr. Poston 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 held its public hearing on September 10th at 6:00 p.m. and a public hearing was held prior to this meeting with no public comment. He requested that the Board consider adoption of the amendment at the recessed meeting on October 13th.

Mr. Beasley stated that this amendment would be the best thing that happened in the county since the steep slope ordinance. He thanked the Board for putting their attention to this. He thanked the Planning Board and Mr. Poston for coming together with this. This was a giant first step and would put structure in the process. He had received good feedback from the state on this also.

General discussions were held.

Hold Open.

(14) COUNCIL ON AGING PRESERVATION COMMISSION:

Motion: *Commissioner Mau moved to reappoint Krisna Ashe, Roy Burnette, Sue Nations and Charlene Ward to three-year terms on the Council on Aging, terms expiring October 01, 2023. Commissioner Woody seconded the Motion. Motion carried by unanimous vote.*

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

(16) PLANNING BOARD: Mr. Poston stated that they had a way to fill Commissioner Luker's vacancy with a board member that would leave them with a vacancy in an At Large position that could be filled with an interested party that would be presented for consideration. If Commissioner Luker was willing to make a motion to appoint Mark Letson, who was the Chair and was in an At Large position, but was eligible for the District Four seat. If that appointment was made, it would allow the Board to fill an At Large vacancy that would be created, which would help them fill the Board.

Commissioner Luker stated that they did have a great individual that was interested in serving on the Planning Board. He did think it was in the best interest.

Motion: *Commissioner Luker moved to move Mark Letson to the District Four position on the Planning Board. Commissioner Woody seconded the Motion.*

Discussion:

Commissioner Mau stated that he did have someone contact him about being interested in filling this spot and he had not had a chance to speak to Commissioner Luker about that. Did they want to include this on a future agenda?

Motion: *Commissioner Luker withdrew the motion.*

(17) SOUTHWESTERN CHILD DEVELOPMENT BOARD:

Motion: *Commissioner Woody moved to accept the recommendation of Jennifer Abshire and Kimberly Elliott to serve on the Southwestern Child Development Board. Commissioner Mau seconded the Motion. Motion carried by unanimous vote.*

(18) PRESS CONFERENCE: None.

(19) CLOSED SESSION:

Motion: *Commissioner Mau moved that the Board go into closed session pursuant to G.S.143-318.11(a)(3) Legal. Commissioner Woody seconded the Motion. Motion carried.*

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

There being no further business, Commissioner Mau moved to recess the meeting to October 13th at 12:50 p.m. Commissioner Woody seconded the Motion. Motion carried and the meeting recessed at 7:42 p.m.

Attest:

Approved:

Angela M. Winchester, Clerk to Board

Brian Thomas McMahan, Chairman