

**MINUTES OF A
REGULAR MEETING
OF THE JACKSON COUNTY
BOARD OF COMMISSIONERS
HELD ON
OCTOBER 16, 2017**

The Jackson County Board of Commissioners met in a Regular Session on October 16, 2017, 6:00 p.m., Justice & Administration Building, Room A201, 401 Grindstaff Cove Road, Sylva, North Carolina.

Present: Brian McMahan, Chairman
Charles Elders, Vice Chair
Boyce Deitz, Commissioner
Mickey Luker, Commissioner
Ron Mau, 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 amended the agenda by adding one item: Vacation Request.

Commissioner Mau stated a lot of people had talked to him over the past weekend and they indicated that having seen the Brunch Bill issue in the newspaper on Thursday was not adequate time to be able to attend the meeting and make comments. It was also requested that the Commissioners hold a public hearing on the matter. He requested that Item 9 Brunch Bill SB155 be removed from the agenda and he requested that the Board set a public hearing on the matter.

Chairman McMahan stated he was agreeable to remove the item from the agenda that day, but if the Board did vote to remove the item, he wanted them to follow through with the public hearing. He wanted to give the public plenty of opportunity to speak and share their opinions and that after the public hearing, the Commissioners would take a vote and either vote the issue up or down and let the voters know how they stand on the issue.

Commissioner Mau moved to approve the amended Agenda. Commissioner Elders seconded the Motion. Motion carried.

(2) **MINUTES**: Commissioner Elders moved to approve the minutes of a Regular Meeting of October 09, 2017. Commissioner Mau seconded the Motion. Motion carried.

(3) **CHAIRMAN'S REPORT**: Chairman McMahan stated he wanted to clarify for the record, that the Board met last week to start the discussion and consideration of the Brunch Bill - Senate Bill 155 and it was reported that past week in the newspaper that he intended to vote in favor of the bill, which was not the case. He never indicated either way how he would vote, he only agreed to allow the request on the agenda. No decision had been made yet and the Board welcomed the public's comments. He had a very deep held summary of how he felt and how he would vote, which he would share in depth when it came to the point of a vote.

(4) **COMMISSIONER REPORTS**:

(a) Commissioner Deitz stated he clarified how he felt about the bill at the work session and that was how he stood on it.

(b) Commissioner Elders welcomed all the people that were at the meeting. He felt a lot of them were there regarding the Brunch Bill, for or against it. He encouraged them to feel free to speak and everything they said would be taken into consideration. As far as his comments he made last week, he still stood and it would be a “no” vote.

(c) Commissioner Luker stated that only Commissioner Deitz and Commissioner Elders really stated how they felt at the work session last week. He had stated that they needed to have a public hearing to hear both sides. He appreciated all of the phone calls he had received on both sides of the issue and they would be taken into consideration when they did make their decision. He thought it was only right to hear everyone’s side and not make a hasty decision on the matter. He appreciated every comment he had received.

(d) Commissioner Mau stated he appreciated all of the comments he had received.

(5) **COUNTY MANAGER REPORT:** Mr. Adams stated he had one update to give regarding Highway US 64 in Cashiers. Approximately, one mile west of the crossroads, there were issues where there was a failure of underground storm sewer pipes and NCDOT would need to shut the highway down on a temporary basis. There had been a state of emergency declared by the state engineer, which allowed them to put this out to bid under an emergency situation. They had accepted and awarded the bid that day. The end time for the contract was to be Thursday, October 19th at 4:00 p.m. Bonuses were offered to the contractor if the project completed sooner.

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

(a) Mark Jones of Cashiers stated he would reserve his comments for the public hearing.

(b) Stephanie Edwards of Cashiers stated that she would also reserve her comments for the public hearing, but she did feel compelled to say that she hoped the Board would remain open minded until they could hear from the hundreds of people that were significantly impacted by this opportunity. This was not an issue that was trying to be disrespectful to the churches. It was an economic issue and it was all about leveling the playing field for small businesses in unincorporated areas in the county. She had more than 25 companies in Cashiers in support of the bill. She compelled the Board to be open-minded as this would benefit all of the county in terms of taxes, jobs and revenues that would otherwise flow elsewhere.

(c) Austin Frady of Sylva stated he would reserve his comments until the public hearing, but would say that he strongly opposed the Brunch Bill.

(d) Reva Lewis of Sylva stated that she considered all of the Board members her friends. She was totally against all of this. She had children, grandchildren and great-grandchildren and she did not approve of all of the alcohol flowing through the county. She wanted them to think about this really hard and pray about it.

(e) Chassidy Buchanan of Sylva stated she wanted them to think about their children and grandchildren. The town was not the way it used to be. She was not judging anyone, but if they had to go out and get a drink at 10:00 in the morning, they were probably an alcoholic. She was concerned about people driving and drinking.

(f) Johnny Davis of Whittier stated that if anyone had ever grown up in alcohol, it made you despise it. His dad was an alcoholic. They needed to get rid of the alcohol and get it out of the county. He did not believe there was that much profit in those hours – money was not worth it.

(g) David Blanton of Sylva stated he carried scars from alcoholism. He spent time as a paramedic and in emergency management and he saw firsthand what it had done to families. He had seen people killed in car wrecks because of alcohol and driving drunk. Was alcohol really worth it?

(h) Doug Waldrop of Sylva stated he had been here for less than two years after serving 28 years so that they could sit there. He stated he was going to make it an economics fight. They would go back to the two-year referendum and get the alcohol out of the county.

(i) Robert Matthews of Whittier stated he had seen what alcohol had done to families. He could not see how two hours could make a real economic impact. He would appreciate the Board to consider a “no” vote.

(j) Linda Burton of Sylva stated she saw how alcohol affected families first hand. It was not worth it with the DUI's and rehab costs.

(k) Bobby Brooks of Sylva stated he lived in the county his whole life and lived across the road from the ABC Store. With the cost of rehab and medical cost, where was the profit in this? Before, stores were closed on Sunday morning in town. They needed to get back to what was right and respect the Sabbath.

(l) Davit Pruitt of Whittier urged the Board not to compromise on morals for a few extra tax dollars. There were enough problems without two more hours of drinking. There were too many drugs in the county and things had been let go and there was change needed.

(m) Jared Stevens of Sylva stated he was a former alcoholic and now he was a born again Christian and pastor of a local church. He thought disrespect may not be intended, but it would happen. He knew the entire county was not at the meeting, but those were the people who did show up, short notice or not. He asked that the Board consider everyone.

(n) Jason Stevens of Sylva stated he was strongly against the bill, if anything, they need less alcohol, not more. On the economic issue, he had worked at Harold's Supermarket for several years and they never sold alcohol and the business had survived without selling alcohol.

(o) Jennifer Reed of Whittier stated she had lived there her whole life. The DARE program was strong when she was in school. She had two sons and did not want them exposed to the alcohol and drugs. As a Christian, she would stand for Christian values.

(p) Matthew Nations of Sylva stated he loved each of the Commissioners and would be praying for them. Two years ago, he would not have been caught standing there, but by the grace of God, he was what he was and he was a Christian and he was 110% against this. He prayed they would make the right choice.

(q) Ashley Taylor of Sylva stated she had seen how alcohol could severely impact young people and she was not in favor of the bill.

Chairman McMahan stated he wanted to clarify that this bill called "The Brunch Bill", Senate Bill 155, passed both Houses of the General Assembly and was signed into law by the Governor. It gave counties and municipalities the opportunity to expand the sale of alcohol through a retail store, restaurant or where ever had the appropriate permits. It would allow for the sale of alcohol to be expanded from 12 noon on Sundays to 10:00 a.m. on Sundays.

In Jackson County, they were unique in that they had the Town of Sylva and the Town of Dillsboro, both of which were municipalities with their own governing boards and they also had restaurants that were located within those municipal boundaries. The Town of Sylva had taken up the Brunch Bill and they did adopt it. So, it would happen in those restaurants in the downtown Sylva area that had the proper permits.

Also, the county was really unique in that it had Cullowhee and Cashiers, which were unincorporated communities that had restaurants. For any restaurants in the county that were located outside of the municipal boundaries, those were the areas that would be impacted the greatest with restaurants and establishments being able to sell alcohol two hours earlier. That was why the Board was being asked to take this item up and vote on whether to do it or not.

He appreciated everyone coming out and the Board would set a date for a meeting where they would invite the public to come back and share more comments. After the public hearing, the Board would deliberate and take action on the issue so that the public would know where they stood. The law did require the first vote to be unanimous or it would have to come up for a second reading and would be voted on again.

Chairman McMahan called for a five minute recess.

Chairman McMahan called the meeting back to order.

(7) CONSENT AGENDA:

(a) Darlene Fox, Finance Director, presented the Finance Report for September, 2017 and one Budget Ordinance Amendments for fiscal year ending June 30, 2018, for approval.

(b) Brandi Henson, Tax Collector presented, Tax Collector and Refund Reports for September, 2017, for approval.

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

Commissioner Deitz requested a report on how many citizens took advantage of the limited time “free of charge” at the transfer station for storm debris.

Mr. Adams stated he would request the Public Works Director to attend an upcoming meeting and provide that information. The program would run through the end of October.

(8) SIDEWALK OWNERSHIP AND MAINTENANCE: Michael Poston, Planning Director, stated that as a follow-up to the October 10th Board of Commissioners’ work session, staff requested that the Board adopt the following motion to authorize the County Manager to accept and maintain sidewalks developers constructed in accordance with the county ordinances and to execute three party agreements with NCDOT: “To authorize the County Manager to accept and maintain sidewalks that were constructed in the zoned districts per ordinance requirements (Cashiers Commercial Land Development, US 441 Development, and Cullowhee Community Planning Area Development) and to execute required three party encroachment agreements with NCDOT and property owners”.

Motion: Commissioner Deitz moved to authorize the County Manager to accept and maintain sidewalks that were constructed in the zoned districts per ordinance and to execute required three party encroachment agreements with NCDOT and property owners. Commissioner Mau seconded the Motion. Motion carried by unanimous vote.

(9) VACATION REQUEST: Danielle Wittekind, Human Resource Director, presented a request for annual leave for Paul Warren for a period of November 20, 2017 to December 08, 2017. The request was for a period greater than two weeks. The Human Resources Manuel stated that “No more than two consecutive weeks of annual leave may be taken by an employee at any one time without approval of the Jackson County Board of Commissioners”.

Motion: Commissioner Elders moved to approve the request to grant annual leave for Paul Warren for a period of November 20, 2017 to December 08, 2017. Commissioner Mau seconded the Motion. Motion carried by unanimous vote.

(10) CULLOWHEE VOLUNTEER FIRE DEPARTMENT: Mr. Adams stated that this item was a follow up from the work session where the Board accepted the following information:

- Subtotal: \$4,087,500
- minus \$180,000 - omit solar hydronic floor heat system
- County to release the \$113,000 A/E fees that were advanced
- New Loan amount to \$3,794,500
- Board agreed to approve \$3,800,000 loan
- The VFD received the new term of the \$3,800,000:
 - 3.125% fixed rate
 - \$98,083.49 due semi-annually

Motion: Commissioner Luker moved to grant authority to the Chairman to sign a new letter to LGFCU for a loan amount of \$3.8mil and to release the \$113,000 A/E fees that were advanced. Commissioner Mau seconded the Motion. Motion carried by unanimous vote.

(11) COOPERATIVE EXTENSION RAISES: Mr. Adams stated that this item was a follow up from the work session. The state had given two of the Extension Staff state raises and approval was needed for the county to match:

- Christie Bredenkamp: \$250 state / \$250 county (\$125 for each Swain and Jackson)
- Rob Hawk: \$1,230 state / \$1,230 county (\$615 for each Swain and Jackson)

Motion: *Commissioner Deitz moved to grant the match for the two Extension Staff employees, as presented. Commissioner Mau seconded the Motion. Motion carried by unanimous vote.*

(12) CDBG SCHOOL INFRASTRUCTURE GRANT: Mr. Adams requested that a public hearing be set for a CDBG School Infrastructure Grant. This grant was regarding the water system upgrade at Blue Ridge School. In order to qualify for the grant, the School was required to have a 75% survey response rate, which they worked very hard to achieve. The grant was due on November 1st and in order to meet the deadline, a public hearing and two special meetings would need to be set:

- October 30, 2017 at 8:30 a.m. for CDBG School Infrastructure Grant Public Hearing
- October 30, 2017 at 8:35 a.m. for consideration of a CDBG School Infrastructure Grant
- October 30, 2017 at 8:40 a.m. for consideration of approval of the minutes.

Motion: *Commissioner Elders moved to set a public hearing on October 30th at 8:30 a.m.; a Special Meeting at 8:35 a.m.; and a Special Meeting at 8:40 a.m., to be held at the Justice & Administration Building, Room A201, 401 Grindstaff Cove Road, Sylva, North Carolina. Commissioner Mau seconded the Motion. Motion carried by unanimous vote.*

Commissioner Luker stated he was amazed at the comments he had heard from staff, parents and the PTA at Blue Ridge School on how they all worked together diligently to make sure they received the survey response rate needed for the grant. They took this very seriously and understood what it meant for the school.

(13) HEALTH DEPARTMENT AND DSS SPECIAL MEETING:

Motion: *Commissioner Mau moved to set a special meeting on November 16th at 6:00 p.m., to be held at the Department on Aging “Heritage Room”, 100 County Services Park, Sylva, North Carolina. Commissioner Elders seconded the Motion. Motion carried by unanimous vote.*

Mr. Adams stated he would be following up in the next week or two regarding the meeting for Frank Allen Road.

Chairman McMahan stated they could take time to consider a time and a place to set a public hearing for the Brunch Bill and come back with suggestions.

(14) TOURISM DEVELOPMENT AUTHORITY RESOLUTION (R12-34) AMENDMENT: Robert Jumper, Tourism Development Authority Chairman, stated that at the August 16th regular board meeting, the TDA unanimously agreed to recommend to the Commissioners, for their consideration, a reduction in their board size from 15 to 9 members.

With one vacancy, five board members rotating off that year and one board member that would be stepping down in December, it would be the ideal time for this reduction. With those changes, they would have nine members on the board without removing any sitting board members.

They also suggested:

- At least one half of members should be active in the promotion of travel and tourism in Jackson County.

- Group One – (3) Lodging Properties; (2) Hotel/Resort/Inn Properties - North Jackson County; (1) from other occupancy tax remitters from establishments with 10+ units/rooms.
- Group Two – (3) Lodging Properties; (2) Hotel/Resort/Inn Properties - South Jackson County; (1) from other occupancy tax remitters from establishments with 10+ units/rooms.
- Group Three – (1) Tourism-related business representative from Jackson County At-Large.
- Group Four – (1) representative from the Cashiers Chamber of Commerce in a non-lodging, tourism related business (who is not employed by the CACOC). The Executive Director from the Cashiers Area Chamber of Commerce. The Executive Director will be an ex officio member with no term limit.
- Group Five – (1) representative from the Jackson County Chamber of Commerce in a non-lodging, tourism-related business (who is not employed by the JCCOC). The Executive Director from the Jackson County Chamber of Commerce. The Executive Director will be an ex officio member with no term limit.
- Section 3: Terms of Appointments. The initial terms of the members of the Authority shall be as follows:
 - A. One year term: two members from Group One, two members from Group Two and one member from Group Three.
 - B. Two year term: two members from Group One, two members from Group Two and one member from Group Three and one member from Group Four.
 - C. Three year term: one member from Group One, one member from Group Two, one member from Group Three, one member from Group Five.

Thereafter, all terms shall be for three years except, in order to continue rotating membership, when there is a reconfiguration of the Board Members by Resolution of the Commissioners, one member of Group One and one member of Group Two may have their current term extended for an additional year. Reappointment to the Authority shall be limited to two consecutive terms with eligibility for another appointment after sitting out for one year. Any member of the Authority may resign by a written resignation with the Chairperson of the Authority.

- Section 9: Quorum. A majority of the number of directors fixed by these By-Laws shall constitute a quorum for the transaction of business at any meeting of the Board of Directors.

All of the recommendations had been vetted by the County Attorney and found to be compliant with the enabling state legislation. A public hearing was held prior to this meeting with no public comment.

Motion: *Commissioner Mau moved to adopt the amendments to the Tourism Development Authority Resolution R12-34, as presented. Commissioner Luker seconded the Motion. Motion carried by unanimous vote.*

(15) PUBLIC TRANSPORTATION PROGRAM RESOLUTION (R17-18): Norma Taylor, Assistant Transit Director stated that 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. Capital consisted of one replacement lift equipped conversion van including lettering/logos, two propane bi-fuel systems, three computers and one server. The 5310 program supported operating costs for elderly and disabled transportation as well as a Mobility Manager position that assists this population to better serve their transportation needs.

Listed below was the estimated funding request which includes the match required by the county for each program:

Project	Total Amount	Local Share
Operating Funds	\$175,000	\$87,500 50%
Mobility Manager	\$50,529	\$5,054 10%
TOTAL	\$225,529	\$92,554
	Total Funding Request	Total Local Share

The total estimated amount requested within the 5311 program for the period of July 1, 2018 through June 30, 2019:

Project	Total Amount	Local Share
Administrative	\$180,792	\$27,119 15%
Capital (Vehicles and Other)	\$75,471	\$7,548 10%
TOTAL	\$256,263	\$34,667
	Total Funding Request	Total Local Share

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

Motion: *Commissioner Luker moved to approve the 5310 and 5311 Program Grant Resolution R17-18, as presented. Commissioner Elders seconded the Motion. Motion carried by unanimous vote.*

(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 for one item. Commissioner Elders 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.

There being no further business, Commissioner Luker moved to adjourn the meeting. Commissioner Mau seconded the Motion. Motion carried and the meeting adjourned at 9:00 p.m.

Attest:

Approved:

Angela M. Winchester, Clerk to Board

Brian Thomas McMahan, Chairman