

**MINUTES OF A
REGULAR MEETING
OF THE JACKSON COUNTY
BOARD OF COMMISSIONERS
HELD ON
OCTOBER 19, 2021**

The Jackson County Board of Commissioners met in a Regular Session on October 19, 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 Board

Chairman McMahan called the meeting to order.

(1) **AGENDA**: Chairman McMahan requested to add one item: Register of Deeds - Joe Hamilton Remarks. Commissioner Woody moved to approve the amended agenda. Commissioner Jones seconded the Motion. Motion carried.

(2) **MINUTES**: Commissioner Woody moved to approve the minutes of a Regular Meeting of October 05, 2021 as presented. Commissioner Stribling seconded the Motion. Motion carried.

(3) **CHAIRMAN'S REPORT**: Chairman McMahan stated that he participated in a Vaya Health County Commissioner Advisory Board meeting, as the county's representative. Mental health was a topic that had changed in many ways over the years and Vaya Health was evolving in a new era of service delivery. This started as a small, seven county catchment area that had expanded many times. They were expanding again with Vaya taking in counties that once belonged to the Cardinal System. The service area would extend to the middle part of the state to include seven more counties.

At the last Vaya meeting, the attorney for Vaya presented a resolution to bring the additional counties from the Cardinal System into the Vaya System and to establish a new board of directors. There would be regional boards for regional districts, which Jackson County would return to being in a seven county region. The region would include Haywood County and the counties west of Haywood. This would give them more leverage and the ability to hone in on services in the seven county area as opposed to being a part of a discussion for a much larger district.

The county would be requested to formalize a resolution and make appointments to the board of directors. The appointments would include one county commissioner and one other individual that could be a commissioner or a person from the community that they felt met certain criteria of being an important stakeholder in the process. They would work in the days ahead to add this item to a future agenda.

(4) **COMMISSIONER REPORTS**:

(a) Commissioner Deitz stated that he, along with Mr. Adams, Chairman McMahan and Commissioner Woody were involved that week with a project that Mountain Projects was working on to make a house livable and safe. Mountain Projects was thankful for the assistance.

(b) Commissioner Woody stated that last Thursday was “Hands On Jackson Day” and there were over 200 volunteers in the community. She expressed special thanks to Lowes, Harrah’s and B.H. Graning Landscaping and many others. It was wonderful to see how business people in the community gave back that day.

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

(a) **September 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. Code Enforcement issued one commercial permit and three renovation/addition permits.

(b) **Salary Survey:** The county completed the Job Assessment Tools portion of the contract with Evergreen Solutions. Evergreen would start the market survey that week. Evergreen would produce a proposed classification and pay plan by the end of November. Management would review and recommendations would be presented in December.

(c) **Construction Projects:**

- Animal Rescue Center Green Energy Park: The project was 35% complete through September. Rain caused significant delays in completing items, such as retaining walls, storm sewer and walking paths. Recent weather improvements allowed for H&M to continue working on the main retaining wall. The metal building package was delivered and H&M would start erecting the building next week. These items were pushing the potential substantial completion back until March or April, weather and material dependent.
- Fairview Press Box, Concession and Restroom Project: All contracts had been signed and executed. Owle Construction Company was scheduled to be on site to start demolition the week of November 8th.
- Justice Administration Building: The Request for Qualifications for Architectural Services had been issued and received. The county received six responses and interviews would take place in October. The responses would be reviewed and recommendations would be brought back to the Board in November or December.

(6) INFORMAL COMMENTS BY THE PUBLIC: None.

(7) CONSENT AGENDA:

(a) Darlene Fox, Finance Director, presented the Finance Report for September, 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 September, 2021, for approval.

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

(8) DRUG FREE WORKPLACE AND SUBSTANCE ABUSE POLICY: Kathleen Breedlove, Human Resources Director, presented an item that was discussed by the Board at the last work session. She presented an update for Article V. Conditions of Employment, Section 11 – Drug-Free Workplace.

After a rewrite of the Drug-Free Workplace policy, along with a review by their Drug Testing vendor and the NCACC Risk Manager, she recommended to re-title the policy to read “Drug Free Workplace and Substance Abuse Policy”.

The Substance Abuse component of the policy provided details about the testing process, the Medical Review Officer's role in the review of non-negative results and the employee's right to a retest of the initial specimen at their expense, when the county may conduct an investigation and consequences of violations.

Additionally, an employee charged with violation of any criminal drug or alcohol statute would be required to report the charge to the Human Resources Office on the first business or scheduled work day (whichever occurred first) following the filing of the charge. This would be to ensure the Human Resources Director would be able determine the work status of the employee in conjunction with the County Manager. The previous Drug-Free Workplace Agreement and Acknowledgement forms signed by employees would be combined into one document.

It was recommended that the Board of Commissioners approve the updated Drug Free Workplace and Substance Abuse Policy for inclusion in the Human Resources Manual.

Motion: *Commissioner Woody moved to approve the Drug Free Workplace and Substance Abuse Policy update, as presented. Commissioner Jones seconded the Motion. Motion carried by unanimous vote.*

(9) REGISTER OF DEEDS – JOE HAMILTON REMARKS: Joe Hamilton, Register of Deeds, along with his wife Barbara were present for this item. Mr. Hamilton presented the Board with a letter:

“After much thought and many prayers, I will be retiring and resigning my position as Register of Deeds effective October 31, 2021. As many of you may already know, I was a driver’s license examiner from 1964 to 1994 and issued many of you a driver’s license. After retiring from the state, I decided to run for Register of Deeds in 1998; and I have won each election since then. After serving 23 years, I feel it is time for me to spend some quality time with my wonderful wife and enjoy life. While I look forward to enjoying my retirement, I will greatly miss my colleagues and my employees. I have truly enjoyed working for Jackson County and its people. My family and I sincerely appreciate the support given to me during my 23 years of service.”

Chairman McMahan stated that over the last 23 years he had worked with Mr. Hamilton, he appreciated his friendship and strong leadership he offered the county as the Register of Deeds. When he thought of someone that personified the term “public servant”, he thought of Joe Hamilton. He had been a true public servant and the people of the county had been served well. They could never have asked for anyone to have done a better job than he had. He thanked him and applauded all of his efforts. He wished him the best in retirement and looked forward to seeing him as a private citizen.

Commissioner Deitz stated that he appreciated all that Mr. Hamilton had done and he knew the citizens of the county appreciated the type of fellow he was. They all knew when they looked at him, they were looking at a good person. He appreciated his service in the Marines also as he knew he was proud of that. Also, the way he and his wife worked together for different causes was something they could all look at and follow as an example.

Commissioner Woody stated that she too appreciated all he had done for the community. He did serve in many ways besides his positions and that meant a lot. That was the example of a civil servant and he certainly served well.

Commissioner Jones thanked him for the multiple conversations they had and the guidance and advice he had given him over the decades.

Commissioner Stribling stated that he had just gotten to meet Mr. Hamilton, but it seemed like he had a really good character, good mind, body and soul.

Chairman McMahan requested that Ms. Baker share the process of what would happen after October 31st when Mr. Hamilton was no longer the Register of Deeds.

Ms. Baker stated that on November 1st when the vacancy would be created, as long as Mr. Hamilton appointed a Deputy Register of Deeds prior to the vacancy, then everything would continue as it had been. The Deputy Register of Deeds would continue working under Mr. Hamilton's bond until an appointment was made. Fortunately, Mr. Hamilton appointed all of his staff to be Deputy Register of Deeds, which had been filed, so they would all continue in their capacity and could continue to serve under Mr. Hamilton's bond. There would be no changes as far as daily operations.

The statute was clear that once the vacancy was created, the Board of Commissioners would appoint an interim until the election was held. If a Register of Deeds was elected as a nominee of a political party, as Mr. Hamilton was, then that party must be involved in the process. The party would have 30 days from the date of vacancy to make a recommendation to the Board of Commissioners. If the party made a recommendation, then the Board of Commissioners shall take that recommendation.

Chairman McMahan stated that effective November 1st, the Democrat Party would have 30 days to have an Executive Committee Meeting and select a nominee to present to the Board of Commissioners to choose as the interim replacement until the election. If they did not submit a name within 30 days, the Board of Commissioners would have the discretion to choose the interim.

He wanted the public to know that the staff at the Register of Deeds would continue to process requests as they had and the Board of Commissioners would work with the leadership of the Democrat Party to secure a name to fill the vacancy.

Informational item.

(10) PRESS CONFERENCE: None.

(11) CLOSED SESSION:

***Motion:** Commissioner Woody 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)(5) Real Property. Commissioner Stribling 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.

There being no further business, Commissioner Deitz moved to adjourn the meeting. Commissioner Stribling seconded the Motion. Motion carried and the meeting adjourned at 2:05 p.m.

Attest:

Approved:

Angela M. Winchester, Clerk to Board

Brian Thomas McMahan, Chairman