

**MINUTES OF A  
REGULAR MEETING  
OF THE JACKSON COUNTY  
BOARD OF COMMISSIONERS  
HELD ON  
MARCH 16, 2021**

The Jackson County Board of Commissioners met in a Regular Session on March 16, 2021, 1:00 p.m., Southwestern Community College, Burrell Building, Rooms C and D, 447 College Drive, 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) PROCLAMATION FOR SEXUAL ASSAULT AWARENESS:** Wesley Myers, Executive Director, Center for Domestic Peace and Jennifer Turner-Lynn, Assistant Director, REACH of Macon County, were present via Zoom video conferencing.

Chairman McMahan read a Proclamation to proclaim April as Sexual Assault Awareness Month. Commissioner Woody moved to approve the Proclamation. Commissioner Stribling seconded the Motion. Motion carried.

Chairman McMahan stated that with the pandemic they had experienced over the last year, a lot of changes had occurred in everyday lives, the way government services operated and the way some services had been provided. They had seen a transitioning in this realm as well over the last year. REACH of Macon County had been the provider and the one that had stepped up and took charge of all of these services and they were so thankful and appreciative to them for what they had done over the years and all they would continue to do.

Mr. Myers stated that he was also very thankful to REACH for providing those services and for giving them a step up in providing domestic violence services. They were also grateful for the support that Jackson County had provided to them in getting started. They were very excited for the future as they worked with REACH of Macon County to transition to Sexual Assault Services over the next year. They looked forward to all of those opportunities to bring more complete services to Jackson County.

Ms. Turner-Lynn stated REACH of Macon County's gratitude as Jackson County Government continued to be a huge supporter of the sexual assault, domestic violence and human trafficking services and placed that as a priority. They were ecstatic that Center for Domestic Peace had already started with domestic violence services and would be transitioning to sexual assault services as well. They would continue to be present as a support system and were continuing to shelter people from Jackson County for sexual assault, domestic violence and human trafficking. They were continuing to see a huge increase in requests for shelter and services. She thanked the Board for their support.

Commissioner Woody stated that she echoed what the Chairman stated. She also wanted to give recognition to Ms. Baker, who served on the board and had been very instrumental in helping with the transition from REACH of Macon to the Center for Domestic Peace. She thanked her for her efforts and hard work on their behalf.

**(2) AGENDA:** Commissioner Deitz moved to approve the agenda. Commissioner Jones seconded the Motion. Motion carried.

(3) **MINUTES**: Commissioner Deitz moved to approve the minutes of a Budget Retreat of February 23, 2021 and a Regular Meeting of March 02, 2021, as presented. Commissioner Woody seconded the Motion. Motion carried.

(4) **CHAIRMAN'S REPORT**: None.

(5) **COMMISSIONER REPORTS**:

(a) Commissioner Woody offered condolences to Jennifer Abshire, DSS Director, for the loss of her mother that week. Their thoughts and prayers were with her.

(b) Commissioner Deitz stated that Sam Beck, long-time chief of the Sylva Fire Department passed away. He was an instrumental leader in the community and a great story teller. He worked at the Sylva Herald for many years and then at WCU, where he retired.

Also, he was at the vaccination site the day before watching vaccines be given. It still amazed him how well they were doing that and how organized it was. Everyone from the Sheriff's Office, County Maintenance Staff, National Guard, the Health Department and more, were working together so well. It was great to see them all working together.

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

(a) **Covid Vaccines**: He participated in a meeting that week with Health Department Staff, where they indicated the county was staying on pace with the state with 20% of the population of the county having received a minimum of their first vaccine. He thought they were progressing nicely toward getting the entire population access.

Also, the Health Department had transitioned to an online registration process. People could go to the Health Department website and register. Generally, the calendar was released on Fridays and would fill up by Monday or Tuesday, with the first shots given on Thursdays. He encouraged everyone to follow up and if they fell within the categories or groups, then register and get a shot.

(b) **February 2021 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 where the permit was issued. The Planning Department issued three commercial zoning permits and two renovation/addition zoning permits and Code Enforcement issued two commercial permits and nine renovation/addition permits in the month of February.

(c) **Major Construction Projects**:

- Animal Rescue Center/Green Energy Park: The contractor was 5% complete with demolition being complete. The contractor was continuing to work on grading and installing storm, water and sewer lines. The contractor should begin work on retaining walls within the next month.
- Blue Ridge School Water and Sewer Project: The tanks were delivered for the wastewater facility. They were putting all of the utilities in the ground and building the water building for the tanks. They discovered that week that there was a storm sewer coming from the school going through where the new wastewater plant would be located. They had to deal with some change orders to reroute the storm sewer around the wastewater plant. Otherwise, everything was moving forward.

(d) **American Rescue Plan Act of 2021**: On March 11, 2021, the American Rescue Plan Act of 2021 was signed into law. The Act allocated hundreds of billions of dollars for public health and vaccines, assistance for vulnerable populations, education and housing stabilization, economic recovery assistance and direct assistance for families and individuals. The Act provided \$362 billion in aid for state and local governments. More specifically, \$65.1 billion was provided in direct aid to counties.

For Jackson County, the direct allocation would be \$8,521,505. They had been informed that number may vary. The first 50% would be allocated within 60 days. Uses for the funds could be:

- Response to the public health emergency with respect to Covid-19 or its negative economic impacts;

- Respond to workers performing essential work during the Covid-19 emergency;
- For provisions of government services for reduction in revenue;
- Any investments in water, sewer or broadband infrastructure.

The North Carolina Association of County Commissioners was working on follow up information to provide counties with guidance on how to proceed forward with the funding. He attended a NACo presentation, where they were informed that this money was intended to be utilized in a broader sense.

The uses he indicated were the primary uses, but it was his understanding that they would be given flexibility in the use of the funds. They would want to continue conversations on this matter with ideas and concepts of where the funds could be used.

Through the pandemic, whether it was homelessness or domestic abuse, human services issues had increased due to the pandemic. He believed that the funds would allow them to potentially look at those types of human services, along with economic impacts to businesses.

**(e) Rural Digital Opportunity Fund:** In January, 2020, the FCC launched a \$20 billion program to expand broadband in rural areas. The first phase of the program targeted areas that did not receive 25/3 Mbps. Charter Communications (Spectrum) was recently awarded funding to service multiple parts of the region. More specifically, they were awarded \$16,978,000 to serve rural areas in Jackson County. They had six years to utilize the funds.

General discussions were held.

**(f) Golden LEAF Community Based Grants Initiative:** He reached out to educational institutions and nonprofits to make them aware of an upcoming opportunity where Golden LEAF initiated the Community-Based Grants Initiative in Western North Carolina. This would be a competitive process where they would allocate up to \$1.5 million dollars per county in the Western Prosperity Zone. The County Manager could approve three applications to be submitted for consideration under this grant opportunity.

Golden LEAF Priority Outcomes included:

- Economic Investment and Job Creation
- Workforce Preparation and Education
- Agriculture
- Community Vitality

Golden LEAF acquired the services of the Rural Center, which would provide training and oversight of how to apply for the grant. Awards would be made April, 2022. His role as County Manager would be to support the most competitive application.

General discussions were held.

Commissioner Jones asked if it was possible for the community college, since it was in three counties, to pool the funds of each of the three counties to have a total of \$4.5 million.

Mr. Adams stated that yes, Golden LEAF would consider that a regional project, which they encourage. It would be under a different application process.

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

**(8) CONSENT AGENDA:**

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

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

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

(9) **AUDIT CONTRACT:** Ms. Fox stated that she recommended to award the audit contract to Martin Starnes & Associates, CPAs, P.A. to audit the county records for the fiscal year ending June 30, 2021, in the amount of \$93,600.00.

**Motion:** *Commissioner Woody moved to approve the audit contract with Martin Starnes & Associates, CPAs, P.A., as requested. Chairman McMahan seconded the Motion.*

**Discussion:**

Commissioner Deitz asked what were some of the questions they could or should have?

Chairman McMahan stated that one could be what were Ms. Fox and Mr. Adams opinions about the performance of this company?

Ms. Fox stated that last year was the first year of the contract. It was a different experience as it was the first year with the firm and also, they did everything remotely, which was a challenge, but it worked out well.

Commissioner Woody stated that also, the county had a very positive evaluation.

Mr. Adams stated that Martin Starnes & Associates was a well-known, reputable firm in the state. They had an extreme amount of experience with auditing county governments.

Chairman McMahan stated that in his ten years on the Board, this was at least the third firm they had worked with. It was always good to have consistency to stay with a firm for a certain amount of time, but it was also good to have change and fresh eyes look at the numbers.

*Motion carried by unanimous vote.*

(10) **FIREWORKS DISPLAY REQUESTS:** Tony Elders, Permitting and Code Enforcement Director, via Zoom video conferencing, requested approval for an application he received for a fireworks display at Trillium Club in Glenville on March 27<sup>th</sup>.

**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) **OFFER TO PURCHASE AND CONTRACT FROM BLANK AND RESOLUTION R21-08:** Jeremy Blank was present for this item.

Ms. Baker that she received an offer from Jeremy Ian Blank, for Lot 1A, Bear Pen, containing approximately 1.02 acres (PIN #7545-76-3385) in the amount of \$6,600.00. She presented Resolution R21-08 for consideration.

Commissioner Stribling asked Mr. Blank what he planned to do with the property?

Mr. Blank stated that he planned to develop it with a house for himself.

Ms. Baker stated that she had discussed the restrictive covenants with Mr. Blank and he was familiar with those. If the Board accepted the offer, it would go to an upset bid process. They would advertise in the newspaper and anyone would have the opportunity, for ten days, to upset this offer. Also, they would send out letters to notify surrounding property owners.

**Motion:** *Commissioner Stribling moved to approve Resolution R21-08, as presented. Commissioner Jones seconded the Motion. Motion carried by unanimous vote.*

(12) **SOLID WASTE:** Chad Parker, Public Works Director, stated that he wanted to update the Board on Solid Waste rule changes made by the North Carolina Department of Environmental Quality that specifically affected the county. There were several rule changes dealing with permitting of facilities such as, compost facilities, transfer stations, etc., except MSW Landfills. The county did not have an open landfill, but had a permitted transfer station on Mineral Springs Road. They did have a closed landfill in Dillsboro that was a permitted facility. This would affect Staffed Recycling Centers since permits were not required for.

In the rule changes for Transfer Stations, they required each county to submit a report to the state by June 30<sup>th</sup> assessing certain portions of the transfer station facility. This would include the status of the building, access roads, parking and the leachate collection system of the current operations compared to the design of the site, as stated in the site permit. They were currently in the process of preparing the reports with an engineering firm. After the report was submitted to the state, within six months the state would provide requirements for improvements to the county regarding the report. The county would have three years to meet the requirements and bring the transfer station facility up to new standards or rules.

The other item that would affect them specifically was that the state defined "Collection Center", which was the county's Staffed Recycling Centers. In the past, there was no definition in the rules.

*"Collection Center: A collection center means a collection point for temporary storage of solid waste for individual, residential households, who choose to transport solid waste generated on their own property, to a facility owned and operated by a local government, rather than directed to a solid waste management facility currently in accordance with the rules of this subchapter. A collection center shall operate in accordance with the rules .0208(a) of this subchapter."*

*"Subchapter 15A NCAC 13B .0208(a) Permit Exemptions for Collections at SRC sites: A collection center shall not receive waste generated from nonresidential activities or by a commercial waste collection service."*

In the northern end of the county, commercial haulers used the Transfer Station, which was a permitted facility, to accept waste. They also had the site in Cashiers that accepted those materials in the past. With the new rule, the commercial haulers would not be able to use the Cashiers facility because it was not a permitted transfer station, it was a convenience site. A commercial waste collection service picking up garbage for hire could not use any of the convenience sites, per the new rules.

At the Cashiers site and at the Transfer Station in Sylva, they did accept construction and demolition debris. The new rule stated:

*"The following items shall not be accepted at Collection Centers for the purpose of disposal: Construction, demolition or industrial waste from commercial or industrial sources."*

They would still be able to accept construction and demolition waste in Cashiers, but it could not come from a commercial or industrial source. If it was a residential house being built, it was not a commercial source, it was a residential source, so they should be able to still accept that at the Cashiers site. If it was a commercial project, they would not be able to take that to the Cashiers site.

Mr. Adams stated that everything that went through the Cashiers site was hand unloaded into the construction and debris container and the compactor for garbage. Nothing went onto the floor at that site. Generally, if it was a large project, people would rent a commercial roll-off dumpster and would not bring those materials to the Cashiers site. It was then hauled to the Sylva Transfer Station. The vast majority of the construction debris was coming from residential sources from remodels.

General discussions were held.

Commissioner Jones stated that he had conversations with two private haulers in Cashiers since this information came out. He paid \$78 per year for garbage on his county tax bill, yet he could not have a trash hauler come and take his residential garbage in their truck to the SRC, because it was classified as commercial. They would now have to haul it down to Sylva to the Transfer Station and pass those costs along to the customers. They were talking about an extra 45 minutes, one way, versus 12 minutes to the Cashiers site, adding to their route, time and labor. They could imagine what kind of cost would be passed on to the residential customer. Residents were paying that tax already to utilize those SRCs. It should not matter how it got from the resident's house to the SRC.

Commissioner Stribling stated that he thought it was their choice. They could take their garbage themselves. If they wanted the service, they had to pay for that and the tax also.

Commissioner Deitz stated that he agreed with Commissioner Jones completely. He just did not see that. He understood the other parts of this, but not the private haulers portion.

Commissioner Woody asked if citizen's picked up trash along the roadsides, would that be considered residential? They were getting ready to do the litter campaign encouraging people to pick up along roads and they wanted that to not be a penalty on those people.

Mr. Parker stated that no, when they picked it up, it would then be considered their garbage and residential. When the main thoroughfares in the county were picked up, that did have to be brought to the Transfer Station. If someone was picking up litter and they put it in with the rest of their garbage, it would be considered residential. Also, recycling was exempt. If someone had commercial recycling, they could still take that to the Cashiers site.

There were at least three private haulers in the southern end of the county that this would affect. This should not affect any private haulers in the northern end of the county as they already had to take the garbage to the Transfer Station.

Chairman McMahan stated that he knew this was not item they would decide that day. Obviously, Mr. Parker had a lot of work to do to comply with the state's request to submit a report by June 30<sup>th</sup>. Then, they would hear about any corrective actions from the state. He thought they wanted to see if there were creative ways they could come up with a solution on the southern end of the county. He thought this may be a work session topic for further discussions.

Mr. Adams stated that if the Board wanted to discuss other solutions in Cashiers, that could be ongoing. Currently, they felt they were still in the interpretation of the law phase. They felt the interpretation would end up the way they described where commercial haulers would have to haul to Sylva. He did believe it would be within the next month or two that they would have to make final interpretations. They were also trying to make sure they gave enough notice haulers. They could have further discussions about eventually evolving to a Transfer Station in Cashiers.

*Informational item.*

**(13) FIRE TAX:** Mr. Adams provided the Board with the same options that he went over with them at the budget work session for general discussions.

Chairman McMahan stated that he thought the Cullowhee Fire Department had a need. He thought they had made that very clear. They had an issue with being able to respond appropriately and provide the appropriate manpower. He thought they had put together a plan to try to address the issue. He wanted to help the Cullowhee Fire Department address the needs and concerns they had by transitioning to more of a framework of a combination department with paid people and volunteers.

However, he did not think establishing a fire tax district with between ten to twelve cents in addition to the property tax already being paid by the residents was a realistic approach to this. Currently, they were paying \$0.38 on \$100 and then suddenly this would almost double in some cases. That was a huge tax increase for people in that community.

At the same time, he wanted to find a way to try to help them. Personally, he was not in favor of a fire tax district for that community. He thought there were other options. Some that were highlighted included creating a countywide service district and potentially looking at dedicating some money from the general fund. He thought the burden would be scattered over a much broader base and at the same time, he thought it would give them an opportunity to evaluate Cullowhee's proposed budget more in depth.

Maybe they should reach out to the other rural fire departments in the county and see what kind of needs they had. If they were talking about one or two pennies on the tax rate, there may be other needs in other communities where they had not had an opportunity to evaluate. This may be a way to handle a lot of items at one time instead of having to come back many times.

Commissioner Stribling stated that he agreed with Chairman McMahan. It was almost double and that was going to upset a lot of people. That was just his opinion.

Commissioner Jones stated that the county currently spent \$1,555,000 of the county budget for all the fire districts except Cashiers-Glenville. \$630,000 of the Cullowhee's request was for labor. What could happen with the \$1,555,000? Would it be part of that pot of money and they throw in another penny or two to meet the needs of all districts?

Ms. Fox stated that they could use the \$1,555,000 and increase the tax rate to add to it. They were already funding the \$1,555,000 out of the \$0.38 cents.

Commissioner Woody stated that the concern that she had was that Cashiers had the fire tax. If they increased countywide they would be paying twice for fire protection that did not really apply to them because they already had the fire tax.

Mr. Adams stated that if they raised general taxes it would be countywide. If the Board wished to approach this like a fire service district, they could potentially leave the Cashiers Fire Service District separate and create another fire service district that encompassed the rest of the county or they could make one fire service district countywide and distribute the monies. If the Board was leaning toward an overall tax, they could come back in a work session with numbers and a better understanding of what that would mean.

Chairman McMahan stated that he thought they should take into consideration about the Cashiers Fire District equity of paying for other departments. Under the North Carolina Department of Insurance Requirement Standards, the only way that a fire department could qualify and meet the state requirements, under the new standards, was through mutual aid. It was impossible for one department to provide enough manpower and equipment to be able to successfully comply with the requirements the state had set.

Cullowhee Fire Department was mutual aid to just about every department in the county because they were centrally located. Cashiers Fire Department could not have their Class 5 if it were not for Cullowhee Fire Department. They wanted to support all departments because it took all departments to make it work.

Commissioner Woody stated that she was concerned about the senior citizens that lived in the Cullowhee district that had several acres of land, but their income was social security. If they raised their taxes that much, it would have a hardship impact. There were situations that were real for people that resided in the Cullowhee District. She would not feel good about putting that kind of hardship on them.

Chairman McMahan asked if any of the Commissioners were in favor of moving forward with a tax district for Cullowhee only? If they wanted to establish just a district for Cullowhee, they had a time schedule they had to meet.

Mr. Adams stated that the only other option that was time sensitive would be if they established a service district for all, except Cashiers. That was the same process.

Commissioner Woody stated that she felt Cullowhee made a very strong case for their need for full-time personnel and she would like to see them do that.

Commissioner Deitz stated that a lot of this was perception. When they built the brand new fire department in Cullowhee, which was awesome and filled it with equipment and with all of the substations everywhere, it seemed like there must be a lot of money being spent on fire protection. He knew that they were not going to put \$0.12 on the already \$0.38. What he had witnessed through the years was that if they did something special for one fire department, the others wanted it also.

Chairman McMahan stated that he thought they had got to a point in the country, it was not just the community, it was not just the state, it was nationwide. It was not just fire departments, it was little league, civic organizations, churches, etc. They were struggling to find volunteers. People did not volunteer like they did in years past and he did not know the reason. He had been on calls where he was the only person on the call. It had become a pattern. He thought Cullowhee was experiencing the same.

The fire departments signed contracts with the county to provide fire service and mutual aid. They had to find a way to meet the contract because they were legally liable. He thought that every department in the nation was struggling with that. If they had paid people, maybe they could fill in and take off some of the burden on the volunteers. He did not know the answer. He was just interested in trying to help Cullowhee and help some of the other departments.

Commissioner Deitz stated they may have to go to all paid departments.

Chairman McMahan stated that he did not know what the answer was. They would have to think outside the box and be creative.

Commissioner Jones stated that he thought it would be interesting to know what the neighboring counties did regarding a fire tax and what those rates were.

General discussions were held.

Mr. Adams stated that he wanted to summarize. He was hearing a positive response from the Board that they wanted to try and help Cullowhee move forward with potentially a full-time operation. The Board was not necessarily interested in doing a ten to twelve cent tax rate for that service district. They were interested in the needs of other fire departments, but had to figure out how to pay for it.

He proposed for staff to reach out and start getting input from the fire departments to see what their interests would be and what their needs were. Also, allow staff to go back and come up with different potential ways to fund the options. At a minimum, they had to start working on different options to fund the Cullowhee request. They would discuss this further at a work session or at a special meeting in the beginning of April, if needed.

*Informational item.*

(14) **AGRICULTURAL ADVISORY BOARD**: *Carry over.*

(15) **TRANSIT ADVISORY BOARD**: *Carry over.*

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

(17) **CLOSED SESSION**:

**Motion**: *Commissioner Deitz moved that the Board go into closed session pursuant to G.S.143-318.11(a)(6) Personnel. 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.

There being no further business, Commissioner Deitz moved to adjourn the meeting. Commissioner Woody seconded the Motion. Motion carried and the meeting adjourned at 3:28 p.m.

Attest:

Approved:

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Angela M. Winchester, Clerk to Board

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Brian Thomas McMahan, Chairman