

**MINUTES OF A  
REGULAR MEETING  
OF THE JACKSON COUNTY  
BOARD OF COMMISSIONERS  
HELD ON  
MAY 19, 2016**

The Jackson County Board of Commissioners met in a Regular Session on May 19, 2016, 6:00 p.m., 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  
Angela M. Winchester, Clerk to Board  
Heather C. Baker, County Attorney

Chairman McMahan called the meeting to order.

**(1) LAW ENFORCEMENT WEEK AND PEACE OFFICER MEMORIAL DAY PROCLAMATION:** Commissioner Jones read a Proclamation declaring May 15<sup>th</sup>-21<sup>st</sup> as Law Enforcement Officers Week and May 15<sup>th</sup> as Peace Officers Memorial Day. Commissioner Elders moved to approve the Proclamation. Commissioner Jones seconded the Motion. Motion carried.

**(2) AGENDA:** Commissioner Greene moved to approve the Agenda. Commissioner Elders seconded the Motion. Motion carried.

**(3) MINUTES:** Commissioner Greene moved to approve the minutes of a Special Meeting of May 5, 2016, a Budget Workshop Work Session of May 5, 2016 and a Regular Meeting of May 5, 2016. Commissioner Jones seconded the Motion. Motion carried.

**(4) CHAIRMAN'S REPORT:** Chairman McMahan stated that he, Mr. Wooten and Commissioner Deitz had the opportunity to attend County Assembly Day in Raleigh, sponsored by the NCACC. They had a very productive day, having the opportunity to meet with several legislators and talk about issues facing counties. They also heard a report from the speaker of the house concerning the budget. Overall, it was a very good, productive trip.

**(5) COMMISSIONER REPORTS:**

**(a)** Commissioner Deitz stated that Delmar Robinson passed away that past week. He was director of the Oconaluftee Job Corps Center in Cherokee. He did a lot of good for the county, including going to Washington D.C. several times to get funds for the community, especially the schools in the Qualla area. He expressed his condolences to his family.

**(b)** Commissioner Elders also expressed his condolences to the family of Delmar Robinson. He was very instrumental in the Qualla, Swain County and reservation growth. He had a lot of respect for him. Also, he thanked Chairman McMahan, Commissioner Deitz and Mr. Wooten for representing the county at County Assembly Day.

**(c)** Commissioner Jones also thanked Chairman McMahan, Commissioner Deitz and Mr. Wooten for going to Raleigh on behalf of the county. Also, he attended a Council on Aging meeting that day and the council was very pleased with the Commissioners' approval of the In Home Caregivers list.

(d) Commissioner Greene requested a letter be sent to Delmar Robinson's family expressing their sympathy as well as acknowledging what a tremendous force he was in the development in that portion of the county.

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

(a) **Local Option Sales Tax Referendum:** President Tomas and Superintendent Murray are making a lot of public appearances to explain the proposed one quarter of one cent increase in the local option sales tax that if approved, would be used for education related capital projects for SCC and JCPS. Overall, they were receiving positive feedback as well as some concern. They would begin a public relations campaign next week in the local newspapers and radio station to inform the public about the referendum and the purpose for the referendum. They also added a link on the website that describes the proposed referendum in more detail.

(b) **NCACC County Assembly Day:** He traveled to Raleigh yesterday along with Chairman McMahan and Commissioner Deitz to attend the annual assembly day. The NCACC staff provided an update on the status of legislation in the short session and Speaker Tim Moore updated the group on the House Budget as well as other programs they are dealing with. They were able to visit Representative Joe Sam Queen in his office and Senator Jim Davis joined them for lunch. The three primary goals of the NCACC for this legislative session are legislation to eliminate the opportunity for school boards to sue county commissioners over local school funding, legislations to authorize optional revenue sources, and legislation and funding to expand access to broadband service.

(c) **Sales Tax Distribution:** He had received a spreadsheet from the NCACC regarding the sales tax issue. Last year, Jackson County was one of the counties that did not receive any allocation of those funds. There was now a bill in the legislature to make a \$17 mil reduction in that appropriation, which was part of that distribution of sales tax. Based on the spreadsheet, those counties that would receive no additional revenue would have to share in the reduction of that appropriation. He contacted both representatives and asked them to take a look at the bill since they were not a recipient of those revenues, it would be difficult to understand why they would be penalized by having their sales tax taken offset that appropriation. He would continue to monitor that situation.

(d) **Cashiers Chamber of Commerce Legislative Update:** He attended the annual legislative update hosted by the Cashiers Chamber of Commerce where April Riddle, western representative for Governor McCrory, provided the update.

(e) **Capital Projects:** The removal of the remainder of the old house adjacent to the old courthouse would begin the next week and the tree removal was scheduled for June 13, 14 and 15. The road from Main Street leading to the library will be closed to library traffic during this time because a crane will be set up to assist with the tree removal. Progress was continuing with the pedestrian bridge project with the installation of handrails on the Old Cullowhee Road side of the bridge and the paving of the parking lot and access walkway to the bridge. The general contractor has established a date of June 15<sup>th</sup> for the completion.

**(f) Future Meetings:**

May 20, 2016	11:00 am	Groundbreaking for Turf Project
May 23, 2016	6:30 pm	Region A
May 24, 2016	5:30 pm	Smoky Mountain Mental Health
June 2, 2016		Regular Meeting of Commissioners
		Public Hearing on FY 16-17 Budget
June 14, 2016		June Work Session
June 16, 2016		Regular Meeting of Commissioner
		Approval of FY 16-17 Budget

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

(a) Ed Harwood, Commander at the American Legion Post in Sylva, requested permission to have a flag retirement ceremony on the Saturday before Flag Day, in the gravel parking lot at the post building. They would have a metal receptacle in which they would properly dispose of the flags by burning them. If he obtained the Commissioners' approval, he would seek permission from the town and fire department. Also, he appreciated Commissioners honoring police week.

Chairman McMahan stated they would provide a letter approving the request.

(b) Ron Mau of Cullowhee stated his disagreement with the proposed ¼ cent sales tax referendum. He stated that increasing the tax would place a burden on the poor, less fortunate and vulnerable and that it was not a solution and never a good thing.

(c) Roy Burnette of Sylva stated students in the county's public schools were excelling in arts, academics and sports. He stated that in two weeks everyone would have the opportunity to vote on a referendum for ¼ of one penny that would contribute to the capital projects for the schools to fund and continue to expand the quality of programming, of which the students would be able to stay in a nice facility and learn to prepare themselves for the challenges of life. He called for support for the tax.

**(8) CONSENT AGENDA:**

(a) Darlene Fox, Finance Director, presented the Finance Report for April, 2016 and seven Budget Ordinance Amendments for fiscal year ending June 30, 2016, for approval.

(b) Brandi Henson, Tax Collector, presented Tax Collector and Refund Reports for April, 2016, for approval.

(c) Tony Elders, Director of Permitting and Code Enforcement, stated that six applications had been received for a fireworks displays:

- Lonesome Valley for Sunday, July 3rd
- Country Club of Sapphire Valley for Sunday, July 3<sup>rd</sup>
- Chamber of Commerce (Downtown Sylva) for Monday, July 4<sup>th</sup>
- Village Green (Cashiers Rec Center Area) for Monday July 4<sup>th</sup>
- Mountain Top Club for Monday, July 4<sup>th</sup>
- Chattooga Club for Monday, July 4<sup>th</sup>

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

**(9) CDBG SCATTERED SITE HOUSING GRANT 12-C-2421:** Cheryl Wilkins, Housing Director, Mountain Projects, Inc., stated that the county received a grant in the amount of \$225,000 to rehabilitate four homes and complete emergency repairs on two homes. Rehabilitation on each home not to exceed \$40,000 or \$38 per SF and emergency repairs were not to exceed \$5,000 per home. All funds were expended, six homes were rehabilitated and two homes completed with emergency repair funds. Due to the square foot limitation on the amount of funds to be spent on rehabilitation of each home, two additional homes were able to be rehabilitated. Additional funds in the amount of \$23,800 were used to make these projects work. In addition to these funds enabling the work to be completed, they also enabled additional energy efficiency measures to be completed, which helps to lower future utility bills for the clients.

***Motion:*** Commissioner Jones moved to approve the closeout of the CDBG Scatter Site Housing Grant 12-C-2421. Commissioner Elders seconded the Motion. Motion carried by unanimous vote.

**(10) PROPOSED BUDGET FY16-17:** Mr. Wooten stated that the FY 16-17 proposed budget included the new tax values established as of January 1, 2016, with the completion of the revaluation. As they were aware, the last revaluation was implemented on January 1, 2008. The total projected tax base for FY 16-17 including motor vehicles is \$9,265,750,717 and is \$2,321,667,042 (-20%) less than the FY 15-16 tax total tax base. Real property represents 96.7% of the total tax base or \$8,958,404,570 which has been reduced by \$73,696,500 to allow for potential tax value appeals. In accordance with the North Carolina General Statutes, a revenue neutral tax rate has been calculated using the formula prescribed by the Local Government Commission, a department of the N.C. State Treasurer. The revenue neutral tax rate is \$.354 as compared with the FY 15-16 tax rate of \$.28. The budget as prepared requests a tax rate of \$.37 that will generate gross ad valorem taxes in the amount of \$33,146,097 of which \$32,048,961 is budgeted based on the FY 14-15 collection rate of 96.69%. The additional funds above the revenue neutral tax rate are requested to fund increases in the contracted amount for Emergency Medical Services (\$942,324) and to provide additional funds for transfer into the capital reserve account for capital projects. The second largest revenue source is sales tax and the budget as projected includes an increase of \$1,086,708 or 11.6% increase over the FY 15-16 budget.

**(a) Salary Increase:** The proposed budget includes a one-step increase for all full time employees of the county which equates to approximately 2%.

**(b) Longevity Pay:** In addition, the longevity pay plan as approved last year will be continued and 2.5 days of bonus leave will be provided to each full time employee.

**(c) Classifications:** Based upon a salary study conducted by the Director of Human Resources, several reclassifications are proposed. In addition, this budget implements a living wage rate of pay that guarantees every full time and permanent part time employee an hourly rate of at least \$11.00 (\$22,880) if the employee receives health insurance provided by the employer or at least \$12.50 per hour (\$26,000) without employer provided health insurance.

**(e) New Positions:** For the most part, they held the line on requesting new positions with the following exceptions: Election Specialist (70%), Income Maintenance Coordinator (DSS), Social Work Auditor (20%) (DSS), and Front Desk Associate (50%) (Aging). They would continue to monitor workloads and performance to determine if additional staff support is required to meet departmental expectations in those areas where positions were requested but not proposed.

**(f) Public Schools:** The proposed budget provides funding for the Public Schools at the level as requested. Funds for current expense activities in the amount of \$6,826,207 are provided and \$1,030,700 in capital funds is included. The capital allocation includes an increase of \$75,000 for preventative maintenance expenditures. They were continuing to work with the School Board and Administration to establish a five year plan for capital improvements. Previously, \$9 million was allocated to the school system to address critical capital improvements which were essential for the safe and secure operation of the schools. For the most part, the designated sales tax revenue for school capital construction provides the funding to support the capital improvements plan of the school system. The budget includes \$247,362 from lottery proceeds and those funds are designated to pay the debt service associated with Fairview Elementary School.

**(g) Southwestern Community College (SCC):** Southwestern Community College will receive current expense funds in the amount of \$1,940,028 which is increased by \$42,547 or 2.24% over FY 15-16. Capital outlay funds in the amount of \$1,405,670 are provided to address site improvements (\$223,670), new maintenance building (\$700,000), and to renovate Summit Building (\$482,000).

**(h) Fontana Regional Library:** Funding for the Fontana Regional Library is proposed at \$1,076,622 which is approximately 6% greater than the previous year. These additional funds are provided primarily to cover salary increases and increases in health care costs. In addition to the transfer to Fontana Regional Library, \$69,000 is included in the county budget for utilities, building maintenance, and insurance costs associated with the Library in Sylva and the Albert Carlton Library in Cashiers.

(i) **Non-Profits:** The county continues to provide generous support to non-profits and other governmental type entities in the community totaling almost \$700,000. The proposed budget includes new allocations to the Appalachian Women’s Museum, Blue Ridge Dental Clinic, Circles of Hope, and Tuckasee Substation Community Center. In addition, \$20,000 has been earmarked for the restoration of the municipal grant program which allows municipalities in the county to submit grant proposals for special community projects not to exceed \$5,000. An unreserved pool of funds has been set aside in the event special non-profit matching opportunities arise during the year.

(j) **Fire Departments, Rescue Squads, Ambulance Services:** Fire departments and rescue squads will receive a 2% increase in their annual operating allocations. Additional funds for Harris Hospital EMS and Glenville Cashiers EMS are provided and four year contracts will be negotiated. The funds that were previously allocated to the Cashiers Fire Department have been set aside in a reserve account for future building payments associated with a new substation at Savannah Fire Department and a new building for the Cullowhee Fire Department. The fire tax for Cashiers and Highlands are continued at the revenue neutral tax rates.

(k) **Capital Projects:** In keeping with past practice, the departmental capital requests are being removed from the individual departmental accounts and \$762,563 is being placed into a reserve account until after the FY 15-16 audit is completed. This amount represents approximately 75% of the requested amount and allocations will be released based upon written justifications. Delaying the release of these funds will assure that the General fund balance was not negatively impacted by operations during the FY 15-16 fiscal year and it will also maintain the fund balance at the level established by the Commissioners in their fund balance policy. The budget also includes transfers to other funds in the amount of \$6,352,594 to support capital projects, recreation and conservation, debt service, green energy park, economic development, revaluation, and school capital reserve. Finally, a contingency of \$293,184 is established as well as a reserve for salary adjustments in the amount of \$25,000.

He requested that the Commissioners call for a public hearing on the proposed budget for June 2<sup>nd</sup> to allow any public comment about the budget. A copy of the proposed budget will be placed on the county website and hard copies will be available for public inspection at the County Manager’s and Finance Director’s offices. By statute, the budget must be approved by July 1, 2016 and he hoped the Board would be prepared to approve the budget at the June 16<sup>th</sup> meeting. He believed the budget was reasonable, addresses the priorities of the Commissioners, and will serve the citizens of the county very well.

***Motion:*** *Commissioner Greene moved to set a public hearing on June 2<sup>nd</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.*

**(11) CASHIERS COMMERCIAL AREA LAND DEVELOPMENT ORDINANCE AMENDMENTS:** Michael Poston, Planning Director, stated that the Cashiers Planning Council and the Planning Staff had worked on developing regulations for food carts/trucks and sandwich board signs in the planning area. Currently, there were no specific regulations allowing either use. These topics had been areas of discussion in the Cashiers Community and he believed that these proposed amendments reflected a balanced approach in allowing new uses with standards that were consistent with the community and are as follows:

**(a) Food Trucks and Carts:**

(7) *Food Trucks and Carts – Village Center District (VC)*

(a) *Food trucks/carts may only be allowed within the Village Center zoning district during permitted temporary events (temporary events require temporary use permit).*

(8) *Food Trucks and Carts – General Commercial District (GC)*

(a) *Food trucks/carts shall only be permitted to operate from dawn to dusk. Food trucks/carts shall not operate after dark and shall not be on the permitted property when not in operation.*

(b) Food trucks/carts shall not have permanent accessory structures associated with their food vending business (bathroom, picnic tables, storage, etc.)

(c) Food trucks/carts shall not have signage displayed that is not permanently attached to the vehicle (truck/cart). Temporary signage attached to the food truck/cart will not be permitted.

(d) Food trucks/carts may have accessory lighting that is specific to the safe travel of their patrons (vehicles, pathways). All accessory lighting will be operated by the food truck/cart and not a permanent service.

(e) Food trucks/carts must have a minimum property area (lot size) of 0.40 acres to operate their business and a minimum of 4 parking stalls (for the first food truck/cart).

- Each additional food truck/cart on the same property will be required to have an additional area of 0.25 acres and 2 additional parking stalls. There shall not be more than 4 food trucks/carts permitted on one lot at any time.

(f) Food trucks/carts must be entirely self-contained. Temporary or permanent electrical services will not be permitted unless required by the North Carolina State Building Code.

**(b) Sandwich Board Signs:**

Stationary Sandwich Boards and Stationary Vertical Sidewalk Signs shall be allowed in the Village Center and General Commercial districts. The signage shall not exceed a height of 60 inches or a width of 30 inches with no more than two surface areas. The structure (frame) shall be of a standard wooden design approved by the Jackson County Planning Department. Signs shall be self-supporting; signs that are supported by stakes, posts, buildings or other structure, will not be permitted. Signage shall be constructed of materials that do not rapidly deteriorate, easily deface, degrade or become a hazard to the safety and general welfare of the public in any way. The face of the sign shall be black or chalkboard paint with the lettering/logo color of the merchant's choosing. Each business is allowed one sign per property immediately adjacent to their place of business. The sign shall not impede the flow of pedestrian traffic, impede sightlines of motor vehicles or be placed in the public right-of-way. Signs may only be displayed during business hours. Permits for the placement of signage shall be issued by the Jackson County Planning Department and a sign permit fee set by the Jackson County Board of Commissioners shall be applied.

The Cashiers Planning Council held a public hearing for the proposed text amendments on March 28, 2016 and recommended them to the Planning Board. The Planning Board held their public hearing on the amendments on May 12, 2016 and recommend adoption to the Board of Commissioners. In accordance with the Cashiers Commercial Area Land Development Ordinance and state statute, the Board of Commissioners would need to call for a public hearing on the proposed text amendments. He requested that the Board of Commissioners call for a public hearing to consider the proposed food cart/truck and sandwich board sign amendments to the Cashiers Commercial Area Land Development Ordinance.

**Motion:** Commissioner Jones moved to set a public hearing on June 2<sup>nd</sup> at 5:55 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.

**(12) CULLOWHEE PLANNING COUNCIL:**

**Motion:** Chairman McMahan moved to appoint James Lewis to serve a term on the Cullowhee Planning Council as an At Large appointment. Commissioner Elders seconded the Motion. Motion carried by unanimous vote.

**(13) HISTORIC PRESERVATION COMMISSION:** Carry over.

**(14) PRESS CONFERENCE: None**

There being no further business, Commissioner Elders moved to adjourn the meeting. Commissioner Jones seconded the Motion. Motion carried and the meeting adjourned at 7:00 p.m.

Attest:

Approved:

\_\_\_\_\_  
Angela M. Winchester, Clerk to Board

\_\_\_\_\_  
Brian Thomas McMahan, Chairman