

**MINUTES OF A
REGULAR MEETING
OF THE JACKSON COUNTY
BOARD OF COMMISSIONERS
HELD ON
APRIL 16, 2015**

The Jackson County Board of Commissioners met in a Regular Session on April 16, 2015, 6:00 pm, 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
J. K. Coward, Jr., County Attorney

Chairman McMahan called the meeting to order.

AGENDA: Chairman McMahan amended the agenda by adding two items: Earth Day Proclamation and Vacation Request. Commissioner Jones moved to approve the Agenda. Commissioner Greene seconded the Motion. Motion carried.

PROCLAMATION: Penny Smith of Issues Forum Round Table, invited Commissioners to an Earth Day Celebration on April 22nd. She also asked Commissioners to consider an Earth Day Proclamation.

Chairman McMahan read a Proclamation declaring April 22nd as Earth Day in the county.

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

MINUTES: Commissioner Elders moved to approve the minutes of a Special Meeting of April 02, 2015 and a Regular Meeting of April 02, 2015. Commissioner Deitz seconded the Motion. Motion carried.

(1) **CHAIRMAN REPORT:** Chairman McMahan stated he hoped everyone could attend the Earth Day Celebration. Also, he visited the Green Energy Park along with Commissioner Jones and they were given the opportunity to create glass bowls using their facility. At the inception of the Green Energy Park, the county was trying to find a way to eliminate and reduce methane emissions from the landfill. They applied for grants and built a facility that not only reduces more methane gas than if it were flared out, but harnesses that power to create an opportunity in the community that is second to none. He encouraged everyone to visit the facility.

(2) **COMMISSIONER REPORTS:**

Commissioner Jones stated he attended ethics and orientation training last week for Southwestern Community College (SCC) in Raleigh, along with Dr. Don Tomas, President of SCC and Dr. Terry Bell, Board of Trustees for SCC. He gained a greater understanding of how Commissioners can better help Community Colleges. He enjoyed the training and benefited from it greatly. He also attended SCC's 50th Anniversary Celebration, where he read the Proclamation signed by Jackson, Macon and Swain Commissioners. The event was well attended.

Also, he enjoyed the visit to the Green Energy Park with Chairman McMahan. The facility is the only blacksmith / glass blowing facility powered by methane gas in the world. There are three facilities in the United States, but the only one in operation at this time is in Jackson County.

(3) COUNTY MANAGER REPORT: Mr. Wooten reported:

(a) Planning Department / Planning Board Award: He congratulated Gerald Green, Planning Director; the Planning Department; and the Planning Board for being recognized with a North Carolina Source Water Collaborative Award for their outstanding ground water planning work with the county's Water Recharge Ordinance. The ordinance was adopted by Commissioners on July 1, 2013.

(b) House Bill 845 – Exempt Property Owned or Leased by Tribe: As discussed in previous meetings, efforts are underway to exempt improvements to real property and business personal property owned by non-tribal members but located on tribal property. Heretofore, various opinions have been received from the NC Attorney General and State Department that it was appropriate to assess taxes against these improvements when able to identify them. This bill will remove that opportunity. In FY 14-15 this amounted to approximately \$88,000 in tax revenues that will be removed from our FY 15-16 revenue projections.

(c) House Bill 95 – Tribal Alcoholic Beverage Control: The bill authorizes the Tribe to establish an alcohol beverage control commission and to have the exclusive authority to issue ABC permits to retail and commercial establishments located wholly on tribal lands under the jurisdiction of the Eastern Band of Cherokee Indians. This bill could impact convenience stores and other commercial activities located in close proximity to tribal lands that sell beer and wine.

(d) Locust Creek Pedestrian Bridge: A date has been set for May 5th to receive bids for the construction of the bridge abutments and the installation of the pre-manufactured bridge. Unless the bid date is extended, a recommendation will be submitted at the May 7th meeting of the Commissioners to award this contract.

(e) Proposed FY 15-16 Budget: He and Darlene Fox met with all department heads and have heard their budget requests. In addition, they now have requests back from non-profit entities. They hope to complete the preliminary budget discussions at the work session on April 21st when the Board of Education, SCC and the Library appear to discuss their budget requests with the Commissioners.

(f) Litter Campaign: There continues to be great deal of interest in the establishment of an on-going campaign to clean-up the litter on our roads and to create an educational component in our schools to bring attention to the litter problems at an early age. The Clean Sweep program sponsored by NCDOT is currently on-going and there will be organized litter pick up activities throughout the county over the next few weeks. The NCDOT Adopt-a-Highway coordinator has contacted every individual or group who has adopted a highway and has asked them clean up their designated highway during this campaign. Our solid waste department has also purchased vests and gloves and will make those available to anyone who wants to pick up trash. Finally, information has been obtained from the Keep America Beautiful program and will be assessing the effectiveness of this program since there is a cost to join the campaign. Eventually, he hopes to submit a recommendation to the Commissioners to establish a standing committee to work on this effort.

(g) Future Meetings:

April 21, 2015 - Work Session beginning at 10:00 am

April 23, 2015 - Public Hearing – Cullowhee Planning Standards – Cullowhee Recreation Center

April 30, 2015 – Public Hearing – Establishment of Cashiers and Highlands Fire Districts –
Cashiers Recreation Center

May 6, 2015 - NCACC County Assembly Day, Raleigh NC

May 7, 2015 – Regular Commissioner Meeting – Canada Community Center

May 19, 2015 – Monthly Work Session

May 21, 2015 – Regular Commissioner Meeting

Chairman McMahan reminded everyone that individuals may submit written comments regarding the upcoming public hearings to the Clerk prior to the meetings. He also stated that no action would be taken on the Cullowhee Planning Standards nor the Fire Districts until the second meeting in May.

Informal Comments by Public:

Marie Leatherwood of Sylva disagrees with using the Drexel site for economic development.

(4) CONSENT AGENDA:

(a) Darlene Fox, Finance Director presented the Finance Report for March, 2015 and one Budget Ordinance Amendment for fiscal year ending June 30, 2015, for approval.

(b) Brandi Henson, Tax Collector presented Tax Collector and Refund Reports for March, 2015, for approval.

(c) Mr. Wooten stated in the current Human Resource Manual no more than two consecutive weeks of annual leave may be taken by an employee without the consent of the Commissioners. A request has been received from an employee, Melvin Barnes, who plans to retire effective June 1st. He has made request to use his accrued leave during the entire month of May as vacation.

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

(5) CASHIERS COMMERCIAL AREA DEVELOPMENT ORDINANCE

AMENDMENT: Gerald Green, Planning Director stated the Cashiers Planning Council has discussed community identification signs at their meetings over the past few months. The discussion was initiated by the developer of a residential community located off US 64. He requested that consideration be given to permitting community identification signs that would enable visitors and guests to find the community. In considering this request the Council realized that no type of community identification sign is permitted currently by the Cashiers Development Ordinance. The Planning Council reviewed several options for community identification signs in the development of the recommended ordinance and received input from interested citizens. A public hearing was conducted by the Planning Council to allow for public comment and input regarding the proposed ordinance amendment.

The proposed ordinance amendment would:

- Permit on premise and off-premise community identification signs
- Require Planning Council approval of community identification signs.
- Identify types of community identification signs permitted.
- Establish maximum height and size standards for community identification signs.
- Establish standards for the location of community identification signs.
- Place a limit on the number of community identification signs permitted at any location.
- Establish a setback from property lines and road rights-of-way for community identification signs.

After considering the proposed ordinance amendment and hearing no objections from the public, the Cashiers Planning Council recommended approval of the ordinance amendment. There were no dissenting votes. The Planning Board considered the request at their March meeting and unanimously recommended approval of the proposed ordinance amendment.

The Cashiers Planning Council, the Jackson County Planning Board, and Planning Department staff recommend adoption of the proposed ordinance amendment.

Motion: *Commissioner Jones moved to set a public hearing on June 4th at 5:50 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.*

(6) MULCH YARD IN CASHIERS: Gerald Green, Planning Director stated that a mulch yard in Cashiers was issued a permit under an interpretation of a manufacturing use. A concern was received from a neighbor through the Code Enforcement and Permitting office in Cashiers. The concern was taken to the Cashiers Planning Council, who unanimously voted that mulch yards should not be permitted in the Cashiers Village.

The mulch yard owner is in violation of the ordinance by not maintaining a buffer and by grading too closely to the property line. They will have to come into compliance for those standards, but the use itself is permitted. The owner can continue operations, but will have to provide and maintain the buffer as required in the original permit. Mr. Green will go back to the Cashiers Planning Council next month with three options for them to decide on:

- Permit mulch yards
- Specifically prohibit mulch yards, allow this use to be a grandfathered, non-conforming use
- Rework the definition of “manufacturing operations” in the ordinance.

No action required.

(7) ALBERT CARLTON LIBRARY ADDITION BIDS: Mr. Wooten stated several months ago the Commissioners were approached by representatives from the Albert Carlton Library with a need for additional space for their operations. They asked Commissioners for approval to construct a small addition at the rear of the existing building. Commissioners have previously authorize engaging Dan Duckham, Architect, who has been working to complete a design that satisfies the building code, which includes a fire wall that will be constructed between the current building and the addition. Four contractors were identified through the informal bid process, who work in the southern end of the county. Three of four will not be submitting bids because their workloads would not permit them to incorporate this project into their schedule.

At this time a bid has been received from Byrd Construction Company, who came recommended by Code Enforcement. Their bid is for \$145,000 and they are prepared to begin the project as soon as a contract can be developed. It is anticipated that this addition will not take more than six months to complete and will not have negative impact on current operations at the library. Mr. Duckham has reviewed the bid, talked with the contractor and is comfortable with moving forward with Byrd Construction.

Commissioners have previously discussed allocating funds from contingency for this project. It is recommended that funds be allocated so that this project could move forward.

Motion: *Commissioner Jones moved to allocate funds from contingency to move forward on the project. Commissioner Elders seconded the Motion. Motion carried by unanimous vote.*

(8) CASHIERS PLANNING COUNCIL: *Carry over.*

(9) BUSINESS AND INDUSTRY COMMITTEE:

Motion: *Chairman McMahan moved to appoint John Bubacz to serve three year term on and Business and Industry Committee. Commissioner Greene seconded the Motion. Motion carried by unanimous vote.*

(10) PUBLIC LIBRARY BOARD:

Motion: *Commissioner Greene moved to reappoint Steven Johannessen to serve four year term on Public Library Board. Commissioner Jones seconded the Motion. Motion carried by unanimous vote.*

(11) COMMUNITY ADVISORY COMMITTEE FOR LONG TERM CARE:

Motion: *Commissioner Elders moved to reappoint Nancy A. Buchanan to serve three year term on Community Advisory Committee for Long Term Care. Commissioner Greene seconded the Motion. Motion carried by unanimous vote.*

(12) CEMETERY BOARD:

Motion: *Commissioner McMahan moved to appoint Emerson "Pete" Blanton to serve two year term on the Cemetery Board. Commissioner Elders seconded the Motion. Motion carried by unanimous vote.*

Press Conference:

CLOSED SESSION:

Motion: *Commissioner Greene moved that the Board go into closed session pursuant to G.S.143-318.11(a)(3) Legal. Commissioner Jones 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 of March 5, 2015 and April 2, 2015.

There being no further business, Commissioner Elders moved to adjourn the meeting. Commissioner Greene seconded the Motion. Motion carried and the meeting adjourned at 7:30 p.m.

Attest:

Approved:

Angela M. Winchester, Clerk to Board

Brian Thomas McMahan, Chairman