

**MINUTES OF A
REGULAR MEETING
OF THE JACKSON COUNTY
BOARD OF COMMISSIONERS
HELD ON
NOVEMBER 25, 2019**

The Jackson County Board of Commissioners met in a regular session on November 25, 2019, 3:00 p.m., Justice and Administration Building, Room A201, 401 Grindstaff Cove Road, Sylva, North Carolina.

Present: Brian McMahan, Chairman	Don Adams, County Manager
Boyce Deitz, Vice Chair	Heather C. Baker, County Attorney
Mickey Luker, Commissioner (via speakerphone)	Angela M. Winchester, Clerk to Board
Ron Mau, Commissioner	
Gayle Woody, Commissioner	

Chairman McMahan called the meeting to order.

(1) **AGENDA**: Commissioner Woody moved to approve the agenda. Commissioner Mau seconded the Motion. Motion carried.

(2) **MINUTES**: Commissioner Mau moved to approve the minutes of a Regular Meeting of October 29, 2019. Commissioner Woody seconded the Motion. Motion carried.

(3) **CHAIRMAN'S REPORT**: Chairman McMahan welcomed former Jackson County Commissioner Roberta Crawford, who was in the audience. He had the great honor and privilege to have served with her and he appreciated her being in attendance.

(4) **COMMISSIONER REPORTS**:

(a) Commissioner Woody stated that she had the privilege to attend the Nurse Family Partnership Graduation and they had 20 participants. It was a wonderful program through Southwest Child Development that partnered nurses with new mothers and they followed them for two years. The outcomes for those families was wonderful and they were pleased to see the program do so well.

Also, she attended the Recreation Department's quarterly meeting of the Advisory Board. They were very pleased that Savannah Park had been completed. They reported that there had already been ten shelter rentals at that park. She thought that illustrated how great it was to have regional pocket parks within the county. They wanted to express their thanks to the Commissioners for filling that request.

(b) Commissioner Deitz stated that he had been on a cruise with his family. One thing that impressed him was that there were 70 different nationalities of people working on the cruise and it was flawless the way they worked together and got along. He thought they could all get along so much better everywhere and it would be so beautiful.

Also, the Cattlemen's Association had their Thanksgiving meal at the Extension Office. Out of all the counties, they chose to have the meal in Jackson County because they were so impressed with the Extension Office they had.

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

(a) October 2019 Zoning and Building Permits: The report 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 two commercial zoning permits and three renovation/addition permits in the month of September. Code enforcement issued one commercial permit and three renovation/addition permits in the month of October.

(b) Community Services Center: The project was 38% complete through October. The installation of the new roof had started, wall framing was near completion and the electrical/HVAC rough-in continued. The storm sewer installation was near completion.

(c) Animal Rescue Center: A proposed architectural agreement and proposed project ordinance would be presented to the Board for discussion at the December 10th work session.

(d) Indoor Pool: Subsurface exploration (test pits) was completed on October 24th. ClarkNexsen conducted a follow up meeting with staff and stakeholders on November 20th. ClarkNexsen would provide an update to the Board at the December 10th work session.

(e) Board of Social Services: Commissioners appointed Charles Wolfe and Dana Tucker on June 4th. The Social Services Commission appointed Kathy Farmer and Sherry Rogers on September 11th. The first Board Meeting was held on November 5th. During that meeting, they elected officers: Dana Tucker, Board Chair and Sherry Rogers, Vice Chair. They also elected their fifth member Sue Evans. The next Board Meeting would be on December 17. Beginning in January 2020, the meetings would be held on the second Tuesday of the month at 9:30 am.

(f) Millennial Campus Apartments – Erosion and Water Quality Violations: He shared a copy of the letter sent to Governor Cooper and Secretary Regan.

(g) 271 Keener Street Property: The county assumed control of the property on November 22nd. Staff secured the facility and cleaned the area. The next steps would be to proceed forward to get a cost to demo and determine what they would do with the property.

Commissioner Woody stated that she was contacted by a parent of a student that lived in one of the houses below the Millennial Project and she wanted to know if it was safe.

Mr. Adams stated that the last he heard, an engineer firm evaluated the site and provided information to Code Enforcement and Emergency Management to a point that they were able to lift the evacuation notice. At that point it became a landlord issue. From a safety perspective, they had no reason to not allow them to move in. Of course, the one unit had remained condemned.

Commissioner Woody asked if someone was taking readings on the bank to make sure it was not moving.

Steve Beasley, Chief Erosion Control Officer, stated he did not know. He did receive an email about the scope of work and they had not completed what the state had wanted to be done.

Mr. Adams stated that they were currently still in the same status as far as building inspections as last week.

Commissioner Woody stated that this parent was concerned that another rain event could cause something to happen to jeopardize her daughter's safety. She was told that at some point they were monitoring it on an ongoing basis and if there was any shift, they would be notified.

Mr. Adams stated that they had to rely on the engineering report as to whether or not it was safe. He would follow up with Tony Elders, Permitting and Code Enforcement Director and provide the information to the Board.

Commissioner Deitz asked if there were any problems at the site on Saturday after the rain?

Mr. Beasley stated that he went by the site that morning and there were no problems.

(6) INFORMAL COMMENTS BY THE PUBLIC: None.

(7) CONSENT AGENDA:

(a) Darlene Fox, Finance Director, presented the Finance Report for October and two Budget Ordinance Amendment for fiscal year ending June 30, 2020, for approval.

Commissioner Luker asked if the Article 46 growth was what had been anticipated and calculated? Ms. Fox stated that it was right at what they had projected. Of course, they were only one month into the year and it would take a couple of months to be able to tell.

(b) Brandi Henson, Tax Collector, presented the Tax Collector and Refund Reports for October, 2019, for approval.

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

(8) PINE CREEK STAFFED RECYCLING CENTER LEASE: Ms. Baker stated that this was a lease the county had for some time on the Pine Creek SRC site. The term was set for one year with automatic renewals and a 180 termination clause for either side. The rental would remain at the same amount of \$1,000 per month.

Motion: *Commissioner Mau moved to approve the Pine Creek Staffed Recycling Center Lease, as presented. Commissioner Woody seconded the Motion. Motion carried by unanimous vote.*

(9) OFFER TO PURCHASE AND CONTRACT FROM LAWRIMORE AND RESOLUTION R19-34:

Ms. Baker stated the Board had seen this information at a regular meeting in October and at their last work session. She received an offer from Donald C. Lawrimore for Lot 43, Black Rock Creek, containing approximately 6.90 acres (PIN #7655-61-9670) in the amount of \$4,000.00.

She presented Resolution R19-34 for consideration.

Motion: *Commissioner Mau moved to approve Resolution R19-34, as presented. Commissioner Woody seconded the Motion. Motion carried by unanimous vote.*

(10) OFFERS TO PURCHASE AND CONTRACT FROM WANG: Ms. Baker stated that she received two upset bid offers from Zhiheng Wang and Yurong Liu:

(a) Lot 7, Section B, Big Laurel Acres #2, 1.78 acres (PIN #7622-06-1924) in the amount of \$4,750.00.

(b) Lot 8, Section B, Big Laurel Acres #2, 0.68 acres (PIN #7622-06-2823) in the amount of \$4,750.00.

The original offers for these properties came from Marvin Ridge, LLC for \$3,340.00 each a few months ago. They sent these out to the adjoining neighbors and received three different upset bids. This was the final bid amount received.

Motion: *Commissioner Mau moved to approve the offers to purchase and contract from Wang and Liu, as presented. Commissioner Deitz seconded the Motion. Motion carried by unanimous vote.*

(11) MUNICIPAL GRANT APPLICATIONS: Mr. Adams stated that this item was presented to the Board at the last work session. They received grant applications from the following municipalities:

(a) Town of Sylva: Requested \$5,000 to relocate the crosswalk at intersection of Main Street and Evalina Street, extend the curb on Main Street and install additional street furnishings in the bump-out.

(b) Town of Webster: Requested \$5,000 to get hardwired electricity to the Veteran's monument and U.S. Flag located on Southwest Child Development property and to add signage for Webster Town Hall.

(c) Town of Dillsboro: Requested \$2,558.48 to remove bamboo and replace the asphalt with a 4” concrete surface at the parking area and sidewalk designated for a handicapped fishing pier at the Dillsboro Picnic Park

Motion: *Commissioner Deitz moved to approve the three municipal grant applications and fund requests, as presented. Commissioner Mau seconded the Motion. Motion carried by unanimous vote.*

(12) FIRE DISTRICT SERVICES COORDINATOR: Mr. Adams stated that John Bryson would be retiring from his position as a Fire District Services Coordinator – Sylva on January 1, 2020. Advertisement of this position vacancy would occur in the near future. The job description currently required a minimum of five years of progressively responsible experience in the Fire District Department. Mike Beck, Chief of the Sylva Fire Department, respectfully requested that the Board permit a job description change from a required minimum of five years to three years of progressively responsible experience in the Fire Department District.

Commissioner Deitz moved to table this item until next month. Commissioner Woody seconded the Motion. Motion carried.

(13) SAVANNAH COMMUNITY BUILDING REQUEST: Mr. Adams stated this item was discussed at the last work session. He received a request from Randy Cabe, President of the Savannah Community Development Center. They needed to remove several trees on the property behind the building that posed potentially hazardous conditions that could endanger the personal safety of those that could be on the grounds, as well as the building structure.

Considering their limited resources, additional heating and fuel expenses for winter months and additional needed repairs, they requested consideration of assistance in paying for the removal of the trees. The estimate for the work:

- Cutting of trees only \$6,700
- Cutting of trees/removal/cleanup \$12,200

He discussed this with Chad Parker, Public Works Director and if the trees were cut down, the county maintenance staff would remove the trees. The request would then be \$6,700.

Motion: *Commissioner Mau moved to approve granting assistance in the amount of \$6,700 for tree removal and for county staff to coordinate with the Department on Aging Firewood Program. Commissioner Woody seconded the Motion. Motion carried by unanimous vote.*

(14) RESOLUTION R19-35 FLEXIBLE BENEFIT PLAN AND FLEXIBLE BENEFIT PLAN SUMMARY: Ms. Fox stated that this was a restatement of the plan they already had on file from 2007. They switched to Flexible Benefit Administrators and had them develop a new plan. The resolution adopted the Flexible Benefit Plan, as authorized by Section 125 of the IRS Code of 1986 and the Summary Plan Description they gave to the employees for the plan. A flexible spending plan was a medical plan and a dependent plan for withholding that was pretax.

Motion: *Commissioner Mau moved to adopt the Resolution R19-35, as presented. Commissioner Woody seconded the Motion. Motion carried by unanimous vote.*

(15) AIRPORT AUTHORITY: *Carry over.*

(16) BUSINESS AND INDUSTRY ADVISORY COMMITTEE: *Carry over.*

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

(18) **PLANNING BOARD**: *Carry over.*

(19) **TOURISM DEVELOPMENT AUTHORITY**:

Motion: *Commissioner Woody moved to reappoint Kathy Korb and Megan Orr to serve additional three year terms, expiring December 02, 2022; appoint Robert Jumper to serve a three year term, expiring December 02, 2022; appoint Anna Thomas to fill the unexpired term of Laura Bowers, term expiring December 02, 2020; and to reappoint Ann Self as Chair for another one year term, expiring December 02, 2020, on the Tourism Development Authority. Commissioner Mau seconded the Motion. Motion carried by unanimous vote.*

(20) **TUCKASEIGEE WATER AND SEWER AUTHORITY**: *Carry over.*

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

Commissioner Woody recognized Hannah Hayes in attendance, who was an intern at DSS from Western Carolina University. Part of her requirement for class was to attend a Board of Commissioner meeting.

(22) **CLOSED SESSION**:

Motion: *Commissioner Mau 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 Deitz 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.

(23) **AGENDA**: Chairman McMahan requested to amend the agenda to add one item: Cancellation of First Right of Refusal for Pepsi Cola Bottling Company, Inc. Property. Commissioner Woody moved to approve the amended agenda. Commissioner Mau seconded the Motion. Motion carried.

(24) **CANCELLATION OF FIRST RIGHT OF REFUSAL FOR PEPSI COLA BOTTLING, INC. PROPERTY**: Chairman McMahan stated they received a request from Pepsi Cola Bottling, Inc. for a tract of land PIN#7603-38-0457 at 180 Clearwood Road, Whittier. They requested that the county to relinquish the first right of refusal on that parcel. It was written into the deed on that parcel obtained by the county through the Jackson Development Corporation. Pepsi had been known to be a good corporate sponsor in the community, a good neighbor, was very supportive of the athletic programs and was a large taxpayer.

Motion: *Commissioner Woody moved to grant the request to revoke the county's the right of first refusal on the property located at 180 Clearwood Road, Whittier. Commissioner Deitz seconded the Motion. Motion carried by unanimous vote.*

There being no further business, Commissioner Mau moved to adjourn the meeting. Commissioner Woody seconded the Motion. Motion carried and the meeting adjourned at 4:59 p.m.

Attest:

Angela M. Winchester, Clerk to Board

Approved:

Brian Thomas McMahan, Chairman