

**MINUTES OF A  
REGULAR MEETING  
OF THE JACKSON COUNTY  
BOARD OF COMMISSIONERS  
HELD ON  
JUNE 01, 2021**

The Jackson County Board of Commissioners met in a Regular Session on June 01, 2021, 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 (via Zoom video conferencing)  
              Mark Jones, Commissioner                     Angela M. Winchester, Clerk to Board  
              Tom Stribling, Commissioner  
              Gayle Woody, Commissioner

Chairman McMahan called the meeting to order.

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

(2) **MINUTES**: Commissioner Jones moved to approve the minutes of a Work Session of May 11, 2021 and a Regular Meeting of May 18, 2021, as presented. Commissioner Stribling seconded the Motion. Motion carried.

(3) **CHAIRMAN’S REPORT**: None.

(4) **COMMISSIONER REPORTS**:

(a) Commissioner Stribling reported that he received a lot of good feedback about the Constitutional County Resolution. People were happy to see that going on.

Chairman McMahan stated the resolution was on the agenda later in the meeting for further discussion.

(b) Commissioner Jones reported that Mr. Adams came to Cashiers and the visited the Chamber of Commerce, Fire Department, Recreation Center and Building Inspections. They had a great day working with the public and meeting people.

(c) Commissioner Woody stated that MountainTrue was having a BioBlitz from June 5<sup>th</sup> to June 12<sup>th</sup>. There was an app to take pictures of flora or fauna in the county. The county would be in competition with Transylvania and Watauga Counties to see how many diverse species could be recorded during that period of time. She would be participating and encouraged anyone else to do so as well. They were so blessed in the county to have such a wonderful diversity of plants and animals.

(5) **COUNTY MANAGER REPORT**: Mr. Adams stated that he had no formal report. He would have detailed information regarding all of the county construction projects at the June 15<sup>th</sup> meeting.

(6) **INFORMAL COMMENTS BY THE PUBLIC**: Robert Estep of Whittier stated that he had a Master’s in Public Administration, was a long-time patron of the Green Energy Park and had been a glass instructor there for seven years. They were closed last year because of Covid and this year they were closed because of the much needed animal facility being built. However, he did not understand why they were closed. He saw other buildings being built around functioning businesses.

He had read the budget for the animal shelter and he did not see anything for the Green Energy Park. Their sewer lines were constantly clogged. Were they going to get new sewer lines? In essence, the Green Energy Park was a school, but they were not treated like a school. It was a diamond that had not been cut yet and they would love to talk about that in the future. He would be requesting to make a formal presentation to the Board.

When construction started, they tore out all of their established plants that were along the road leading up to the SRC. He was now being told that in front of their building, the glass sculpture garden that contained donated art, would be torn out to put in a wheelchair ramp. He was disabled, so he appreciated a wheelchair ramp, but not necessarily losing something they wanted. He asked the Commissioners to get involved before the sculpture garden was gone. He wished they would take their feelings into account too.

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

- July 2<sup>nd</sup>: High Hampton
- July 3<sup>rd</sup>: Lonesome Valley  
Friends of Lake Glenville  
Cedar Creek Racquet Club  
Country Club of Sapphire Valley  
Chattooga Club
- July 4<sup>th</sup>: Bear Lake Reserve  
Camp Merrie-Woode  
Jackson County Chamber of Commerce  
Wade Hampton  
Mountaintop

***Motion:*** Commissioner Jones moved to approve the request for fireworks displays as presented. Commissioner Stribling seconded the Motion. Motion carried by unanimous vote.

**(8) JACKSON – MACON BOUNDARY LINE:** Tabitha Ashe, Tax Assessor, presented: Jackson/Macon Boundary Line:

(a) History:

- The Jackson/Macon boundary line was not well defined. The property descriptions run with the top of the ridge.
- Traditionally have used evidence from recorded surveys and United States Forest Service quadrangle (quad) maps to assist in locating the line for taxation purposes.
- 2013:
  - New LiDAR elevation data was released by the North Carolina Department of Transportation (NCDOT).
  - The new data redefined the top of the ridge and a significant number of homes and parcels appeared to be being taxed in the wrong county.
  - LiDAR was a remote sensing method that uses laser to measure elevations. It was very accurate in determining the current location of the top of the ridge, however, in more developed areas the top of the ridge may have been moved.
  - In surveying, when natural boundaries have been moved by man-made activities, an effort must be made to recreate the historical location of the natural feature.
- Map showing:
  - Final Proposed Line
  - 2013 LiDAR Line
  - As Currently Mapped
  - Jackson County Proposed Location

- August 5, 2013 Commissioners Meeting:
  - Macon County Commissioner James Tate & Former County Manager Jack Horton requested a meeting with Jackson County Commissioner Mark Jones and Former County Manager Chuck Wooten to discuss Jackson/Macon line in the Highlands area.
  - An agreement was made for tax and mapping personnel to review current tax maps and identify potential problem areas.
  - Jackson County Land Records Supervisor Leanne Pate identified some parcels that needed further discussion and attempted to set up a meeting with Macon County.
  - In the meantime, Macon County invited representative from the North Carolina Geodetic Survey (NCGS).
  - NCGS was a state department that conducts surveys of county lines.
  - Macon County adopted and submitted a resolution asking for a survey of the Jackson/Macon county line and submitted a resolution to Jackson County for similar action.
  - The project was expected to take at least 12 months.
  - The final outcome was non-binding unless both counties jointly agreed to the line.
- August 19, 2013 Commissioners Meeting:
  - Representatives Dennis Lee and Gary Thompson from the NCGS presented information to the commissioners.
  - Gary Thompson stated that the NCGS would develop a scope of work for the field surveys, attend county meetings when requested and manage the work performed by a contracted professional land surveyor.
  - The estimated timeline for the project was 12-18 months.
  - Consensus –proceed with a formal request.
- October 20, 2014 Commissioners Meeting:
  - The county was approached by the Town of Highlands regarding fire protection issues as it relates to the county line.
  - Former Tax Administrator Bobby McMahan stated that staffing turnover at the state and at Macon County had delayed the boundary line project.
  - The state surveyor retired in August 2014, a new surveyor was not hired until 2016.
  - An office review by Leanne Pate did not show any large discrepancies with the county line.
  - Mr. Wooten and Todd Dillard, Emergency Management Director, provided information about properties off Bowery Road (located in Jackson County but receiving fire protection from the Town of Highlands).
  - Additionally, the county had been asked about properties in several communities in the Highlands area of Jackson County considered unprotected.
  - A substation was constructed to cover the properties in the communities.
  - It was requested that the county provide additional funding to the Town of Highlands to offset some of the costs for fire protection.
- 2015-2016 Budget: The Cashiers-Glenville and Highlands Fire & Rescue districts were added to the budget.
- March 3, 2017:
  - Preliminary information provided by Ronald Harding, State Surveyor.
  - Leanne Pate expressed concern regarding the location of the ridge in developed areas.
  - Fieldwork was to be completed by the NCGS.
- July 21, 2017:
  - North Carolina General Statute 153A-18 was rewritten.

- The current statute makes the results of the state conclusive. Disagreements require court action.
  - October 10, 2017 Commissioners Meeting: Bobby McMahan presented a timeline of events. Discussion based on a newspaper article from September 27, 2017.
  - July 2020: Final proposed line information provided.
  - August 2020: County expressed concerns over nine areas.
  - April 2021 –current:
    - Working with NCGS to research areas of concern.
    - Stated they would review top four areas of concern.
    - Areas reviewed by three surveyors and one attorney, all agree county concerns were valid.
- (b) Areas of Concern Example Garnet Rock:**
- Map Showing:
    - 2020 Final Proposed Line
    - 2013 LiDAR Line
    - As Currently Mapped
    - Jackson County Proposed Location
- (c) Parcels Affected:**
- The following parcels lie on the county line:
    - 223 taxable parcels
    - 1 Western Carolina University tract
    - 16 United States Forest Service tracts
  - 45 acres, 21 of those from one parcel:
    - 34 parcels lose taxable acreage
    - 7 parcels gain taxable acreage
    - 18 new parcels created
    - .04 to 1.33 acres
  - Since 2013, the acreages have been equalized between counties.
  - Example: 5 acre lot, 0.10 acres in Jackson, remaining portion in Macon. Lot value \$500,000. Jackson County assessment \$10,000, Macon County assessment \$490,000.
  - 14 homes: 5 homes to Macon County. 4 in requested review areas.
  - 1 home to Jackson County
  - 8 homes split on the line: 2 currently taxed in Jackson. 6 currently taxed in Macon
  - None of the homeowners have a local mailing address.
- (d) Estimated Value Changes:**
- Based on current proposal:
    - Land value loss -\$5,300,000
    - Building value loss -\$6,100,000. Based on leaving split homes as currently taxed.
    - Total value loss -\$11,400,000
    - Land value added -\$1,100,000
    - Building value added -\$340,000
    - Total value added -\$1,440,000
- (e) Net Value Change -\$9,960,000:**
- Tax Dollars -\$35,856
  - Based on proposed tax rate of \$.36 per \$100
- (f) Future Actions:**
- Once recorded in the Register of Deeds, the NCGS will notify each affected party in writing.
  - The Land Records Office will begin processing the work.

- The property values will be determined in a joint effort with the Macon County Tax Administrator and Reappraisal Coordinator.
- Estimated completion of changes –January 1, 2023.

Mr. Adams stated that originally it was thought that this had to be agreed upon by both Jackson and Macon County Boards of Commissioners. That was not what they were being told at that time. His understanding was that once the state made the determination, that would be the line.

Ms. Ashe stated that this could occur by the end of the month.

General discussions were held.

*Informational item.*

**(8) OFFERS TO PURCHASE AND CONTRACT FROM AGREVIVE, INC. AND RESOLUTIONS R21-13, R21-14, R21-15, R21-16, R21-17:** Neil and Neolla Hanekom of AGREVIVE, Inc. were present via Zoom video conferencing for this item.

Ms. Baker presented five offers she received from AGREVIVE, Inc.:

(a) R21-13: Approximately 1.99 acres in Waterdance (PIN #7566-53-0505) in the amount of \$2,952.92.

(b) R21-14: Approximately 0.50 acres Lot BB, Waterfall Cove (PIN #7563-07-0359) in the amount of \$5,038.16.

(c) R21-15: Approximately 0.58 acres Lot FF, Waterfall Cove (PIN #7563-07-0074) in the amount of \$2,320.12.

(d) R21-16: Approximately 5.70 acres Lot 40, Black Rock (PIN #7655-60-6750) in the amount of \$4,258.99.

(e) R21-17: Approximately 5.65 acres Tract 1, Soapstone Drive (PIN #7632-32-6502) in the amount of \$4,079.40.

Ms. Baker stated that most of the lots were steep, had no roads and/or had little buildable area. If the Board accepted the offers, they would go to an upset bid process. They would advertise in the newspaper and anyone would have the opportunity, for ten days, to upset the offers. Also, they would send out letters to notify surrounding property owners.

***Motion:*** *Commissioner Woody moved to approve Resolutions R21-13, R21-14, R21-15, R21-16 and R21-17, as presented. Commissioner Jones seconded the Motion. Motion carried by unanimous vote.*

**(9) ORDINANCE AUTHORIZING THE ESTABLISHMENT OF A SPECIAL REVENUE FUND FOR THE AMERICAN RESCUE PLAN ACT OF 2021 - O2021-01:**

Darlene Fox, Finance Director, stated this was for the creation of a special revenue fund for the American Rescue Plan Act of 2021. Since the funds were being used over several fiscal years, the Local Government Commissioner recommended that a special revenue fund be set up.

The county would receive \$8,534,441 under the legislation. This ordinance authorized the county to account for the funds in the special revenue fund. They should receive the first payment within the next couple of weeks.

Mr. Adams stated the rules would be finalized for this on July 9<sup>th</sup>. One rule being discussed was whether or not the county could draw interest on the funds. There were certain occasions when the county held funds that had to be placed in a non-interest bearing account.

***Motion:*** *Commissioner Jones moved to approve Ordinance O2021-01, as presented. Commissioner Stribling seconded the Motion. Motion carried by unanimous vote.*

**(10) CONSTITUTIONAL RIGHTS PROTECTION COUNTY RESOLUTION**

**R21-18:** Chairman McMahan stated this document was presented at the last work session for review and consideration.

***Motion:*** Commissioner Stribling moved to approve Resolution R21-18, as presented. Chairman McMahan seconded the Motion.

***Discussion:***

Commissioner Deitz stated he thought what they were voting on and he hoped what they were voting on was that all of them were sworn to uphold the Constitution of the United States when they were elected. Whether they agreed or not, they put their hand on the Bible and swore to that. He took that very serious. When the Founding Fathers put the Constitution together, they did not have some of those rights - that came along later. They were petitioned to come up with the ten Bill of Rights.

If ever in the country they needed to pledge to uphold the Constitution of the United States, it seemed to be at that time. It seemed that there had been a movement in the country to make the Constitution whatever anyone wanted it to be from day to day. It was solemnly not that. He thought this was right what they were doing, but they should not have to be asked day to day if they were going to uphold the Constitution of the United States. They should uphold it every day without being asked or pledging.

Chairman McMahan stated that yesterday was Memorial Day. There was a ceremony at Freedom Park inside Mark Watson Park, sponsored by the American Legion, where they remembered those who died in the line of duty across the nation. In his welcoming remarks he offered on behalf of the Board, he referenced that there was a significant number of citizens of the county from various areas that served. There were no areas in the county that was untouched, where there was not someone who gave their service and ultimately their life in service to the nation to preserve, protect and defend the founding documents they stood in front of at Freedom Park.

Some volunteered to go and some were drafted and did not really want to go, but went because it was the call of duty for their country. They died serving under their flag and supported the Constitution. The same one they held their hands up and took an oath and affirmed to. He was very proud that they included in the resolution that they worked very hard to put those monuments up at Freedom Park and they took this serious. They wanted school children and citizens to see those documents and know they were real and that was what held all of this together.

Commissioner Deitz stated that a lot of people did not know who Mark Watson was. He fought in World War II and was an athlete at the old Sylva High School. They named the park after him and they were still honoring him. There were a lot of great stories in the county about people who left and died. They needed to continue to be aware of them.

Commissioner Woody stated that previously, she requested a resolution to honor the 19<sup>th</sup> Amendment for the 100-year celebration for Women's Right to Vote. That was just to reaffirm that they felt that was so important.

*Motion carried by unanimous vote.*

**(11) SOUTHWESTERN COMMUNITY COLLEGE BOARD OF TRUSTEES:** The Macon County Board of Commissioners recommended reappointment of Jeffrey Cloer as Macon County representative to the Southwestern Community College Board of Trustees.

***Motion:*** Commissioner Jones moved to ratify Macon County's reappoint of Jeffrey Cloer to serve another four-year term on the Southwestern Community College Board of Trustees. Commissioner Woody seconded the Motion. Motion carried by unanimous vote.

**(12) US 441 GATEWAY DISTRICT COMMUNITY PLANNING COUNCIL:**

**Motion:** *Commissioner Woody moved to appoint Kathy Davis to serve a three-year term on the US 441 Gateway District Community Planning Council. Commissioner Stribling seconded the Motion. Motion carried by unanimous vote.*

**(13) PRESS CONFERENCE:** Beth Lawrence of the Sylva Herald stated that Commissioner Deitz mentioned that people had begun interpreting and/or reinterpreting the Constitution to be whatever they wanted, almost on a daily basis. Was there any particular person or group to whom he was referring?

Commissioner Deitz stated he could not really believe that what happened in Washington on the 6<sup>th</sup> - they were sweeping that under the rug like nothing ever happened. They had a flood in 1941 and never did forget that and there were about five people drown in the flood. It was one of the most tragic things that ever happened in the county.

When tragic things happened, they could not ignore it like it did not happen. They could look all over the whole country with things that had happened from state to state and county to county that had been tragic. The only time anyone had ever overrun the Capitol Building was the British and they burned the White House down. Here they were voting on whether to uphold the Constitution and they were having things like that happen in the country and they were ignoring it. That was where he was coming from.

**(14) CLOSED SESSION:**

**Motion:** *Commissioner Jones moved that the Board go into closed session pursuant to G.S.143-318.11(a)(3) Legal and G.S.143-318.11(a)(6) Personnel. Chairman McMahan 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.

**(15) AGENDA:** Commissioner Deitz moved to amend the agenda to add one item: Department of Social Services Director. Commissioner Woody seconded the Motion. Motion carried.

**(16) DEPARTMENT OF SOCIAL SERVICES DIRECTOR:** Chairman McMahan stated they received a request from the Department of Social Services to appoint a new director, Cris Weatherford. He went through the interview process and was the recommendation for that position. Mr. Weatherford accepted the offer from the Department of Social Services and would begin his new role on July 1<sup>st</sup> with an annual salary of \$92,299.44.

**Motion:** *Commissioner Woody moved to accept the request from the Department of Social Services for Cris Weatherford to be appointed the Department of Social Services Director, as presented. Commissioner Deitz seconded the Motion. Motion carried by unanimous vote.*

There being no further business, Commissioner Deitz moved to adjourn the meeting. Commissioner Woody seconded the Motion. Motion carried and the meeting adjourned at 8:13 p.m.

Attest:

Approved:

---

Angela M. Winchester, Clerk to Board

---

Brian Thomas McMahan, Chairman