

**MINUTES OF A
WORK SESSION
OF THE JACKSON COUNTY
BOARD OF COMMISSIONERS
HELD ON
JANUARY 09, 2024**

The Jackson County Board of Commissioners met in a Work Session on January 09, 2024, 1:00 p.m., Justice and Administration Building, Room A201, 401 Grindstaff Cove Road, Sylva, North Carolina.

Present:	Mark A. Letson, Chairman	Darlene Fox, Interim County Manager
	Todd Bryson, Vice Chair	John Kubis, Interim County Attorney (Via Zoom)
	John W. Smith, Commissioner	Angela M. Winchester, Clerk to the Board
	Tom Stribling, Commissioner	
Absent:	Mark Jones, Commissioner	

Chairman Letson called the meeting to order.

(1) FAIRVIEW ROAD SIDEWALK: Michael Poston, Planning Director; Kristy Carter, Senior Project Manager, Traffic Planning and Design, Inc.; and Teresa Buckwalter, PLA, Multimodal Transportation Planner, Traffic Planning and Design, Inc., were present for this item.

Mr. Poston stated this was a project update for a feasibility study for sidewalks and trails from an NCDOT grant. The county was awarded the no-match grant to study Fairview Road to connect into the sidewalk network allowing mobility to schools and athletic fields. They also planned to meet with the School Board to discuss the design opportunities later in the month.

Ms. Carter stated the county applied for this grant from Integrated Mobility Division (IMD) of NCDOT. IMD realized communities would do the planning documents and then not have a source of funding to take the plan to feasibility. This was a pilot project across the state to help communities with the next steps of a plan for a specific project. The goal with this plan was to gain access to the schools from Highway 107. This would tie into the improvements already planned for Highway 107.

Ms. Buckwalter presented Fairview Road Sidewalk Feasibility Study:

(a) Study Area: The vicinity of NC Highway 107 and Fairview Road, near Smoky Mountain High School and Fairview Elementary School. The study area also included Big Orange Way, the driveway from Fairview Road to the school building and Cliffside Drive/Jones Street.

(b) Study considerations:

- Highway 107 Project
- Alignments
 - Northern Alignments Conceptual Costs: \$625,000
 - Southern Alignments Conceptual Costs:
 - A: \$500,000
 - B: \$2,000,000
 - Costs were for construction in 2024 and did not include design, permitting, moving utilities or Right-of-Way acquisition.
- Athletic Field

(c) Next Steps:

- Present to the School Board
- Determine preferred alternative
- Refine concepts
- Develop report – April 2024

- Once completed, the Feasibility Study would be used to determine and solicit funding from a variety of sources, such as NCDOT, state or local grants or other funding partnerships. There would be additional opportunities for leadership and community input.

General discussions were held.

Informational item.

(2) **ZERO TOLERANCE DRUG AND ALCOHOL TESTING POLICY**: April Alm, Transit Director, stated the NC Department of Transportation, Immobility Mobility Division provided the latest Drug and Alcohol Policy template recommended by both Federal Transit Administration (FTA) and NCDOT Integrated Mobility Division.

The purpose of this policy was to establish guidelines to maintain a drug and alcohol-free workplace in compliance with the Drug-Free Workplace Act of 1988 and the Omnibus Transportation Employee Testing Act of 1991. This policy was intended to comply with all applicable Federal regulations governing workplace anti-drug and alcohol programs in the transit industry. Specifically, the FTA of the U.S. Department of Transportation published 49 CFR Part 655, as amended, mandated urine drug testing and breath alcohol testing for safety-sensitive positions and prohibits performance of safety-sensitive functions when there was a positive test result, or a refusal to test.

On May 2, 2023, the USDOT published an updated final rule with revisions to 49 CFR Part 40. This regulation was the USDOT's drug and alcohol testing regulation. The newly revised version of 49 CFR Part 40 became effective on June 1, 2023 and then later the updated template was provided in November based on the FTA's direction.

She presented the redlined version of the county's Drug and Alcohol Testing Policy to easily identify all changes. At the January 16th Board of Commissioners meeting, she would request the adoption of the latest version of the county's Transit Drug and Alcohol Testing policy as presented.

General discussions were held.

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

(3) **FY2024-2025 BUDGET CALENDAR**: Ms. Fox presented the Proposed FY2024-2025 Budget Calendar:

January 9	Regular Commissioner Work Session – Set budget calendar -1:00 pm
February 20	Commissioner's Budget Retreat at the Burrell Building SCC -10:00 am Regular Meeting at 6:30 pm
February 27	Manager's preliminary meeting with Departments and Offices
March 1	Nonprofit Grant Applications Disseminated
March 12	Special Called Budget Meeting-Revenue Discussions, if needed Work Session at 1:00 pm
March 22	All requests submitted to Finance
April 1	Nonprofit Grant Applications Due
April 9	Regular Commissioner Work Session –summary of all new requests -1:00 pm
April 17-26	Manager / Finance Budget Meeting with Departments and Agencies
April 29-May 6	Finance Officer inputs changes from Manager/Finance Budget Meetings
May 8-12	Manager finalizes recommendations / Finance/Manager finalize budget recommendations presentation
May 14	Regular Commissioner Work Session – Capital Projects, update on new requests- 1:00 pm
May 21	Regular Commissioner Meeting – Manager's Recommended Budget- 6:30 pm

May 23	Special called budget work sessions to hear presentations if needed (safety, education, non-profits, other departments) 9:00 am The last week in May could be utilized, if needed
June 4	Regular Commissioner Meeting – Budget Public Hearing - 6:00 pm
June 6-7	Special called budget meetings as needed to make final adjustments Work Session on June 11 th at 1:00 pm
June 18	Adoption of budget- 6:30 pm

General discussions were held.

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

(4) PROJECT UPDATE: Ms. Fox presented county project updates:

(a) Aquatics Center:

- Project amount: \$24,931,308
- The project was on schedule with Clark Nexsen projecting a May completion date.
- They had received \$1,005,576 in interest earnings to date and all benchmarks for arbitrage on the interest earnings had been met. The final benchmark would be June, 2024 and the earnings would be applied to the project or debt for the project.
- She provided the last field report.

(b) Cashiers-Glenville Recreation:

- Project amount: \$1,111,691
- Equinox was preparing the drawings and bid specifications. They were waiting on utility sheets, which was close to completion and any modifications to planting layout those might necessitate. Once the utility sheets were incorporated, they would submit for permitting and start the bid process.
- Early spring projection date.

(c) Webster Park:

- Project amount: \$105,000
- The Picnic Shelter, protective netting and ADA parking and sidewalk had been completed.
- The pet waste stations had been installed.
- The electric power and lights to the shelter were underway.
- The trail screenings and picnic tables would be installed early spring.

(d) Whittier-Qualla Park:

- Project amount: \$2,013,525
- The well on site was tested at the end of December and would need to be replaced.
- WithersRavenel would complete the utility work locating a new well, running power to the well and connecting to the restroom/water fountain.
- They would provide a new septic layout for the restroom.
- Carolina Parks and Play was working on getting the manufacturer generated and approved playground plans for the playground.
- Equinox would then submit for permitting and start the bid process.
- Early spring projection date.

(e) Dillsboro Complex Project:

- Project amount: \$5,671,023
- The Dillsboro Complex project was nearing completion.
- \$5,587,556 spent to date. All payments had been made to the general contractor, with the exception of a \$5,000 retainage payable. They were waiting to receive the final permit from the state before the retainage would be released.
- Some soundproofing issues were being addressed.

- The gate and fencing would be completed, as well as paving access for the dog park.
 - The office unit for the Green Energy Park had been delivered and setup. The electrical, underpinning, ramp and decks would be completed by the Maintenance Department. Funding for the office unit was in the General Fund budget.
- (f) Center for Domestic Peace Project:
- Project amount: \$4,678,279
 - Bids would be received on February 15, 2024 at 3:00 p.m.
- (g) Department of Aging Beams:
- Project amount: \$250,000
 - Engineering was underway and the bid process would begin in the next few months.
- (h) Jail Generator:
- Project amount: \$160,000
 - Bids were received and the contract awarded to Allan Dearth and Sons at \$101,877.36.
 - The estimated delivery date was November, 2024.
- (i) License Plate Agency:
- Construction had started.
 - Construction, signage and security cameras would be funded under the Skyland Services Center Project.
- (j) Mark Watson Paving
- Project amount: \$400,000
 - Engineering would do some core drillings and the bid process would begin early spring.
- (k) Canada Volunteer Fire Department:
- A request had been received from the Canada Volunteer Fire Department for repairs at the facility located at 149 Charleys Creek Road, Tuckasegee.
 - Chad Parker, Public Works Director, would prepare estimates for the requested repairs.

Commissioner Bryson noted for the record and to remind the public, the county owned the Canada Volunteer Fire Department building.

General discussions were held.

Informational item.

(5) FONTANA REGIONAL LIBRARY AGREEMENT: Chairman Letson stated Mr. Kubis had been going through the revised Fontana Regional Library (FRL) Agreement and had follow up thoughts on how the Board could work through the process with Macon and Swain Counties.

Mr. Kubis stated he appreciated the opportunity to bring this item back to the Board to revisit considerations they had with the proposed revisions and amendments to the FRL Agreement. He thought it could be generally be broken down into three areas the counties were looking to address.

The first would fall within reforming some of the structure and governance within the Agreement to increase transparency. Secondly, there were revisions that changed the means by which the FRL Agreement made decisions and how they enforced those decisions.

The third area pertained to the recourses available to members of the Agreement should a member not want to be a party to the organization. One item he wanted to bring to the Board's attention, as it directly concerned this Board, was their new obligations under the proposed amendments.

He thought they could all agree increased transparency was a good thing. Certainly, changes in governments could be a good thing as well. As drafted under the proposed amendments under Section III, relating to the structure of the FRL Board of Trustees, it anticipated the Commissioners would be more of the adjudicating body for compliance with the library's bylaws and enforcement of the policies and procedures. This would likely mean the Commissioners would not only be the deciding persons for the appropriateness of the trustees' compliance, but also whether the county libraries and individual branches were acting in accordance with the intent of this Agreement.

Under Section II, Purpose Statement, the proposed addition of language stated the FRL shall operate the county libraries and branches of the participating local government units *in a socially and politically neutral manner*. There had been discussions with the Board and in public comment as to what this would mean. The Commissioners would be in a position to determine whether the libraries were acting in accordance with the "socially and politically neutral manner" language. It seemed reasonably likely there was a question as to whether these matters would be brought before the Board in quasi-judicial hearings. He thought it was reasonable to perceive there would be some question about how decisions would be made.

Another area he wanted to bring to the Board's attention was the pathway for what happened when an entity decided to leave. It would be important for the Board to consider certain impacts. This was located under Section VII and VIII of the Agreement. What would happen to the assets funneled into the FRL generally and what would they do with them if a county decided to opt out of the Agreement. As currently drafted, it was anticipated funds and resources received and accrued through the overall Agreement stayed with those counties. If this was ultimately deemed the case, there were questions as to whether there was a sense of fairness in the county keeping those assets. If it was determined that would not be the way it would go and there needed to be a division, that would be a process to be further considered how they would distribute and divide the resources in an equitable way. What impact would that have on the counties that were a part of this Agreement?

Taking a 30,000-foot view of the Agreement, there seemed to be some good intent. Some structural and philosophical revisions made sense. He would put it to the Board for consideration as to whether and to what extent there needed to be further conversation about how they wanted to enact these changes and whether they were doing it in a way that made sense to carry out the intended purpose of the Agreement, as drafted. Generally, they were looking at a shift in purpose, governance and a change in structure for withdrawal.

Chairman Letson asked if the county should also include the chair of the FRL Board of Trustees in the conversations, so there would not be a legal dispute where they were not involved in some way.

Mr. Kubis stated this was a good point and he thought it needed to be considered and likely pursued from a legal standpoint. The way the Agreement was drafted, FRL was a party to the Agreement and a signatory to the document. It was anticipated they were a deciding member on how the entity would continue to proceed under the guidelines of the document originally drafted.

Chairman Letson stated they would need inventory of all libraries in the regional system. Many books came from other places, so it would be difficult to determine what belonged to who.

Commissioner Smith stated he was not sure how they would separate what was paid for by county donations or other monetary donations or grants. He did not think the goal was to split it up. They needed additional visibility and accountability from someone elected. Currently, it came from the local libraries and they answered to no one but themselves. Anytime they were dealing with a public entity, the public needed to have someone that was accountable. He saw it the same way with the open meetings law. Not all of the FRL meetings were open and the public was not allowed to speak. Public entities should not work this way.

Chairman Letson stated it was his opinion the phrasing "socially, politically neutral manner", even though the wording was easy to read, was very subjective.

Commissioner Smith stated he did not feel the Commissioners should be first. It should go to library staff and then the FRL Board.

Chairman Letson stated they should look to change it to be library staff, library director, FRL Board and then the Commissioners.

Mr. Kubis stated that was a fair point of consideration. The Agreement currently stated the Commissioners would be the adjudicators. They would be deciding low-level policy procedure and compliance decisions.

Commissioner Bryson stated he thought it would be smarter to have a joint meeting with the counties so they would not go back and forth to make sure they were all on the same page.

Mr. Kubis stated that before they invested a lot of time and energy, he thought they did need to have a collaborative conversation, whether at the staff level or county attorney level to determine where everyone was on this.

Commissioner Bryson suggested the managers and attorneys sit down to discuss.

Chairman Letson stated he thought they had come to some resolution of where they were going with the Agreement.

General discussions were held.

Consensus: *Receive other County Boards of Commissioners input. Ms. Fox to contact Macon and Swain County Managers for further discussions.*

(6) JOINT MEETING WITH THE BOARD OF EDUCATION: Ms. Fox stated she received a request from the School Superintendent to set a joint meeting with the Board of Education on February 8th. The master plan should be ready to present at the joint meeting.

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

There being no further business, Commissioner Stribling moved to adjourn the meeting. Commissioner Bryson seconded the Motion. Motion carried and the meeting adjourned at 2:09 p.m.

Attest:

Approved:

Angela M. Winchester, Clerk to Board

Mark A. Letson, Chairman