

**MINUTES OF A  
WORK SESSION  
OF THE JACKSON COUNTY  
BOARD OF COMMISSIONERS  
HELD ON  
MARCH 14, 2023**

The Jackson County Board of Commissioners met in a Work Session on March 14, 2023, 1:00 p.m., Justice and Administration Building, Room A201, 401 Grindstaff Cove Road, Sylva, North Carolina.

Present:	Mark A. Letson, Chairman	Don Adams, County Manager
	Todd Bryson, Vice Chair	Heather C. Baker, County Attorney
	Mark Jones, Commissioner	Angela M. Winchester, Clerk to the Board
	John W. Smith, Commissioner	Darlene Fox, Finance Director
	Tom Stribling, Commissioner	

Chairman Letson called the meeting to order.

**(1) PERMITTING SOFTWARE SYSTEM:** Tiffany Qualls, Permitting Software and Office Supervisor and Garth Magness, Tyler Technologies Senior Account Executive were present for this item.

Ms. Qualls stated the current permitting system was at the end of life and was no longer supported or able to be repaired.

She presented: Jackson County Permitting Committee outline:

**(a)** A Permitting Committee was formed and last August they held a kick-off meeting to discuss the future of the county's permitting software. There were 11 members from nine different county agencies appointed to the Committee:

Tony Elders, Director, Permitting and Code Enforcement  
Tiffany Qualls, Office Supervisor/Software, Administrator Permitting and Code Enforcement  
John Jeleniewski, Senior Planner, Planning Department  
Alicia Parham, Director, Environmental Health  
Travis Painter, Onsite Program Coordinator, Environmental Health  
Tabitha Ashe, Tax Administrator  
Zeb Holland, Emergency Management  
Allie Mathis, GIS Analyst  
Tiffany Henry, Director, Economic Development  
Kelly Fuqua, Director, IT  
Kerri Tucker, Assistant to the County Manager

**(b)** On September 14, 2022, the Committee held their first meeting. During this meeting, they worked together to create a scope of the project to be sure that all high priority items would be addressed during the search for a new system. Some major items they wanted in a new software were:

- A site that would allow permits to be issued for all permitting departments: Code Enforcement, Planning and Environmental Health. They decided it would be good to have a site that would allow for Emergency Management to use it as well for addressing and some incident reports.
- Access for the general public to allow them to search records, submit complaints and look at permits and inspections.
- A site that would help to make the permitting process more understandable for the public (i.e. property owners, business owners, contractors).

- Mobile access that would be available for use without cell signal for field inspectors to access data and result inspections.
- A site that would have a workflow that would involve all departments in approvals. This would especially be helpful in regulated/zoned areas.
- A system that would tie into and work well with the county's newest GIS system, ArcGIS Pro.
- A system that would allow a good way to track old and new parcel numbers related to permit records.

(c) Five software companies presented their software to the Committee:

- Accella
- Citizenserve
- iWorq Systems
- Evolve
- Tyler Technologies

After discussions, the Committee requested Evolve and Tyler Technologies to discuss the bid process and requested a piggyback contract. Evolve was unable to get the information together. Tyler Technologies provided copies of the documents, a Statement of Work and a sales quote.

Mr. Adams stated when he first sat down with the Committee, the timeline presented to them was to have the process finished to meet the budget timeline. The Board had gone through the budget retreat and passed a budget calendar. This timeline did fit within the budget calendar.

During the budget retreat, there were questions and requests for additional information because this was identified as one of the budget drivers that would be discussed. Long-term, this would be a request within the budget and would eventually be voted on by the Board at the June adoption date.

(d) Mr. Magness presented: Enterprise Permitting and License Management: Tyler's Flagship Solution for Planning, Permitting and License Management:

- Trusted partner:
  - Tyler was the largest software provider in the US focused exclusively on the public sector
  - Their solutions empowered their clients to build safe, vibrant and connected communities
- Strength and stability:
  - 1 billion revenue/93 million in R&D (2021)
  - 3X on Forbes' "Most Innovative Growth Companies" list
  - Double digit annual growth since 2002
- Public sector expertise:
  - 30 years of public sector focus
  - More than 40% of their employees had worked in the public sector
- 37,000 + installations spanning all 50 states and other international locations.
- Expansive North Carolina client base:
  - Gaston County
  - Guilford County
  - Orange County
  - Greenville
  - Wake County
  - Onslow County
  - New Hanover County
  - Pitt County
  - Raleigh
  - Rowan County

Mr. Adams noted that when the current ROK System was purchased years ago, the concept was that it would be built out specific to the needs of the county. Through the years, for various reasons, there had been successes and some not successes in that concept. When the Committee ventured out to find a software program, they did not want to go down the road of new software. An internal goal and objective was to find a software company that had proven experience in North Carolina.

- Client loyalty:
  - 98% client retention rate
  - 45% of clients have been using a Tyler solution for more than ten years
- Account management: They were always there when needed with multiple support channels.
- Tyler channels: Unlimited phone support; online client portal and knowledgebase; and unlimited email support.
- Tyler's proposed solution was uniquely equipped to support the county's goals:
  - Purpose-built specifically for government agencies
  - Self-contained and centralized
  - Modern and intuitive UI
  - Cloud-native (AWS)
- Centralized access to property information:
  - GIS centric data model
  - Singular and authoritative source of property data for all departments
  - Built on ArcGIS technology
  - Spatially enabled workflow creation
  - Global access to property history across the enterprise
- Accessibility, transparency and consistency:
  - 24 x 7 customer access
  - Multilingual and ADA compliant
  - Online application submission and payments
  - Comprehensive toolset for architects, engineers and associates
- Maximize staff time spent in the field:
  - Offline functionality for working in remote areas
  - Email, photo, digital signature and print functions on one device
  - Standardized inspection checklists and integrated code books
  - Maximize efficiency and speed up inspection processing
- Intuitive and powerful reporting:
  - Performance dashboards for managers and operational users
  - Agency-specific data points and visualization cards
  - Ad-hoc reporting
  - Save and share data sets
- Executive level insights:
  - Real time process visualization
  - Identify and resolve bottlenecks and inefficiencies
  - Instantaneous performance metrics
  - Workflow prioritization and workforce management
  - Powered by Tyler's Socrata Platform

Mr. Magness provided a brief tutorial of the system. He noted full implementation would take approximately 8-12 months.

Mr. Adams stated he appreciated the time and effort Ms. Qualls and the Committee put into evaluating the software products and he appreciated them.

General discussions were held.

*Informational item.*

**(2) STATE ROAD 1144 (CHARLOW LANE) ABANDONMENT:** Michael Poston, Planning Director; John Jeleniewski, Senior Planner; and Chris Lee, NCDOT District 2 Engineer, were present for this item.

Mr. Poston stated the North Carolina Department of Transportation was requesting, based on a petition from property owners, to abandon from the state maintenance system SR 1144, locally known as Charlow Lane. Charlow Lane was located off Fenley forest Trail in Glenville. It was a subdivision road that provided access to The Point at Glenville. The total length of road to be abandoned was 1,162 feet, with none to be retained. North Carolina General Statute 136-63 stated that the Board of Commissioners may, on their own motion or on a petition of a group of citizens, request the Board of Transportation to change or abandon any road in the secondary system when the best interest of the people of the county would be served.

Mr. Lee stated they had investigated and found the request to be reasonable. The applicants were the owners of the property located in The Point at Glenville subdivision. In preparation, the property owners entered into an easement agreement that secured access along Charlow Lane for the properties located in the subdivision.

Mr. Poston stated staff found the request to be in the best interest of the public as the abandonment of Charlow Lane would not affect the ingress or egress of any properties located in The Point at Glenville subdivision. Staff recommended that the Board of Commissioners consider approval of a resolution supporting the abandonment of SR 1144 (Charlow Lane) from the Secondary Road System.

General discussions were held.

**Consensus:** *Add this item to a future regular meeting agenda for consideration.*

**(3) UNIFIED DEVELOPMENT ORDINANCE AMENDMENTS:** Mr. Poston and Mr. Jeleniewski were present for this item.

Mr. Poston stated Planning Staff had been working with the Planning Board on proposed amendments to Article VI of the Unified Development Ordinance (UDO) Development Standards. The proposed Amendments would amend the current Wireless Communications Development Standards and add development standards for campgrounds.

**(a)** The proposed amendments to the Wireless Communications Standards were mostly related to the changes to the approval process. At that time, all new towers must apply for a special use permit and receive approval from the Board of Commissioners through a quasi-judicial hearing process. The proposed amendments would provide an administrative approval process for all wireless communications facility applications.

The reason for the recommended change process was two-fold. The first was that the county had held several hearings for wireless communications towers over the past seven years with little to no participation from adjacent property owners and community members. When Planning Staff was contacted about these towers, a majority of those calls were about when the area could expect improved service.

The second reason was that the quasi-judicial process, as the name suggested, was more akin to a court case than a public hearing. It was a regimented process open only to those people with legal standing. That combined with recent changes to the state statutes regarding appeals of quasi-judicial cases that created legal liability issues for local government, was leading to communities re-evaluating their approval processes.

Also, included in the proposed amendments were changes that increased tower heights up to 199 feet (including appurtenances) and addressed additional regulations that were difficult to apply. The tower height increase was in recognition of the county's unique topographic challenges and that all towers were required to include co-location space for two additional providers.

These factors led staff to recommend the proposed change in maximum height. It should be noted that towers that would exceed 200 feet were required by federal regulation to be lit at night. The maximum height recommendation was below that level. The remaining technical standards included in the ordinance (i.e. fall zones, engineering requirements, access road standards) were not being changed in the proposed amendments.

(b) The proposed campground regulations were first discussed at the Permit Review Staff Meeting that included representatives from Code Enforcement, Environmental Health, Planning and other related departments. In these meetings, staff discussed complaints received by each department regarding newer campgrounds and discussed the impact and associated health, safety and welfare concerns for users of these facilities. The county had seen an increase in the number of campgrounds being proposed and developed, but there were no existing regulations that would guide development of campgrounds in the county.

The proposed standards would better guide campground development in the county to provide for health, safety and general welfare of the county and campground users. The proposed regulations included a minimum lot size to establish a campground; maximum density (number of sites per acre); setback distances for property lines and adjacent campsites; minimum road construction requirements; 911 addressing and signage; and requirements for bathhouses and laundry rooms (depending on the size of the proposed campground).

It should be noted that these proposed amendments also required changes to Article II and Article III regarding Board responsibilities and permit process. If the Commissioners approve the proposed campground development regulations, they would not apply retroactively. They would only apply to campgrounds developed or expanded after the date of approval. Expansion would be if one campsite was added to what existed and it would trigger the new ordinance.

The Planning Board held a public hearing for the proposed changes and no public comment was made. The Planning Board unanimously recommended that the Board of Commissioners consider adoption of the proposed amendments.

General discussions were held.

**Consensus:** *Add this item to the next regular meeting agenda to consider a request to set a public hearing on April 18<sup>th</sup>.*

(4) **DOMESTIC VIOLENCE SHELTER:** Mr. Adams stated that this was information presented to the Board at previous meetings. He wanted to confirm that the Board was interested in moving forward with the 8,279 square foot facility at a cost of \$4,649,778.60, which was above the original estimate of approximately \$1.4 million.

He was in conversations with Dogwood Trust Fund to help assist the county with the additional costs. There may be an interest from Dogwood to work with the county on a one-to-one basis and provide grant dollars to help with the shortfall of just over \$400,000. He would also look to rearrange the current budget to help with needs.

He did not have a definitive answer from Dogwood, but they an interest in partnering. Dogwood was looking to modify the current grant agreement. Unless he was given another direction, he would move forward with the understanding that the county was willing to look at a dollar for dollar match if Dogwood would provide additional funding.

He presented: Option A Full Program Conceptual Budgeting:

Total cost in 2023 dollars		\$2,774,215.50
Escalation assumes 10 month design/permitting and 12 month construction period	16 mos 11.2%	\$310,712.14
<b>Subtotal</b>		<b>\$3,084,927.64</b>
General Conditions	7%	\$215,944.93
Project Insurances	1.50%	\$46,273.91
Payment and performance bond	1.10%	\$33,934.20
Builders Risk	0.20%	\$6,169.86
Sub Default Insurance	1.50%	\$46,273.91
Contractor Fee	6%	\$185,095.66
Contractor Contingency	2%	\$61,698.55
<b>Grand Total Construction Costs</b>		<b>\$3,680,318.67</b>
Owner Contingency	10%	\$368,031.87
Soft Costs	12%	\$485,802.06
Furniture, fixtures, equipment	8,259 sf @ \$10	\$82,590.00
Technology/Equipment	8,259 sf @ \$4	\$33,036.00
<b>TOTAL PROJECT COST</b>		<b>\$4,649,778.60</b>

General discussions were held.  
*Informational item.*

(5) **GREAT GRANT AGREEMENT**: Mr. Adams stated this was a follow up item. The county committed \$300,000 of the ARPA funds to match a \$4 million grant that Charter Communications received for broadband expansion. The state was moving forward with developing the three-party GREAT Grant Agreements, which he provided for review. The county did not have much input regarding the wording of the agreement. North Carolina Department of Information Technology (NCDIT) was taking control and charge of providing oversight, as they were the primary funder of the grant agreement.

He noted that Exhibit J of the document was the County Match Financial Agreement. He would have to submit this document to the state by March 22<sup>nd</sup> regarding how the county would pay the \$300,000 for the project. When Exhibit J was submitted, NCDIT would execute their part and send it back to the county for approval.

He presented Exhibit J, as modified by Ms. Baker, that he recommended. This version stated the county was contributing \$300,000 matching funds as part of this project. The county was using ARPA Revenue Replacement funds for this match. The funds would be wired to Grantee in full within 30 days after the county received the final progress report for the Construction Period from NCDIT.

Unless there were any objections from the Board, this would be how he would proceed forward. There were other issues, such as appeals that may delay the timeline. The entire state process was moving forward with hopes to see the finalized contract with all of the exhibits in April. They were hopeful the county would then be through the appeal process. There was civil action occurring outside of the county's control. The timeline for this contract to come back to the Board would be dictated by the appeal and civil processes.

**Consensus**: *Add this item to the next regular meeting agenda for consideration.*

**(6) TOBACCO POLICY REVISION:** Kathleen Breedlove, Human Resources Director, stated the Board of Commissioners approved a Health Insurance Policy for Users of Tobacco Products on April 16, 2019. This policy required health plan eligible employees of any age and retirees under the age of 65 to certify their status as a user or non-user of tobacco products at the time they began health plan eligible employment, annually during the Open Enrollment period and also submit to mandatory substance testing.

This policy was suspended for the years 2020 and 2021 due to the pandemic. Substance testing resumed in 2022 with the use of a mouth swab cotinine (nicotine) test as had been done in prior years. It became apparent that a number of employees who certified as non-tobacco users were testing positive on the substance test due to the use of e-cigarette products.

The county, as an employer and provider of employee health insurance benefits, discouraged the use of nicotine/tobacco products in any form and was seriously committed to assisting users with cessation support. Therefore, it was recommended that the policy be updated to include nicotine.

Commissioner Jones asked if there was a financial benefit between nicotine, tobacco and non-nicotine tobacco on the health insurance?

Ms. Breedlove stated there was a surcharge that employees or retirees were charged if they did not attend a cessation program for at least one hour during the course of the six months following the open enrollment period. If they did not attend the course, in January there was a \$25 per pay period surcharge.

**Consensus:** *Add this item to the next regular meeting agenda for consideration.*

**(7) CLOSED SESSION:**

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

Chairman Letson called the work session back to order and stated that no action was taken in closed session.

**(8) OTHER BUSINESS:**

**(a)** Mr. Adams stated that Chairman Letson discussed with him about the Board revisiting the Sylva Municipal Grant. Previously, the conversation with the Board ended with some questions regarding half of the grant application. There were no questions about the kiosks for the downtown area. Chairman Letson had been approached about whether the Board would consider that portion of the application.

As a reminder, the total project cost was \$5,824.59. The application from the Town of Sylva was for \$5,000, which was the maximum of the municipal grant. Out of the \$5,000, \$2,431.62 would be for four kiosks, which would contain information in the downtown area.

Chairman Letson requested that the Board consider approval of that portion of the grant application, since there were no issues with the kiosks.

**Consensus:** *Add this item to the next regular meeting agenda for consideration.*

**(b)** Commissioner Jones asked, regarding the Tyler Technologies presentation, how did the cost compare to the current system?

Mr. Adams stated the upfront cost was \$365,000 and \$20,000. There was an annual cost of \$119,714. They would not get into the full implementation in the first year, so they would have approximately \$48,851 less in the first year. The first year's cost was estimated to be \$455,863. This was a three-year contract, so they were committing to the upfront cost and then three years of \$119,714:

*Informational item.*

(c) Chairman Letson stated this item was about Pinnacle Park and partnering together to see how they could make this asset better.

Mr. Adams stated this was for general discussions. He could come back with further details at a later date. 441 acres were purchased in partnership with a North Carolina Conservation entity, the Town of Sylva, Jackson County and fundraising efforts with the idea of placing the land in a permanent conservation easement owned by the Town of Sylva. The county helped invest in the property and there was a current agreement with the Town of Sylva discussing the allowable uses.

There was a group appointed by the town that provided leadership in the utilization of Pinnacle Park as a whole. They were looking to create a master plan for how to better utilize all of the land that was in some form of conservation easement. They were looking at using several sources of funding.

He provided some history of the project. It was agreed on by the town and county that if the county invested in the property, it would always remain open to all of the allowable recreation uses under the conservation easement. At the same time, the Eastern Band of Cherokee Indians purchased another property that would potentially be placed in a conservation easement.

The Pinnacle Park property was purchased with the idea it was protecting the watershed for the Town of Sylva. They received funding that went into a Conservation Watershed Trust Fund that helped fund and maintain this project. The plan was to utilize that fund, along with submitting an application to the Tourism Development Authority (TDA) for \$50,000, to fund a master plan for all of the properties. It was believed that the master plan would cost approximately \$90,000. Sylva planned to come up with \$40,000 on their own.

The two proposals they received for a master plan were \$150,000 and \$137,000. It was his understanding they thought they may be able to get the \$137,000 proposal down some, but they felt they were short for the master plan. Would the county be willing to partner to fund a master plan for these properties? This was a general overview of the discussion.

Initially, the county was attempting to protect the ridgeline from development and the view shed. There were also environmentally sensitive areas. The county had a policy that provided guidelines if they invested in conservation projects. The guidelines did speak to naturally sensitive areas they attempted to protect. There were areas identified on these properties, which warranted the investment partnership of placing this property into a conservation easement.

He received calls from town officials and they would be appreciative of any type of partnership to reach the goal of creating the master plan. There were existing trails on the property that were maintained by volunteer groups. This was already a popular destination point. The master plan could determine the highest and best passive uses for the property.

General discussions were held.

Chairman Letson stated that he thought it was a huge asset for the county, especially how easy it was to get to it from 74, plus the additional tax revenue from sales tax.

Commissioner Jones asked where the funding would come from?

Mr. Adams stated it would be the CPR fund. That was where the funds came from to participate in the purchase of the property.

Chairman Letson stated he would like to discuss this item further with the Town of Sylva and EBCI to see how they could get nonprofits involved as well to fund the master plan.

*Informational item.*

There being no further business, Commissioner Stribling moved to adjourn the meeting. Commissioner Smith seconded the Motion. Motion carried and the meeting adjourned at 3:45 p.m.

Attest:

Approved:

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Angela M. Winchester, Clerk to Board

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Mark A. Letson, Chairman