

**MINUTES OF A
WORK SESSION
OF THE JACKSON COUNTY
BOARD OF COMMISSIONERS
HELD ON
AUGUST 10, 2021**

The Jackson County Board of Commissioners met in a Work Session on August 10, 2021, 1:00 p.m., Justice and Administration Building, Room A201, 401 Grindstaff Cove Road, Sylva, North Carolina.

Present: Brian McMahan, Chairman
Boyce Deitz, Vice Chair
Mark Jones, Commissioner
Tom Stribling, Commissioner
Gayle Woody, Commissioner

Don Adams, County Manager
Heather C. Baker, County Attorney
Angela M. Winchester, Clerk to the Board

Chairman McMahan called the meeting to order.

(1) FARMLAND PRESERVATION AND NC ADFP: Jeff Darnell, Western Field Representative of the North Carolina Agriculture Development and Farmland Preservation Trust Fund, presented: North Carolina Agricultural Development and Farmland Preservation Trust Fund (ADFP), North Carolina Department of Agriculture and Consumer Services Farmland Preservation Division:

(a) What does the N.C. ADFP Trust Fund do?

- Assist in the preservation of NC's agricultural economy by providing grants to county governments and nonprofit organizations for conservation easements, agricultural plans and development projects.
- Encourages the preservation of qualifying agricultural, horticultural and forest lands to foster the growth, development and sustainability of family farms.
- Prioritize grant funding for maximum match resource utilization from private, local and federal constituent partners.

(b) The North Carolina Department of Agriculture and Consumer Services preserved 22,404 acres of farm and forest lands:

- The ADFP Trust Fund would preserve another 13,861 acres by the end of 2021 based on current contract schedules.
- To date, ADFP Trust Fund grant recipients secured over \$55 million in matching funds.
- ADFP Trust Fund grant recipients anticipate over \$42 million in matching funds by the end of 2021.

General discussions were held.

Informational item.

(2) SKY-FILEASE: Travis Lewis, Sky-Fi Owner, was present for this item.

Mr. Adams stated that Mr. Lewis wanted to discuss renewing one of his leases with the county for a tower and equipment on Kings Mountain.

Mr. Lewis stated that they started this six years ago and they were up to over 1,200 customers in Jackson County. Their sister company had 1,200 customers in Swain County and about 100 customers in Macon County. In Jackson County, he had ten tower locations that were functioning. He owned three, two were on county properties and the rest were private leases.

The agreement was up for renewal on Kings Mountain, which serviced approximately 20-25% of their business. He requested another five-year lease with a five-year option to continue what they were doing. He appreciated the Board's consideration.

Mr. Adams stated that he communicated with Todd Dillard, Emergency Management Director, who provided oversight for the county towers. He only had complimentary things to say about Mr. Lewis as far as being a good partner, keeping the site clean and having everything up and running.

Mr. Lewis stated that the Kings Mountain tower location also served as the county's 911 back-up. They allowed the county to be on their tower for no charge. Other things they did in the county included providing internet for the airport at no charge, they provided internet for some fire departments and did cameras and community projects throughout the county.

Commissioner Deitz inquired about service in rural areas of the county.

Mr. Lewis stated it was difficult to get a wireless signal in some areas, but there was some good funding coming. Hopefully, Charter did what they promised with the funds they were awarded. There was other funding coming from NCDIT with \$1.2 billion for North Carolina. They would set aside \$650 million for fiber. The Governor wanted 98% of the homes in the state to have fiber in the next four years, which would be more difficult in the western part of the state. They also had Bridge the Gap Funds for companies like his to provide relief. Sky-Fi would transition into doing fiber in the next year. Hopefully, the county would receive some of the funds coming down to help.

Mr. Adams stated they did have some restrictions in the state law regarding the use of federal and state dollars towards this discussion. The county could not take a federal grant for broadband and then grant those funds to others because they were restricted to only utilize their own general fund dollars. Even when they used those dollars, they had to go through an extensive request for proposals process. Hopefully, a lot of the funds going through the state would go directly to the provider, which would remove the county from being in the middle.

He recommended to hold off discussions of ARPA funds going toward broadband infrastructure and development for two reasons. They needed to see what all the funds were doing and they did not have the legal capability of expending those funds on broadband.

Mr. Lewis stated that the state grants were based on a scoring system. If he received a grant, he had to come up with 35% of the amount and back the rest of the grant. He would not need funds from the county, he would just need an entity to back the grant. Sky-Fi was number one in the grant they received previously.

General discussions were held.

Ms. Baker stated that they would have to advertise notice of the lease for 30-days.

Consensus: Add this item to a future regular meeting agenda for consideration after the 30-day notice.

(3) GLENVILLE-CASHIERS RESCUE SQUAD – RESCUE SERVICES COORDINATOR POSITION: Mr. Adams stated that the Board approved two new full-time positions for the rescue squads. They received a request from Glenville-Cashiers Rescue Squad to receive the funds directly so that they could employ this position, in lieu of this being a county position. They had the capability to do this since the county contracted with them to provide EMS services, so they already had payroll services set up.

The position starting pay:	\$32,988
Benefits:	<u>\$21,191</u>
Total:	\$54,179

Consensus: Add this item to the next regular meeting agenda for consideration.

(4) ARPA GRANT PROJECT ORDINANCE: Darlene Fox, Finance Director stated this was for the Coronavirus State and Local Fiscal Recovery Funds for the American Rescue Plan Act of 2021. The ordinance would create a budget for the revenue and expenditure of funds and ran from March 3, 2021 to December 31, 2026. The total amount was \$8,534,441. They had received the first payment of \$4,267,220. Also, the ordinance specified five items the funds could be used for during the term:

- Support public health expenditures, by funding COVID-19 mitigation efforts, medical expenses, behavioral healthcare and certain public health and safety staff;
- Address negative economic impacts caused by the public health emergency, including economic harms to workers, households, small businesses impacted industries and the public sector;
- Replace lost public sector revenue, using this funding to provide government services to the extent of the reduction in revenue experienced due to the pandemic;
- Provide premium pay for essential workers, offering additional support to those who have borne and will bear the greatest health risks because of their service in critical infrastructure sectors; and
- Invest in water, sewer and broadband infrastructure, making necessary investments to improve access to clean drinking water, support vital wastewater and stormwater infrastructure and to expand access to broadband internet.

This set the total expenditure budget, but when the Board decided how to spend the funds, they would come back with amendments to the Board for the use of the funds.

General discussions were held.

Consensus: *Add this item to the next regular meeting agenda for consideration.*

(5) ARPA DISCUSSIONS: Mr. Adams stated that on March 11, 2021, the American Rescue Plan Act (ARPA) was signed into law by the President. The Act set aside \$130.2 billion dollars to be split evenly between municipalities and counties. \$65.1 billion dollars would be to be directly allocated to counties based upon population. Another \$1.5 billion would be distributed evenly to eligible revenue share counties (i.e. public land counties).

Jackson County would receive a total of \$8,534,441 from the Federal Government under this Act. The county must have these funds obligated by December 31, 2024 and expended by December 31, 2026. The US Treasury published a 151 page “Interim Final Rule” regarding the expenditures of these funds. The final rules were slated to be released by August to September, 2021.

(a) It was requested that the Board begin discussion of potential uses for these funds. The following provided information on eligible uses for the funds, along with some initial concepts for discussion and/or consensus:

- “To respond to the public health emergency or its negative economic impacts...”: This seemed to be the broadest category that provided for the most potential uses. It was under this category where funding human service programs were allowable. This was also the category where the county could look to assist other nonprofits and businesses that had been negatively impacted.
- “To respond to workers performing essential work during the Covid-19 public health emergency...”: This was restricted to specifically defined essential workers. This could not be an across the board initiative such as the previous bonus pay given to all county employees.
- “For the provision of government services to the extent of the reduction in revenue due to the Covid-19 public health emergency...”: this was the most limited use for the funds. The interim guidance issued required that system wide revenues be evaluated. The county’s sales tax increases basically offset other losses.

- “To make the necessary investments in water, sewer or broadband infrastructure”: Jackson County was very limited at that point under these provisions. They were highly restricted on how they could invest in broadband due to state law. They were not able to utilize any funds other than general funds to invest in broadband. This could only be done after an extensive request for proposals process. It was recommended to hold off on these discussions to see if state law would change. There were also some other potential resources that may become available direct to the private providers. The county did not operate water and sewer.

(b) It was recommended that the county initial several processes to move forward with the ARPA planning and eventual expenditure. They were as follows:

- Plan to contribute funds toward human services functions. As stated at previous meetings, the federal government determined that social issues, such as mental health, substance abuse and family/individual assistance programs had been negatively impacted by the pandemic. Therefore, human services activities may be eligible for ARPA appropriations. The county attempted to address these types of issues in a variety of ways. The following detailed some known and future ARPA partnership opportunities related to human services programming:
 - It had been requested to dedicate up to \$2.5 million dollars towards matching Dogwood Health Trust grant funds to go towards the construction of a domestic violence shelter and a homeless shelter.
 - AWAKE was working to put together a request regarding their facility needs. They were in need of facility repairs and expansion. They would be seeking assistance regarding these needs.
 - Develop a nonprofit application process to other agencies providing human services programming.
- Develop a nonprofit application process that allowed for other requests that fell within allowable uses under ARPA. ARPA also allowed for providing assistance to small businesses and nonprofits who had been impacted by Covid-19. The act allowed for aid to be provided to impacted industries, such as tourism, travel and hospitality. The county had certain legal restrictions when it came to funding some of these issues. These restrictions limited their ability to assist. It may be more appropriate for other entities to provide some of the services. An example would include TWSA applying to the county for a water/sewer grant or a Chamber of Commerce applying to the county for a grant to assist businesses.
- Continue workforce/affordable housing discussions. ARPA funds may be eligible to assist in these matters, depending on the proposal.
- Receive input and direction from the Board of Commissioners on any other initiative eligible to be funded with ARPA proceeds.
- At budget time, the Sheriff requested funding for a video camera system for the deputies, vehicles and an integrated system. They believed under the interim rules, they could fund certain safety functions with these funds. This was a \$1.2 million request over four years. Once they received final ruling, they would come back to the Board to discuss utilizing these funds. After that time period, this would be a cost that the county would assume.

(c) All ARPA proposals would have to fall within eligible guidelines set by the federal government. All expenditures made by the county must follow all state, federal and local laws. There were expenses eligible under federal guidelines that were not allowable to local governments in accordance with North Carolina law. All requested ARPA projects/programs would have to be reviewed on a case by case basis regarding the county’s legal ability to proceed forward.

Chairman McMahan stated that this was a broad, general review of the ARPA funds and what they were eligible to be used for. Did the Board want to give consideration to look at the overall funds and divide them into percentages and be willing to give a certain amount toward nonprofits? Or, would they leave it open to first come first serve?

General discussions were held.

Consensus: *Mr. Adams to bring back a sample application process to the next work session for further review and discussion.*

There being no further business, Commissioner Stribling moved to adjourn the meeting. Commissioner Jones seconded the Motion. Motion carried and the meeting adjourned at 2:10 p.m.

Attest:

Approved:

Angela M. Winchester, Clerk to Board

Brian Thomas McMahan, Chairman