

**MINUTES OF A
REGULAR MEETING
OF THE JACKSON COUNTY
BOARD OF COMMISSIONERS
HELD ON
SEPTEMBER 21, 2021**

The Jackson County Board of Commissioners met in a Regular Session on September 21, 2021, 1:00 p.m., Justice and Administration Building, Room A201, 401 Grindstaff Cove Road, Sylva, North Carolina.

Present: Brian McMahan, Chairman, via Zoom
Mark Jones, Commissioner
Tom Stribling, Commissioner
Gayle Woody, Commissioner

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

Absent: Boyce Deitz, Vice Chair

Commissioner Jones called the meeting to order.

(1) **PROCLAMATION: FIRE PREVENTION WEEK**: Michael Forbis, Fire Marshal, was present for this item. Commissioner Stribling read a Proclamation declaring October 3rd – 9th as Fire Prevention Week. Commissioner Woody moved to approve the Proclamation. Commissioner Stribling seconded the Motion. Motion carried.

(2) **AGENDA**: Commissioner Woody requested to add one item to the agenda: Comments by EBCI Principal Chief Richard Sneed. Commissioner Jones moved to approve the amended agenda. Commissioner Stribling seconded the Motion. Motion carried.

(3) **COMMENTS BY EBCI PRINCIPAL CHIEF RICHARD SNEED**: Chief Sneed presented Resolution 324, which was passed on October 29, 2020 by the Eastern Band of Cherokee Indians Tribal Council. The resolution addressed to the name of the county being named after former President Andrew Jackson, who was the President of the United States from 1829 to 1837.

President Jackson was the architect and chief proponent of the Indian Removal Act of 1830, which authorized the removal in 1838 of Cherokee and other Indians from the areas, including Jackson County, to the Indian Territory in Oklahoma along the Trail of Tears.

For many Cherokees, the Trail was a forced march of approximately 1,200 miles. Most everyone had to walk. Food, shelter and clothing were scarce. Several thousand Cherokees died from exposure, disease and starvation while in route to Indian Territory in Oklahoma.

President Jackson argued to Congress that the Indian Removal Act was an expression of government benevolence to the Indian residents of the area. He said it would free the Indians from troublesome encounters with white settlers. In reality, it was a racist policy of dominance and imperialism by which the United States took land and expanded the economy of southern states, so they could flourish.

President Jackson, who saw Native Americans as inferior, said of the Cherokee that “they must disappear” so his superior race could dominate. Before the removal, Cherokee aboriginal territory included all of Western North Carolina, including what was now known as Jackson County. Also, Cherokee Territory covered an area in seven states, including North Carolina, Tennessee, Virginia, Kentucky, Alabama, Georgia and parts of South Carolina.

Today, the Eastern Band of Cherokee Indians was the largest single employer in Jackson County and of Jackson County residents (through Harrah's Cherokee Casino Resort) and the largest single employer west of Asheville. The county received grants from the Cherokee Preservation Foundation and Cherokee had always been a good neighbor to the county.

Cherokee One Feather journalist, Scott McKie, suggested the idea of changing the name associated to the county, from President Andrew Jackson to EBCI Tribal Member and Principal Chief Walter S. Jackson. Chief Jackson was born May 29, 1923 and died April 26, 1971 at the age of 47. Chief Walter Jackson was a World War II Navy Veteran and Manager of the Oconaluftee Indian Village.

Also, he was the Chief of the Cherokee Indian Police Department, Head of the Tribe's Community Services Division, a Council Representative for 12 years, Vice Chief for four years and Principal Chief (elected in 1967). He also played an instrumental part in developing the Cherokee Boys Club, improving reservation roads, reopening tribal rolls, securing a new elementary school and establishing the Public Health Service Hospital.

He requested that the Board of Commissioners support the resolution and take whatever measures needed to be taken by the county to honor and carry out the resolution.

Commissioner Woody stated that the historic land of the Cherokee Nation made up what they now called Jackson County, but the Cherokee had no input in the decision in 1851 of what to call the new county, which was part of historic Cherokee land. So much of the history of the Cherokee people involved others making decisions for them and forcing other people's choices on them. She felt that it was only just and right to honor this request from the Eastern Band of the Cherokee, by changing the individual honored by the name of Jackson County to be Chief Walter S. Jackson, who was born and raised in the community and served his people so well.

Informational item.

(4) CHAIRMAN'S REPORT: Chairman McMahan stated that he was participating remotely from his home because he contracted Covid and was in isolation. He continually monitored the statistics on the Health Department's Dashboard and the CDC's statistics. They were slowly increasing the vaccination rate, which was at 53% of the population had been fully vaccinated and 60% had received at least one shot, so they were moving in the right direction. He encouraged everyone to get vaccinated. It was very important.

Thankfully, he had very mild and very few symptoms. He had fared very well and his family had fared very well. He contributed that to the fact that he had been vaccinated. The healthcare facilities were being overwhelmed and they must continue to spread the word to encourage everyone to get vaccinated.

(5) COMMISSIONER REPORTS:

(a) Commissioner Woody stated that she was so thankful that the School Board had the mask mandate in place from the beginning of school. They had cases of students, teachers and staff that contracted Covid, but they had much less infections than some of the other counties around them. She applauded the Board of Education for taking that step. It was difficult to do, but she thought they did the right thing and the results had proven that out.

Also, she had been in touch with Haywood County Commissioner Tommy Long and he had been so gratified by the amount of monetary support, physical labor, staff and equipment that had come from Jackson County to help alleviate the conditions. He had stated that it would be a long road to recovery, but he was so pleased with the support they had gotten from the community.

(b) Commissioner Jones stated that starting in October, every Tuesday from 2:00 p.m. to 6:00 p.m. and every Saturday from 9:00 a.m. to 11:00 a.m., the Health Department would be giving flu shots. The cost would be \$45. He encouraged everyone to consider the flu shot as it was just as important as the Covid shot.

(6) **MINUTES**: Commissioner Woody moved to approve the minutes of a Regular Meeting of September 07, 2021 and a Public Hearing (CDBG Grant Closeout) of September 21, 2021, as presented. Commissioner Stribling seconded the Motion. Motion carried.

(7) **COUNTY MANAGER REPORT**: Mr. Adams reported:

(a) **August 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. The Planning Department issued three commercial zoning permits and one renovation/addition zoning permit. Code Enforcement issued six commercial permits and two renovation/addition permits.

(b) **Construction Projects**:

- Animal Rescue Center/Green Energy Park: The project was 26% complete through August. Rain caused significant delays in completing items such as retaining walls, storm sewer and walking paths, but recent weather improvements allowed the main retaining wall to be started. The metal building package was scheduled to be delivered October or November. These items were pushing the potential substantial completion back until March or April 2022, weather and material dependent.
- The Request for Qualifications for Architectural Services related to the Justice and Administration Center had been issued and received. The county received six responses and would be reviewed and recommendations would be brought back to the Board in October or November.

(c) **Dogwood Health Trust Grant Application**: The Dogwood Health Trust awarded the county \$2,174,497.50 to be used for the planning of a homeless shelter and the construction of a domestic violence shelter. The county would receive a grant agreement from Dogwood Health Trust in the next couple of weeks.

<u>Project Name</u>	<u>Dogwood Amount</u>	<u>ARPA Amount</u>	<u>TOTAL AMOUNT</u>
CDP Facility	\$2,049,497.50	\$2,049,497.50	\$4,098,995
CDP Planning	\$62,500	\$62,500	\$125,000
HERE Planning	<u>\$62,500</u>	<u>\$62,500</u>	<u>\$125,000</u>
TOTAL	<u>\$2,174,497.50</u>	<u>\$2,174,497.50</u>	<u>\$4,348,995</u>

The county must wait for final American Rescue Plan Act (ARPA) rules to be released before proceeding forward with this project. The domestic violence shelter project would take three years to complete.

Commissioner Woody thanked Mr. Adams for pushing ahead on this in a short timeframe and bringing those partners together to be able to access this amount of money.

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

(9) **CONSENT AGENDA**:

(a) Darlene Fox, Finance Director, presented the Finance Report for August, 2021 and two Budget Ordinance Amendments for fiscal year ending June 30, 2022, for approval.

(b) Brandi Henson, Tax Collector, presented the Tax Collector and Refund Reports for August, 2021, for approval.

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

(10) FIREWORKS DISPLAY REQUEST: Tony Elders, Director of Permitting and Code Enforcement, via Zoom, requested approval for October 16th at Camp Merrie-Woode in Sapphire.

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

(11) TRANSIT 5310, 5311 – CAPITAL PROJECTS PROGRAM GRANTS: Norma Taylor, Transit Director, stated these grants were made available annually through the state to assist transit systems with operating, administrative and capital funding. The 5311 program grant supported the director and assistant director’s salaries and fringes, as well as administrative costs, such as office supplies, drug and alcohol testing, uniforms and marketing. The 5310 program supported operating costs for elderly and disabled transportations. Listed below were the estimated funding request, which included the match required by the county for each program. She requested a 15% local match by the county.

The total estimated amount within the 5311 program for the period July 1, 2022 through June 30, 2023:

Project	Total Amount	Local Share
Administrative	\$192,581.00	\$28,887.00 15%
Capital (Vehicles and Other)	\$0	\$0 10%
TOTAL	\$192,581.00	\$28,887.00
	Total Funding Request	Total Local Share

The total estimated amount within the 5310 program for the period July 1, 2022 through June 30, 2023:

Project	Total Amount	Local Share
Operating Funds	\$175,000.00	\$87,500.00 50%
TOTAL	\$175,000.00	\$87,500.00
	Total Funding Request	Total Local Share

A public hearing was held prior to the meeting with no public comment.

Motion: *Commissioner Woody moved to approve the Transit 5310 program funding match request, as presented. Commissioner Stribling seconded the Motion. Motion carried by unanimous vote.*

Motion: *Commissioner Stribling moved to approve the Transit 5311 program funding match request, as presented. Commissioner Jones seconded the Motion. Motion carried by unanimous vote.*

(12) CDBG CLOSEOUT BLUE RIDGE SCHOOL WATER/SEWER PROJECT: Michael Poston, Planning Director, stated at that point, they needed to submit the required paperwork and close out the grant that would require the Chairman’s signature. He requested approval from the Board to allow them to move forward with closeout and obtain the Chairman’s signature to do so.

A public hearing was held prior to the meeting with no public comment.

Motion: *Chairman McMahan moved to allow staff to move forward with the CDBG Closeout to be signed by the Chairman. Commissioner Woody seconded the Motion. Motion carried by unanimous vote.*

(13) UNIFIED DEVELOPMENT ORDINANCE AMENDMENTS: Mr. Poston stated these were the amendments they discussed at the last work session. He requested that the Board set a public hearing on November 2nd at 5:55 p.m.

Motion: *Commissioner Stribling moved to set a public hearing on November 2nd at 5:55 p.m. for the Unified Development Ordinance Amendments, as requested. Commissioner Woody seconded the Motion. Motion carried by unanimous vote.*

(14) URBAN LAND INSTITUTE PROJECT: Mr. Adams stated the Cashiers Area Chamber of Commerce provided additional information for this project. The cost of an Advisory Services Panel was \$135,000, which would be raised from any and all interested organizations and individuals. At that point, they had raised \$92,000. The county paid for and created a Small Area Plan in 2019 that was passed by all levels of planning boards and the Board of Commissioners. That Area Plan was one of the resources utilized by the Planning Council to make current and future decisions.

Currently, there was a lot of growth in the Cashiers area. This had driven the Planning Council to start having conversations about if the current land use regulations were enough to provide for managed growth. The Planning Council, the community and Planning Staff had multiple conversations over several meetings and there would be many more meetings that would evolve to recommendations from the Planning Council on how to proceed with updating Land Use Regulations. This would be coming up in the next budget year.

Chamber Members sought the assistance of ULI to provide additional information to the Planning Council and the community as they proceeded forward. When recommendations were made for updates through the Land Use Regulations, eventually, it would go through Planning Council, Planning Board and the Board of Commissioners. The ULI project would provide more information to everyone, including the Board.

He believed there was value with the process the Chamber was going through and there was potential value with the county being a participant. He encouraged the Chamber to have an open and trusted process. The Chamber felt comfortable that ULI would create a product that was neutral and professional. He believed there was justification for the county to be a partner, but not a primary partner.

Commissioner Jones stated that he agreed. The population in Cashiers grew by 25% over the last ten years. In the Glenville community, it grew by 18%. There was tremendous growth and there was a need to have additional information to provide guidance for the future.

Motion: *Chairman McMahan moved to grant \$5,000 towards this project. Commissioner Woody seconded the Motion.*

Discussion: Commissioner Woody stated that she was hesitant at first thinking they already had their Small Area Plan. In talking with Commissioner Jones and Stephanie Edwards, Director of the Cashiers Chamber of Commerce, she realized that the study was based on the information at that time. With the new growth, they did need an updated plan, so she was in favor of it.

Mr. Adams stated that there was a desire from the County Attorney and Planning Director to have access to the contract to make sure the county was comfortable with the contract the Chamber was signing with ULI. The desire would be for a product to be produced that would be useable and trusted by the community as a whole.

Ms. Baker stated that she would be able to add a couple of things and make sure it was a transparent process and available for the county to use for their process down the road.

Motion carried by unanimous vote.

(15) FAIRVIEW PRESS BOX, CONCESSIONS AND RESTROOM CONSTRUCTION PROJECT:

Mr. Adams stated that they opened the bids for the Fairview press box, concessions and restroom construction project from three bidders. He presented a letter from Clark Nexsen, Architect for the project, certifying the bids. The apparent low bidder was Owle Construction with a base bid of \$675,000. They added an alternate to upgrade the water line for \$62,715 for a total project cost of \$737,715.

He also presented a Budget Ordinance amendment in the amount of \$773,850, which included a contingency of \$36,135. There were some unknowns during the bidding process. County and School Staff would also look at the project and test the existing water line. He requested the Board approve the Budget Amendment as presented, but they would attempt to reduce the amount by doing some of the work themselves and/or maintain the existing water line.

The school was involved in the process with the county leading, but this was a school property. The county leased the property which enabled them to do modifications. This would require approval from the Board of Commissioners and the Board of Education. If the Board of Commissioners wished to proceed forward, he requested they approve the budget amendment. The funds would come from the Conservation, Preservation, Recreation fund, which contained \$1,789,076.47.

***Motion:** Chairman McMahan moved to approve the Budget Ordinance Amendment in the amount of \$773,850, as presented. Commissioner Stribling seconded the Motion. Motion carried by unanimous vote.*

***Motion:** Commissioner Jones moved to award the contract to Owle Construction and authorize the County Manager to sign contract documents with the approval and oversight of the County Attorney, as requested. Commissioner Stribling seconded the Motion. Motion carried by unanimous vote.*

(16) AMENDMENT TO CORT ARCHITECTURAL AGREEMENT: Ms. Baker stated that this item was discussed at the last work session. The amendment would allow McMillan, Pazdan and Smith, as the architect, to oversee projects. The amendment would also end the 2000 contract with John Cort.

***Motion:** Commissioner Woody moved to approve the amendment to the Cort Architecture Agreement, as presented. Commissioner Stribling seconded the Motion. Motion carried by unanimous vote.*

(17) SKY FI, INC. LEASE – RESOLUTION R21-30: Ms. Baker stated that at a previous meeting, Travis Lewis spoke to the Board about renewal of the lease for the Sky Fi, Inc. tower on King's Mountain. This required a 30-day notice, which was published in the paper. She requested consideration to approve Resolution R21-30, which approved the lease for a term of five years with an option for a five-year renewal.

***Motion:** Commissioner Jones moved to approve Resolution R21-30, as presented. Commissioner Stribling seconded the Motion. Motion carried by unanimous vote.*

(18) GOVERNOR'S HIGHWAY SAFETY PROGRAM RESOLUTION R21-31: Major Shannon Queen presented a resolution for an annual application through the Governor's Highway Safety Program for federal funding in the amount of \$25,000 and did not require a local match.

***Motion:** Commissioner Stribling moved to adopt the Resolution R21-31, as presented. Commissioner Woody seconded the Motion. Motion carried by unanimous vote.*

(19) PRESS CONFERENCE: None.

(20) CLOSED SESSION:

Motion: *Commissioner Woody moved that the Board go into closed session pursuant to G.S.143-318.11(a)(5) Real Property. Chairman McMahan seconded the Motion. Motion carried.*

Commissioner Jones called the regular meeting back to order and stated that no action was taken in closed session.

(21) AGENDA: Commissioner Jones requested to add one item to the agenda: Cullowhee Prentice Property. Commissioner Jones moved to approve the amended agenda. Commissioner Woody seconded the Motion. Motion carried.

(22) CULLOWHEE PRENTICE PROPERTY: Ms. Baker stated this property was located at 74 Wayhutta Road, Cullowhee PIN #7559-46-1151. She requested consideration to accept an offer of \$200,000 for this property.

Motion: *Commissioner Stribling moved to approve the purchase of PIN#7559-46-1151 for \$200,000, as presented. Commissioner Woody seconded the Motion. Motion carried by unanimous vote.*

There being no further business, Commissioner Woody moved to adjourn the meeting. Commissioner Jones seconded the Motion. Motion carried and the meeting adjourned at 2:30 p.m.

Attest:

Approved:

Angela M. Winchester, Clerk to Board

Brian Thomas McMahan, Chairman