

**MINUTES OF A  
REGULAR MEETING  
OF THE JACKSON COUNTY  
BOARD OF COMMISSIONERS  
HELD ON  
SEPTEMBER 01, 2015**

The Jackson County Board of Commissioners met in a Regular Session on September 01, 2015, 6:00 pm, Savannah Fire Department, 18 Ralph Tatham 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.

Chairman McMahan expressed his appreciation to the Savannah Fire Department for hosting the meeting and to the citizens that were in attendance. He recognized Savannah Fire Department Chief, Darrell Woodard.

Chief Woodard welcomed everyone and thank the previous and current Boards of Commissioners for their support to the fire departments, EMS and rescue services over the years. He also thanked the 43 members of the Savannah Fire Department for the services they provide to the community. The members had over 600 years total service. Last year they performed 2,483 hours for calls and over 4,800 hours of training time.

The Department was fortunate to receive two grants last year: one from the state in the amount of \$38,215, which was a 50/50 match; and a grant from FEMA for \$104,500, which was used to replace their air packs. The fire department had to match that grant with \$5,500. In 2015, they received a grant from the state for \$42,827, which was a 50/50 matching grant. They had also received another grant from FEMA in the amount of \$61,905, which will require a \$3,100 match from the fire department. They will be purchasing new turnout gear with this grant.

(1) **PROCLAMATION:** Chairman McMahan read a Proclamation that declared September 6<sup>th</sup> – 12<sup>th</sup> as Firefighters Week in the county. Commissioner Elders moved to approve the Proclamation. Commissioner Jones seconded the Motion. Motion carried.

(2) **PROCLAMATION:** Chairman McMahan read a Proclamation that declared September as Childhood Cancer Awareness Month in the county. Commissioner Deitz moved to approve the Proclamation. Commissioner Elders seconded the Motion. Motion carried.

(3) **AGENDA:** Commissioner Greene moved to approve the Agenda. Commissioner Elders seconded the Motion. Motion carried.

(4) **MINUTES:** Commissioner Elders moved to approve the minutes of a Work Session of August 18, 2015 and a Regular Meeting of August 18, 2015. Commissioner Greene seconded the Motion. Motion carried.

(5) **CHAIRMAN'S REPORT:** Chairman McMahan stated that he attended the annual North Carolina Association of County Commissioners (NCACC) conference in Pitt County. At the conference he attended several educational seminars and the business session, where Ronnie Beale presided over his last official meeting as president. President Beale was an advocate over the last year for mental health reform in the state and had been a champion on behalf of the issue. The new, second vice president elected was Reverend Larry Phillips of Surry County. The new President elect was Glen Webb of Pitt County. President Elect Webb will continue to advocate for mental health reform in the state. The conference was well attended.

(6) **COMMISSIONER REPORTS:**

(a) Commissioner Deitz thanked the fire fighters for all they do and he thanked the community for hosting the meeting.

(b) Commissioner Elders thanked everyone from the fire department. He also congratulated the local band, Mountain Faith, on their accomplishments.

(c) Commissioner Jones thanked the community for coming out to the meeting and encouraged everyone to vote for Mountain Faith. He also thanked the fire fighters for helping to make the county and communities safer.

(7) **COUNTY MANAGER REPORT:** Mr. Wooten reported:

(a) **Single Point of Entry – Justice Center:** Unfortunately, this project must be delayed until September 21<sup>st</sup>. They were not able to schedule the installation and training for the bag scanning machine and magnetometers until the week of September 8<sup>th</sup>. In addition, the Sheriff has asked that implementation of new security procedures be delayed until the Commissioners had taken action on the proposed ordinance. Because of the requirement for multiple advertisements of a public hearing related to an ordinance or ordinance amendment, they were not able to get the required notices published for a public hearing until September 17<sup>th</sup>. If the ordinance is approved on the 17<sup>th</sup>, they propose to implement the single point of entry on Monday, September 21<sup>st</sup>.

(b) **World War II Monument in Webster:** At the request of Mayor Nick Breedlove, he offered to partner with the Town of Webster to clean up and improve the access to this monument located in front of the old Webster school, now occupied by the Southwestern Child Development Center. The cost will be minimal and the Town of Webster will assume responsibility for future maintenance.

(c) **Update on Animal Control Task Force:** Paula Carden, Health Director, will provide a status report on the Task Force work at the September 15<sup>th</sup> work session. In addition, she is working with her Board to identify some dates for a joint meeting between the Commissioners and the Health Board.

(d) **AEDs in county facilities:** Todd Dillard, Emergency Management Director, has inventoried the county buildings and determined that they need to acquire 9 additional AEDs to have them available in all buildings. They are also working with the American Red Cross to provide basic first aid training for county employees.

(e) **NC Probation Office:** He had a request to consider improved security for the employees in the NC Probation Office in the Justice Center. They have requested converting a public hallway into a secure space and to create access between offices. They were currently evaluating the request and the related cost.

(f) **Unemployment Rate:** For July, the rate was up to 6.3%, but that is 0.5% less than July, 2014. Having the same rate, Jackson and Macon Counties have the lowest rate of the seven western counties.

(g) **Upcoming Meetings:**

September 3 <sup>rd</sup> :	50 <sup>th</sup> Anniversary Celebration of Mountain Projects
September 15 <sup>th</sup> :	Monthly work session (10:00 am)
September 17 <sup>th</sup> :	Regular monthly meeting
September 22 <sup>nd</sup> :	Public Hearing on Proposed MHDO amendments
October 1 <sup>st</sup> :	Regular monthly meeting

Mr. Wooten recognized two former County Commissioners in attendance, Roberta Crawford and Doug Cody.

**(8) INFORMAL COMMENTS BY PUBLIC:**

(a) Greg Thompson of Cullowhee, stated he was the president of Smoky Mountain Baseball Club, Inc., which was not directly affiliated with Smoky Mountain High School. The club helped construct the Shawn Blanton Training Facility on the high school campus. They would like to help with more projects throughout the county with softball and baseball.

(b) Jennifer Trippe, Manna Food Bank Western Zone Outreach Coordinator, invited Commissioners to a poverty simulation for Jackson and Macon Counties on September 15<sup>th</sup> with two sessions, one beginning at 4:00 pm and the other at 7:00 pm. The simulation will provide an opportunity for the community and community leaders to understand some of the challenges their neighbors in need were facing.

(c) Doug Cody of Sylva stated he would like the commissioners to inform the public about how changing the steep slope ordinance would have an effect on people's lives. The change in the steep slope ordinance would be 35%, which is a very gradual slope. He thinks there was a lot of confusion on the part of the public about comparing degrees and per cents. He would like the county commissioners to get together before they vote on this ordinance and inform people about the changes. The change would be a huge impact on people's lives. This would de-value some property and some property would be unusable. He thought it was the wrong thing to do by not letting people be informed.

(d) Doug Smith of Yellow Mountain, stated he was a property owner and was against the Smoke Rise Gun Club shooting range located at Yellow Mountain. He had obtained a copy of a shooting range ordinance from Pitt County that he asked commissioners to review and consider.

(e) Maryanne Vines of Yellow Mountain, stated she was opposed to the shooting range. She had letters from other neighbors that were also in opposition. She stated that she did not oppose a shooting range in general, but she opposed it being located in a neighborhood.

(f) Roger Turner of the Savannah Community wanted to share two upcoming events: the local chapter of the NAACP is sponsoring a documentary about Ferguson on September 9<sup>th</sup> at WCU; September 10<sup>th</sup> the Macon County League of Women Voters will be giving an update regarding the photo I.D. requirements at the Franklin Town Hall.

**(9) CONSENT AGENDA:**

Darlene Fox, Finance Director, presented eight Budget Ordinance Amendments for fiscal year ending June 30, 2015, for approval.

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

**(10) SAVANNAH COMMUNITY BUILDING:** Randy Cabe of the Savannah Community, stated that the Savannah Community Building was built in 1961. They are now facing several concerns with the building, including grading needs to prevent further seepage underneath the foundation, which is causing major problems inside the building. Also, on several occasions, they have had people fall on the wooden platforms, so they would like to replace those with concrete sidewalks. Due to the age of the building, they are also in need of electrical and plumbing updates. They are currently working with NCDOT to improve the entrance. He also reminded Commissioners that the building was used on polling day by the county.

The estimated cost for the repairs and upgrades was \$3,500-\$4,500. They made a request for \$5,000 to cover any additional and unforeseen costs. They have the bids to do the sidewalks and re-grading.

***Motion:*** *Commissioner Greene moved to appropriate \$5,000 from the Commissioners' Contingency Fund to move forward with making the noted repairs and upgrades to the Savannah Community Building. Commissioner Elders seconded the Motion. Motion carried by unanimous vote.*

**(11) OUTDOOR PARK AREA:** Jean Buchanan Carr of the Savannah Community, recommended and requested the Commissioners consider an outdoor park recreation area in the Savannah Community. They would be interested in a walking trail, pavilion, basketball court, playground and restroom facilities. Currently, folks have to drive to Sylva or Cullowhee for these facilities.

Chairman McMahan stated that the county has a Recreation Master Plan, where they have identified locations for recreation opportunities throughout the county to ensure all communities are given access. It has been a process the county has been working through, but there are still communities, like Savannah, that do not have an outdoor park area. They will take the request in to consideration.

Commissioner Greene stated her concern regarding recreation funding was that they need to provide the community recreation facilities for Savannah and Qualla before looking at a swimming pool at Cullowhee.

*Informational item only.*

**(12) HARRIS REGIONAL HOSPITAL:** Steve Heatherly, President and CEO, stated that the hospital had recently marked its one year anniversary on, August 1<sup>st</sup> with their affiliation with Duke LifePoint (DLP). As the hospital board was making its decision for the future of the hospital, they had two goals: one was to partner with an organization that shared the hospital's legacy and interest in providing compassionate, quality health care, as Harris Regional Hospital has provided to the community for 90 years; secondly, healthcare is an increasingly complex business that requires a significant capital investment. A large part of the decision, but secondary to the quality question, was to partner with an organization that could demonstrate an ability to invest in community hospitals.

After about two years of deliberating through that process, the board made the decision to become a partner with DLP. They are on a journey to become a full associate and designated DLP Quality Affiliate. The focus of the organization is to invest and grow locally. As part of the transaction, the commitment to this local community was to invest a minimum of \$43 million over an eight year period. To date, they have spent in excess of \$4 million in various facility upgrades, infrastructure upgrades and purchase of new equipment. A large project, that will launch next month, is the long awaited addition of an emergency department. They will begin the \$11 million, 18,000 square foot addition mid-October. They are very pleased to be making this significant addition to the facility in the county.

Their ability to serve patients locally begins with their medical staff. They will be adding new physicians over the next few months in a variety of specialty areas that have never existed in the community before. Also, in the coming months, they will launch a psychiatry program through their DLP partnership with East Carolina University, to improve on a statewide, unmet need to facilitate care for patients experiencing a behavioral health crisis. Their mission is simply making the communities healthier by providing a world class patient and family experience for the community.

*Informational item only.*

**(13) SHERIFF'S DEPARTMENT SERVICE SIDEARM:** The Sheriff's Department requested authorization, pursuant to N.C.G.S. 20-187.2, to present to, Ronald Mathis, who has retired after 28 plus years of service, his service sidearm. The Sheriff recommended that the price for the sidearm be set at \$1.00, and be paid by the Commissioner representing Mr. Mathis' district. It is recommended that the firearm be declared surplus and the Sheriff be authorized to present the sidearm to Mr. Mathis. In addition, the Sheriff should be directed to provide the serial number and description of the weapon to the Finance Director for removal from the fixed asset inventory and replace with a new sidearm at no cost to the county.

***Motion:*** *Commissioner Elders moved to declare Ronald Mathis' sidearm surplus and authorize the Sheriff to present the same to Mr. Mathis. Commissioner Deitz will pay a \$1.00 fee, the Sheriff is directed to provide the serial number and description of the sidearm to the Finance Director and replace the sidearm at no cost to the county. Commissioner Greene seconded the motion. Motion carried by unanimous vote.*

**(14) US 441 CORRIDOR DEVELOPMENT ORDINANCE AMENDMENT:** John Jeleniewski, Planning Department, presented a proposed amendment "Identifying Group Homes as a Use Requiring Additional Standards in the Rural Living District and Establishing Standards for this Use", as recommended unanimously by the 441 Corridor Planning Council:

Amend Section 5.4 by revising the list of permitted uses in the Rural Living District to include family care and group homes and identifying additional standards for family care and group homes.

Rural Living, Permitted Uses:

- adult day-care homes
- non-commercial agricultural activities
- bed and breakfast inn
- camp, campground
- child day-care homes
- community center
- hardware/garden store
- hotel/motel
- place of worship
- police, fire, or rescue station
- post office
- single-family detached dwelling unit
- *family care homes – per NCGA General Statutes*

Rural Living, Conditional Uses:

- assisted living facility
- cemetery
- college or university
- hotel/motel
- pre-school
- primary/secondary school
- public utilities and related services
- riding academies and commercial stables
- telecommunications towers
- *group homes, provided the following additional standards are met:*
  - *minimum lot size of two (2) acres*
  - *a minimum of one staff member shall be present at all times when any adult client is on the premises, except when the client's treatment or habilitation plan documents that the client is capable of remaining in the home or community without supervision.*
  - *facility must provide a structured, monitored program for residents*
  - *program must provide case management for residents*
  - *meets off street parking requirements as described in Article 10.1 Table – Off Street*
- *Parking Requirements:*
  - *1 employee – plus 1 space per 5 adults*

Add in these definitions:

*Article 14. - Definitions*

(p)Family Care Home: A residential dwelling unit provided by an agency, organization or individual with or without resident support and supervisory personnel that provides room and board, personal care and habilitation services in a family environment for not more than six resident handicapped persons with disabilities, as "person with disabilities" is defined in N.C. Gen. Stat. sec. 168-21 (or its successor). This definition shall include homes designed for the support of those in recovery from substance abuse or other homes for disabled persons that are not required licensing by the state.

(u)Group home: A residential home provided by an agency, organization or individual for persons who need sheltered living conditions for rehabilitation, but not including mentally ill persons who are dangerous to others as defined in N.C.G.S., sec. 122C-3(11)b (or its successor).

Change to section:

Article 10.1 Table – Off Street Parking Requirements

Add in:

Type

Requirements

Family Care and/or Group Homes

1 employee – plus 1 space per 5 adults

Mr. Jeleniewski requested a public hearing be set.

**Motion:** Commissioner Jones moved to set a public hearing on September 17<sup>th</sup> at 5:30 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.

**(15) SAVANNAH FIRE DEPARTMENT’S GREENS CREEK SUB-STATION:** Mr.

Wooten stated the Savannah Fire Department acquired 1.8 acres in 2009 with the goal of locating a sub-station in the Greens Creek Community. The sub-station will allow 29 unprotected (class 10) and 282 class 9 properties to be included inside the five mile district of the SVFD. The site has been filled and minimal improvements are required before the site would be construction ready. Specifically, the SVFD will need to engage a surveyor to establish the actual elevations of the flood plain to assure the site is compliant and to engage an engineering firm to certify the compaction levels are acceptable for construction. The estimated cost for these services is \$1,500. Several construction options are available to the fire department and they must determine the option that best suits their needs.

- Engage an architect and complete a design and specifications to allow for the solicitation of bids for the substation. This option would require engaging an architect and related professional services to design a building. The estimated cost for this is \$40,000. Under this scenario, the fire department would look to the county for these funds.
- Select a company/contractor that can provide a pre-manufactured metal building for the substation. The fire department would provide a basic schematic of their space needs and all design and engineering services would be provided by the general contractor as part of their contract. This method has been successfully used by a number of the county fire departments and this method was used by SVFD for the pumpkin town sub-station. The department must decide between a wood frame building and steel frame building.

It is anticipated that all preliminary design could be completed to allow construction to begin in spring of 2016. Once a final price has been determined and the financing of the project has been arranged by the fire department, then a formal request will be submitted to the Commissioners. If approved, the county would enter into an agreement with the fire department to provide the funds for the annual debt service payment to the financial institution selected by the fire department. The building would be pledged by the fire department as collateral and once the debt is retired then the fire department would be the owner of the building. In the event a fire tax is implemented in this district then the annual debt service requirement would transfer from the county to the fire department and be funded from fire tax revenues.

***Motion:*** *Commissioner Deitz moved to approve a \$1,500 allocation from the fire budget for pre-construction needs and to conduct the necessary studies to move forward with the project for the Greens Creek sub-station. Commissioner Elders seconded the Motion. Motion carried by unanimous vote.*

**(16) CULLOWHEE FIRE DEPARTMENT'S NEW FIRE STATION:** Mr. Wooten stated for the past five plus years, the Cullowhee Volunteer Fire Department has been discussing and planning for a new building as they have outgrown their existing facility. Through a property exchange with the State of North Carolina (Western Carolina University), the county was able to acquire road frontage property on Little Savannah Road as a future site for the expansion of the fire department. In 2012, the county transferred title to the property to the Cullowhee Volunteer Fire Department to allow them to be in a position to borrow funds for the construction of a new facility. CVFD has utilized Odell Thompson to assist them in developing a tentative schematic design, an elevation of the finished building, and a cost estimate. Several construction options are available to the fire department and they must determine the option that best suits their needs.

- Engage an architect and complete a design and specifications to allow for the solicitation of bids for the substation. This option would require engaging an architect and related professional services to design a building. The estimated cost to prepare construction drawings for bidding is \$78,750 and the total fee including bidding and construction administration is \$105,000.
- Select a company/contractor in a design/build method that can provide a pre-manufactured metal or wood frame building for the station. The fire department would provide a basic schematic of their space needs and all design and engineering services would be provided by the general contractor as part of their contract price. This method has been successfully used by a number of the county fire departments.

The Cullowhee project is unique in the fact that the site upon where the building will be constructed will require remediation before it can accommodate a building. The site was filled over the past couple of years and unfortunately adequate compaction procedures and testing were not in place. An independent evaluation of the site has suggested removing several feet of soil and placing fabric between layers of compacted soil to bring the site in compliance with required compaction tests. If authorized to move forward, the fire department as part of the contract could have the site prepared over the winter months with the goal of starting construction in the spring of 2016.

CVFD has obtained a loan commitment from the NC Local Government Federal Credit Union for the project. The actual interest rate and term will be established once the building is completed. An interest only construction loan will be available during construction. Estimate annual debt service payments based on a \$4 million loan would range from \$463,000 for a 10 year loan to \$293,000 for a 20 year loan. If approved, the county would enter into an agreement with the fire department to provide funds for the annual debt service payment to the financial institution selected by the fire department. In addition, the interest on the construction loan would be paid by the County. The building and property would be pledged as collateral and once the debt is retired then the fire department would be the owner of the building. In the event a fire tax is implemented in this district then the annual debt service requirement would transfer from the county to the fire department and funded from fire tax revenues.

*Chairman McMahan stated the Board is in favor of moving forward with this project, but directed the Cullowhee Fire Department to obtain an exact quote for site preparation.*

*Commissioner Deitz suggested if the cost to prepare the site is \$500,000 or greater, they may want to consider looking for another site.*

**(17) PERSONNEL POLICY AMENDMENT – BONUS LEAVE:** Mr. Wooten stated presented the following amendment:

Add the following paragraph to the Human Resources Manual regarding the issuance and administration of Bonus Leave:

*Article VII. Holiday and Leave*

*Section 14. Bonus Leave*

*Permanent part-time and full-time employees are eligible for Bonus Leave issued by the Jackson County Board of Commissioners. Part-time employees shall receive a pro rata amount.*

*Scheduling Bonus Leave – Bonus leave shall be taken only upon the authorization of the department head and/or immediate supervisor who shall designate such time or times when it will least interfere with the efficient operation of the agency. Normally, it should not be granted when the employment of temporary help would be necessary during the bonus leave of the regular employee. Bonus leave can be used prior to other leave types including compensatory time, annual leave, or sick leave.*

*Accounting for Bonus Leave – Bonus leave shall be accounted for separately from regular earned annual and sick leave. Any balance of bonus leave on June 30 will not be retained by the employee and is not subject to conversion to sick leave.*

*Separation - Bonus leave balance will be paid in addition to regular annual leave if the employee leaves employment with Jackson County.*

***Motion:*** *Commissioner Jones moved to approve the amendment to the Personnel Policy Bonus Leave Section. Commissioner Greene seconded the Motion. Motion carried by unanimous vote.*

**(18) PRESS CONFERENCE:** None

There being no further business, Commissioner Deitz moved to adjourn the meeting. Commissioner Elders seconded the Motion. Motion carried and the meeting adjourned at 7:23 p.m.

Attest:

Approved:

\_\_\_\_\_  
Angela M. Winchester, Clerk to Board

\_\_\_\_\_  
Brian Thomas McMahan, Chairman