

**MINUTES OF A
REGULAR MEETING
OF THE JACKSON COUNTY
BOARD OF COMMISSIONERS
HELD ON
NOVEMBER 17, 2020**

The Jackson County Board of Commissioners met in a Regular Session on November 17, 2020, 1:00 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
 Ron Mau, Commissioner
 Gayle Woody, Commissioner

Vice Chair Deitz called the meeting to order.

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

(2) **MINUTES**: Commissioner Mau moved to approve the minutes of a Reconvened Meeting of October 13, 2020 (12:50 p.m.); a Work Session of October 13, 2020; a Reconvened Meeting of October 13, 2020 (3:52 p.m.); and a Regular Meeting of October 20, 2020 as presented. Commissioner Woody seconded the Motion. Motion carried.

(3) **CHAIRMAN’S REPORT**: None.

(4) **COMMISSIONER REPORTS**:

(a) Commissioner Mau stated that as the Board was aware, TWSA was involved in Covid-19 wastewater testing. There would be an article about that in an upcoming issue of the North Carolina Association of County Commissioners, which he thought that would be coming out in the next few weeks.

Also, the TWSA Board had not voted on this, but it was on their agenda for that night, they had a Community Grant Application for the Harris Hills Affordable Housing Project in Sylva. The application was for roughly \$11,000 and he was pretty confident that would get passed by the TWSA Board.

(b) Commissioner Woody stated that she wanted to give kudos to two of the county groups that served so well during the Veterans’ holiday. Grounds Staff placed the beautiful flags at the Old Courthouse and she saw many people taking pictures in honor of the veterans. Also, Sheila Setzer and her staff at the Veterans’ Office they a great job with a lovely meal honoring the veterans.

She wanted to mention for further thought that Tom Baker, a veteran in the county invited her to a meeting. They had a hike to bring awareness of suicide rates among veterans. They had a get together after the hike and she attended. She met Jill Carter, who worked with the seven western counties with the Veterans Restoration group. Ms. Carter was working to provide shelter for homeless veterans. At some point, she thought it would be good to invite Ms. Carter to speak to the Board at a work session about what they offered. They wanted to be aware of this group and be attentive to their needs.

(c) Vice Chair Deitz stated that Dr. David McGuire and his wife had suffered a tragedy with the loss of their daughter. She was in an auto accident over the weekend in Charlotte. She was married with two young children. He requested to remember them and keep them in their prayers. Also, all the people in the country having tragedies with a lot of them being because of Covid-19.

Commissioner Woody stated that Dr. McGuire currently served on the Board of Health.

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

(a) **Beloved Man, Dr. Jerry Wolfe Highway:** The NCDOT Subcommittee approved the “Beloved Man, Dr. Jerry Wolfe Highway” designation. The formal approval was set to go before NCDOT at a virtual meeting on December 3rd. After approval by the full NCDOT Board, they could start talking about setting up a presentation and unveiling of the signs. Commissioner Woody had been working with the family to provide comments to the NCDOT Board.

(b) **CDBG Funds for Blue Ridge School Project:** The county received the additional \$288,707 CDBG funds to go along with the \$1 million grant that they already received to help with the water and sewer project at Blue Ridge School. This was an item on the agenda for the Board to consider the contract. Before that item, Ms. Fox would present a budget amendment for the additional funds.

(c) **October 2020 Zoning and Building Permits:** He provided a report in their boxes 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.

(d) **Executive Assistant to the County Manager:** He introduced the new Executive Assistant to the County Manager, Ms. Kerri Tucker. They were excited to have her and were looking forward to working with her.

(6) INFORMAL COMMENTS BY THE PUBLIC: None.

(7) CONSENT AGENDA:

(a) Darlene Fox, Finance Director, presented the Finance Report for October, 2020, one Budget Ordinance Amendment and one Project Ordinance Amendment for fiscal year ending June 30, 2021, for approval.

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

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

(8) DETENTION CENTER POSITION TRANSFER: Mr. Adams stated that under the budget for the Jail, the position of Detention Lieutenant was classified as a non-sworn position at Grade SH50. Under the budget for the Sheriff’s Office, all Lieutenant positions were classified as sworn law enforcement officers at Grade SH52.

Sheriff Hall requested and Mr. Adams recommended that the Detention Lieutenant position in the Jail be reclassified under the Sheriff’s Office at Grade SH52. Any appointee to the position of Detention Lieutenant shall be a sworn law enforcement officer in the State of North Carolina.

Motion: Commissioner Mau moved to approve the Sheriff’s request, as presented. Commissioner Woody seconded the Motion. Motion carried by unanimous vote.

(9) CDBG BLUE RIDGE SCHOOL WATER AND SEWER PROJECTS – NOTICE OF AWARD AND CONSTRUCTION CONTRACT:

Mr. Adams stated that as he reported earlier, they were fortunate to get the additional CDBG funds to help with the Blue Ridge School Project. He provided the Board with the Notice of Award and stated that the contract was available online. He requested approval of the Notice of Award in the amount \$1,280,000 for the Blue Ridge Water and Waste Water Systems to Stillwell Enterprises and to authorize the Chairman to sign this Award and other contract documents as necessary and approved by the County Attorney.

***Motion:** Commissioner Mau moved to approve the Notice of Award in the amount \$1,280,000 for the Blue Ridge Water and Waste Water Systems to Stillwell Enterprises and authorize the Chairman to sign this Award and other contract documents as necessary and approved by the County Attorney. Commissioner Woody seconded the Motion. Motion carried by unanimous vote.*

(10) ANIMAL RESCUE CENTER / GREEN ENERGY PARK CONSTRUCTION CONTRACT: Mr. Adams stated that this proposed contract was available online. Details of the contract included:

- (a) Contract Sum: \$4,333,500
- (b) Alternates included:
 - Alternate #1 – Generator \$84,300
 - Alternate #2 – Epoxy Floor \$49,600
 - Alternate #5 – Restroom Building \$90,200
 - Alternate #7 – Storage Building \$26,400

He requested that the Board authorize the Chairman to sign to construction contracts and authorize the Chairman and County Manager to make any minor changes necessary to the contract. The changes would not include cost, but the contract was still being reviewed by both parties. The document presented had been approved by Ms. Baker.

***Motion:** Commissioner Mau moved to authorize the Chairman to sign the construction contracts and authorize the Chairman and County Manager to make any minor changes necessary with the approval of the County Attorney. Commissioner Woody seconded the Motion. Motion carried by unanimous vote.*

(11) COMMUNITY SERVICE CENTER: Mr. Adams stated presented an updated version of the Change Order Log. It was projected to move into the facility the first two weeks of January with a two-week period to transition over to January 15th. The furniture was set to arrive on November 30th, which the contractor would have until December 16th to install.

The changes since the last meeting with the log:

- Change Order #8 -\$5,244.00:
 - COR#37: Drywall no longer extending to deck: -\$29,821.00
 - COR#38: Painting Interior Handrails and Exterior Soffits: -\$4,884.00
 - COR#39: One-Stop Shop Revisions: \$19,693.00, 14 additional days
- Total Approved Changes:
 - \$392,782.84, 96 additional days
 - Substantial Completion August 10, 2020

Mr. Adams requested the Board ratify the contract as this would be how the contract would be settled. There would be a gap between the substantial completion date. When they closed out the document, he would follow through with the contract and that was liquidated damages and things of that nature.

Commissioner Woody stated that she thought it was great that the plan was to move in the first two weeks of January. Would the Health Department be able to maintain services such as Covid testing or did they need to get out of the current situation in January? She knew rent was an issue.

Mr. Adams stated that he could not answer the details. He had been told by the Health Department Management Team that this was a satisfactory time period. This met the notice requirements they had to give the State I.T. for the transition. This timeline also met with Code Enforcement and Planning. He could only assume they had taken these questions into consideration. He planned to have the Health Department come to the Board of Commissioners' work session in December as they had other issues they needed to discuss. That would be a good time to talk about what their transition plan would be.

Motion: *Commissioner Mau moved to approve the Change Order Log for the Community Service Center Building, as presented. Commissioner Woody seconded the Motion.*

Discussion:

Commissioner Mau asked Mr. Adams if there were liquidated damages in the contract?

Mr. Adams stated, yes.

Vice Chair Deitz asked if the Health Department was really on a timeline to get into the new space? There was a lot going on with the Health Department at that time with responsibilities they had and it could get worse. Probably the one thing that was least important to them at that time was where they were operating from.

Mr. Adams stated that his answer had to be yes, because he had given them options. He was trying to determine if they wanted to move in before or after Christmas. They also talked about when their busiest months were. They sat down as a Management Team and he asked them if they were open to splitting up their move with Environmental Health coming in later, but their choice was they would rather wait until the first weeks of January. The Health Department had been having a lot of conversations about this and he believed they were prepared and ready to move. From a clinical standpoint, they were going to be in a much better space.

Commissioner Woody stated that parking had been a huge issue in their current location. That would be so much better when they moved.

Motion carried by unanimous vote.

(12) INDOOR POOL: Mr. Adams stated the Board had requested he present a timeline for the next steps for the Indoor Pool:

(a) The following was a list of the next steps that must occur in order to proceed forward with the indoor pool:

- Develop an architectural contract with Clarknussen.
- Develop a bond attorney contract.
- Develop an initial budget in order to proceed forward with a major architectural contract and other costs associated with proceeding forward (i.e. survey and environmental costs).

(b) Once an initial budget was determined, then the following items would need to be brought to the Board of Commissioners for approval:

- Reimbursement resolution. This resolution allowed the county to expend funds now for this project and be reimbursed later with bond/loan proceeds.
- Project ordinance or budget amendment to put funds in place for the initial contracts.
- Clarknussen contract. This was the primary contract that needed to be approved to move this project forward.

- Bond attorney contract. This contract could potentially be delayed depending upon future discussions about financing options.

The above items could potentially be accomplished in the month of December 2020, but due to the upcoming holiday season, January may be a more realistic time frame to get these items accomplished.

(c) He asked Clarknexsen to provide a rough timeline for design and construction after they entered into contract with their firm. They provided him with the following rough timeline:

- 3 months for finalizing schematic design
- 3 months for design development
- 6 months for construction documents
- 2 months for bidding and contract execution
- 19-22 months for construction (this was weather dependent on the high end)
- 1 month for closeout
- 34-36 months. Architect stated that this estimated time could be reduced by a couple of months depending upon weather.
- Rough projected completion date: October-December 2023

General discussions were held.

Informational item.

(13) **MEETING SCHEDULE**: Mr. Adams stated that this was a follow up from the work session. Did the Board want to meet on December 1st? The Chairman was going to ask if Commissioner Luker would be available to attend the December 1st meeting.

Commissioner Luker stated that he would have to get back with them.

Consensus: *Board would hold a regular meeting on December 1st at 6:00 as scheduled.*

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

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

(16) **PUBLIC LIBRARY BOARD**: *Carry over.*

(17) **TOURISM DEVELOPMENT AUTHORITY**: *Carry over.*

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

There being no further business, Commissioner Mau moved to adjourn the meeting. Commissioner Woody seconded the Motion. Motion carried and the meeting adjourned at 1:48 p.m.

Attest:

Approved:

Angela M. Winchester, Clerk to Board

Brian Thomas McMahan, Chairman