

**MINUTES OF A  
REGULAR MEETING  
OF THE JACKSON COUNTY  
BOARD OF COMMISSIONERS  
HELD ON  
JUNE 18, 2015**

The Jackson County Board of Commissioners met in a Regular Session on June 18, 2015, 6:00 pm, Justice & Administration Building, Room A201, 401 Grindstaff Cove Road, Sylva, North Carolina.

Present: Brian McMahan, Chairman  
Mark Jones, Vice Chair  
Charles Elders, Commissioner  
Vicki Greene, Commissioner  
Boyce Deitz, Commissioner

Chuck Wooten, County Manager  
Jan Fitzgerald, Executive Assistant  
Heather Baker, Attorney

Chairman McMahan called the meeting to order.

(1) **AGENDA**: Chairman McMahan amended the agenda by adding Fireworks Display Request under the Consent Agenda; Set Public Hearing Date for Cell Tower Ordinance, Set Public Hearing Date for Revolving Loan Procedures, and Set Public Hearing for Mountain Hillside Development Ordinance under New Business; and Macon County's Appointment to SCC Board under Appointments. Commissioner Greene moved to approve the Agenda. Commissioner Elders seconded the Motion. Motion carried.

(2) **MINUTES**: Commissioner Elders moved to approve the minutes of a Budget Public Hearing of June 04, 2015, an Ordinance Amendment Public Hearing of June 04, 2015 and a Regular Meeting of June 04, 2015. Commissioner Jones seconded the Motion. Motion carried.

(3) **COMMISSIONER REPORTS**:

(a) Commissioner Deitz expressed his condolences for the families of the tragedy in Charleston.

(4) **COUNTY MANAGER REPORT**: Mr. Wooten reported:

(a) **Senate Budget**: He had been in communications with Senator Davis and it appears the request for funding support of the Cullowhee Fire Department was not included in the Senate's proposed budget and in all likelihood will not be reconsidered. The request for funds related to the 441 sidewalk project continues to be a possibility with funding provided from the Senate Pro Tem's discretionary funds.

(b) **Justice Center Security Improvements**: Construction to the front entrance will begin after July 4<sup>th</sup> and should be completed in 6 weeks. The first project will be to construct the new exit door adjacent to the current entrance to allow the existing entrance to be closed during construction. They will begin posting signs to notify visitors that the rear entrance will be the primary entrance during the construction period. In addition, the front sidewalk will be replaced as a separate project over the next couple of months.

(c) **Frank Allen Road**: He talked with Ed Green about the drainage situation with this road and he plans to request their hydrology staff to evaluate the site. NCDOT will provide them with information on solutions to eliminate the standing water and flooding which occurs during a rain event. In April 2015, a student group from Georgia Tech released a report as part of a Capstone project concerning storm water and flooding in the Cashiers community.

A copy of this report titled “Cashiers Creek Study” is on the Planning Department website. The summary findings of the report suggested (1) dredging the channel upstream and downstream of the Frank Allen Road culverts to ease the passage of water through the channel and allow more water to leave the flood impact area and thus draw down the standing water and (2) the prevention of further flood events through the implementation of sedimentation/detention basins upstream of the Frank Allen Road culverts. The non-recurring cost estimate to correct these deficiencies was approximately \$300,000; however, based on conversation with other persons they believe the actual cost to be much higher. In addition, there are recurring costs to maintain the culverts and detention basins.

(d) **Locust Creek Pedestrian Bridge**: The contractor and engineer are continuing to explore options that would reduce the estimated cost of the bridge abutments, ramps and walks including modifications to the plans and alternative means for providing construction access to the property.

(e) **Barkers Creek River Access**: Work is continuing on the expansion of the parking lot, installation of sidewalks to allow access to picnic areas, and the construction of a sand volleyball court.

(f) **Upcoming Dates**:

June 25<sup>th</sup> – Quasi Judicial Hearing and Public Hearing on cell tower application at the Cashiers Library has been cancelled

July 31<sup>st</sup> – Region A dinner in Murphy

July 9 – Regular meeting of Commissioners (only meeting for July)

(5) **PLANNING BOARD UPDATE**: Scott Baker, Planning Board Vice-Chair, stated there were two topics on the Planning Board agenda last week:

(a) **Cell Tower Application**: The application would fall under the current set of rules regarding cell towers. The Planning Board had lengthy discussions with the applicant and property owners giving them information and recommendations. The applicant has now decided to withdraw the application. The Planning Board is working to revise the current cell tower ordinance that will be advantageous to the applicant and the county as well.

(b) **Monarch Development**: This development is being constructed on South Painter Road in Cullowhee. The Planning Board had lengthy discussions with the developers, giving them recommendations on items such as sidewalks and vegetation. In talking with the Planning and Permitting/Code Enforcement Departments, it was determined that this development is under the county Subdivision Ordinance and not the Cullowhee Development Standards, since they obtained all permits etc., before the Cullowhee Development Standards was in place.

(6) **INFORMAL COMMENTS BY THE PUBLIC**:

(a) Marie Leatherwood of Sylva stated she does not believe it is a benefit to tax payers to spend money on the Drexel Building.

(b) Carl Iobst of Cullowhee stated the Commissioners should make reasonable accommodations to handicapped individuals at the Commissioners’ meetings.

*Chairman McMahan directed the County Manager to make an inquiry into audio hearing devices for individuals that have difficulty hearing.*

(7) **CONSENT AGENDA**:

(a) Darlene Fox, Finance Director, presented the Finance Report for May, 2015 and five Budget Ordinance Amendments for fiscal year ending June 30, 2015, for approval.

(b) Brandi Henson, Tax Collector presented, Tax Collector and Refund Reports for May, 2015, for approval.

(c) Tony Elders, Permitting and Code Enforcement Director, reported that applications had been received for the following fireworks displays:

- Balsam Mountain Preserve on July 5<sup>th</sup>

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

**(8) FIRE PROTECTION CONTRACTS:** Michael Forbis, Fire Marshal, presented Fire Protection Contracts for Balsam-Willets-Ochre Hill VFD, Canada VFD, Cashiers-Glenville VFD, Cullowhee VFD, Qualla VFD, Savannah VFD and the Town of Sylva. The contracts are for a term of four years (06/30/2015 – 06-30-2019).

***Motion:*** Commissioner Deitz moved to approve the seven fire protection contracts. Commissioner Greene seconded the Motion. Motion carried by unanimous vote.

**(9) GLENVILLE-CASHIERS RESCUE SQUAD AMBULANCE CONTRACT:** Mr. Wooten stated Glenville-Cashiers Rescue Squad has agreed to extend the contract for one year upon the same terms, conditions and payments. They have made a request asking the Commissioners to consider transferring the billing and collecting of fees associated with ambulance service to them as well. Mr. Wooten suggested this be discussed and possibly implemented with the FY16-17 budget.

***Motion:*** Commissioner Elders moved to approve the contract extension through June 30, 2016. Commissioner Jones seconded the Motion. Motion carried by unanimous vote.

**(10) FY2015-16 BUDGET ORDINANCE:** Mr. Wooten presented the FY2015-16 Budget Ordinance. The budget total is \$62,064,293. The tax rate remains at \$0.28. A public hearing was held on June 4<sup>th</sup>.

***Motion:*** Commissioner Greene moved to approve adopt the FY2015-16 Budget Ordinance. Commissioner Elders seconded the Motion. Motion carried by unanimous vote.

**(11) BENCHMARK PLANNING PERFORMANCE AUDIT PROPOSAL:** Mr. Wooten stated that David Nicholson, Outreach Associate, NC Association of County Commissioners, presented at the Commissioners' Work Session on the 16<sup>th</sup> and stated that he had reviewed a proposal received from Benchmark Planning to perform an audit of the Planning, Permitting and Code Enforcement operations that will include recommendations on the overall organization of both offices.

Benchmark has a long history of success, providing assistance to well over 400 communities throughout the United States. They bring significant experience managing large planning and code enforcement departments and would bring that expertise to this project.

They anticipate the project can be completed within 120 days for a cost of \$15,350. Benchmark will provide a digital copy and three printed copies of the final report and any associated forms and procedures.

***Motion:*** Commissioner Jones moved to approve the audit proposal in the amount of \$15,350. Commissioner Greene seconded the Motion. Motion carried by unanimous vote.

**(12) CELL TOWER ORDINANCE:**

***Motion:*** Commissioner Elders moved to set a public hearing on July 9<sup>th</sup> at 5:30 p.m. to be held at the Justice & Administration Building, Room A201, 401 Grindstaff Cove Road, Sylva, North Carolina. Commissioner Jones seconded the Motion. Motion carried by unanimous vote.

**(13) REVOLVING LOAN PROCEDURES:**

***Motion:*** Commissioner Greene moved to set a public hearing on July 9<sup>th</sup> at 5:45 p.m. to be held at the Justice & Administration Building, Room A201, 401 Grindstaff Cove Road, Sylva, North Carolina. Commissioner Elders seconded the Motion. Motion carried by unanimous vote.

**(14) MOUNTAIN HILLSIDE DEVELOPMENT ORDINANCE:**

**Motion:** *Commissioner Greene moved to set a public hearing on August 18<sup>th</sup> at 5:30 p.m. to be held at the Justice & Administration Building, Room A201, 401 Grindstaff Cove Road, Sylva, North Carolina. Commissioner Elders seconded the Motion. Motion carried by unanimous vote.*

**(15) TAX ASSESSOR APPOINTMENT:** Pursuant to G.S. 105-294(a), the appointment of the County Tax Assessor is to occur before the first Commissioners Board meeting in July, for a term of four years.

**Motion:** *Commissioner Elders moved to reappoint Bobby McMahan as the County Tax Assessor for a term of four years. Commissioner Greene seconded the Motion. Motion carried by unanimous vote.*

**(16) SOUTHWESTERN COMMUNITY COLLEGE:** *Carry over.*

**(17) SOUTHWESTERN COMMUNITY COLLEGE:** Macon County Board of Commissioners recommended reappointment of Terry Bell as Macon County representative to the Southwestern Community College Board of Trustees.

**Motion:** *Commissioner Greene moved to reappoint Terry Bell to serve a four year term on the Southwestern Community College Board of Trustees. Commissioner Jones seconded the Motion. Motion carried by unanimous vote.*

**(18) NEIGHBORS IN NEED:** *Carry over.*

**(19) PRESS CONFERENCE:** None

**(20) CLOSED SESSION:**

**Motion:** *Commissioner Deitz moved that the Board go into closed session pursuant to G.S.143-318.11(a)(5) Real Property and G.S.143-318.11(a)(6) Personnel. Commissioner Greene seconded the Motion. Motion carried.*

Chairman McMahan called the regular meeting back to order and stated no action was taken in closed session except the approval of the Closed Session Minutes of April 16, 2015 and May 21, 2015.

There being no further business, Chairman McMahan recessed the meeting at 7:45 p.m. to be reconvened on June 25, at 12:00 p.m.

Attest:

Approved:

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Angela M. Winchester, Clerk to Board

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Brian Thomas McMahan, Chairman