

**MINUTES OF A  
REGULAR MEETING  
OF THE JACKSON COUNTY  
BOARD OF COMMISSIONERS  
HELD ON  
DECEMBER 17, 2015**

The Jackson County Board of Commissioners met in a Regular Session on December 17, 2015, 4:00 p.m., 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  
Heather C. Baker, County Attorney

Chairman McMahan called the meeting to order.

(1) **AGENDA**: Chairman McMahan amended the agenda by deleting the FY 14-15 Audit Report and adding an item under the consent agenda: Position Titles and Reclassifications. Commissioner Jones moved to approve the amended Agenda. Commissioner Greene seconded the Motion. Motion carried.

(2) **MINUTES**: Commissioner Elders moved to approve the minutes of a Work Session of November 17, 2015; a Schedule of Values 2016 Public Hearing of November 19, 2015; a Justice Center Security Ordinance Public Hearing of November 19, 2015; a Regular Meeting of November 19, 2015; and a Special Meeting of December 04, 2015. Commissioner Deitz seconded the Motion. Motion carried.

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

(a) **2016 Tier Rankings**: Jackson County continued to be classified as a Tier 1 county according to the NC Department of Commerce's most recent report on tier rankings. Tier 1 automatic qualifiers include counties with a population less than 50,000 and a poverty rate of 19 percent or greater. Unfortunately, Jackson met both of these qualifiers and continued to be classified as a Tier 1 county. As is true of past years, the county ranks in top two tiers in all other measurements; however, the poverty rate eliminates the opportunity to move to a new tier. Eight counties changed tier rankings in 2016 with Haywood County being one of the counties as they moved from a Tier 3 to Tier 2; however, they are the highest ranking Tier 2 county in the state. The December 15<sup>th</sup> Insider reported that a legislative subcommittee is working on a new methodology for determining the economic need of individual counties. The sentiment of the committee was that the current system is not working and they adopted a proposed bill for introduction at a future session to repeal the current system by July 2017 and to direct affected state agencies to come up with new criteria. The bill would also establish a legislative commission to focus on chronically distressed communities, how to identify them and how to soften their problems.

(b) **Building Inspections**: Overall, new building permits issued in 2015 lag behind 2014. As of November 30, 2015 136 new residential permits and 23 new commercial permits had been issued. This compares with 161 new residential permits and 25 new commercial permits at the same time in 2014. Overall, the total permits issued for all activities totaled 1400 as compared to 1206 in 2014. It appears new permits will be down by approximately 14% for the year; however, total permits will be up by 15%.

(c) **Real Property Transactions:** Due diligence activities are continuing on the Goodson and BonJon purchases. The Bartlett sales transaction has closed and the funds have been deposited with the Finance Officer.

(d) **441 Sidewalk:** The sidewalk from the intersection of 441 and Casino Trail to the Catamount Travel Center funded from a special legislative allocation has been constructed.

(e) **Capital Projects:**

- **Pedestrian Bridge:** The bridge abutments and foundations are complete. Unfortunately, Frontier Communications did not relocate their line from overhead to underground in a timely manner; consequently, the general contractor had to delay shipment of the bridge until after the first of 2016. Frontier now has equipment on site; however, actual trenching has not begun. Duke Energy and Morris Broadband have completed their communication line relocations. The project is still on schedule for completion during the first six months of 2016. The final finishing tasks are contingent on when asphalt is available and concrete walks and ramps can be poured.
- **SRC Paving:** The paving project at the Cashiers SRC is completed and that facility has re-opened to the public. An informal bid from Cashiers SRC paving contractor for the Tuckaseegee SRC was received; however, it was above project projections and the project has been delayed until spring 2016 to allow it to be advertised for bids from all local paving contractors.
- **Cashiers Inspection Office:** The designer is discussing the project with local contractors to prepare a cost estimate. The county maintenance personnel are evaluating the roof leaks.
- **Skyland Services Center and Green Energy Park:** The designer is preparing schematics for Skyland Services Center and updating the original plans for the Green Energy Park.
- **Improvements to the Justice Center:** A conference call has been scheduled for next week to review the draft proposal for refreshing the existing court rooms, converting the law library space into a small courtroom, studying the configuration of the Commissioner's Board room to make it more courtroom friendly, and reviewing the prior building expansion proposals to develop a master plan for the future.
- **Kings Mountain Communication Equipment Building:** Maintenance staff has completed this building project and all existing communication equipment will be relocated to the new building. In addition, they were consolidating all the communication equipment onto 2 new 60' towers. This project was a part of the overall 911 call center project.

(f) **Upcoming Meetings:**

January 5, 2016: Reconvene Cell Tower Hearing, Cashiers Library, 9:00 am

January 7, 2016: Regular Commissioner Meeting

January 18, 2016: Martin Luther King Holiday – Offices Closed

January 19, 2016: Planning Retreat – NCCAT – 9:00 am to 4:00 pm

January 21, 2016: Regular Commissioner Meeting

January 25, 2016: Region A – Dinner at 6:30 pm

(g) **Upcoming Holiday Schedule:**

December 23, 24, 25: Offices Closed for Christmas Holidays

January 1<sup>st</sup>: Offices Closed for New Year's Holiday

(h) **Planner Position:** A new planning director had been identified. Michael Poston accepted the offer to become the new county Planning Officer. He obtained both his undergraduate and master's degrees at Western Carolina University. He is currently the planning director in Yadkin County. He will begin on January 19<sup>th</sup>.

**(4) INFORMAL COMMENTS BY THE PUBLIC:**

- (a) Marie Leatherwood of Sylva stated she disagreed with the actions of past and present boards.
- (b) Doug Cody of Sylva listed his experience and qualifications that he believed should allow him to be reappointed to the TWSA Board.
- (c) Ralph Slaughter of Cashiers stated there were many appointments to be made on the agenda. He believed the appointments should be given to the most qualified person, not based on political affiliation.
- (d) Chip Hall, Sheriff, stated they had a very successful “shop with a cop” event. Also, at the Sheriff’s Department Christmas dinner, they recognized Kenneth Woodring as Employee of the Year. He also wanted to recognize Darlene Fox, Finance Director, who had been a tremendous help to him over the past year.
- (e) Carl Iobst of Cullowhee stated he thought former Commissioner Doug Cody was the best candidate for reappointment to the TWSA Board.

**(5) CONSENT AGENDA:**

- (a) Darlene Fox, Finance Director, presented the Finance Report for November, 2015, and two Budget Ordinance Amendments for fiscal year ending June 30, 2016, for approval.
- (b) Brandi Henson, Tax Collector, presented Tax Collector and Refund Reports for November, 2015, for approval.
- (c) Danielle Wittekind, Human Resource Director, presented Position Titles and Classifications:

<u>Employee Name</u>	<u>Current Position Title</u>	<u>Current Grade/Step &amp; Salary</u>	<u>Proposed Position Title</u>	<u>Proposed Grade/Step &amp; Salary</u>
Kevin Jamison	GIS Mapping Supervisor	Grade 26, Step 10, \$51,795.64	Director of GIS	Grade 26, Step 12, \$53,888.30
Jan Fitzgerald	Exec. Asst. to County Manager	Grade 21, Step 5, \$36,757.50	Exec. Asst. to County Manager	Grade 22, Step 5, \$38,595.46
Angie Winchester	Clerk to the Board	Grade 22, Step 2, \$36,369.36	Clerk to the Board	Grade 23, Step 2, \$38,187.82
John Jeleniewski	Code Compliance Officer	Grade 22, Step 9, \$41,777.06	Land Use Administrator	Grade 24, Step 7, \$44,270.54

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

**(6) CDBG SCATTERED SITE HOUSING PROGRAM:** Ms. Cheryl Wilkins, Housing Director, Mountain Projects, Inc., stated the original plan for the CDBG Scattered Site Housing Program was to rehabilitate four units and included in the application was a local emergency option. On the local emergency option, items up to \$5,000 can be fixed. One of the four clients scheduled for rehabilitation did not respond in time to have the work done on her home. So a total of three homes were rehabilitated and one septic tank was replaced with the help of the local emergency option. A public hearing was held on December 17, 2015 at 3:50 p.m., where there was no public comment.

Commissioner Greene stated that she previously worked for Southwestern Commission and administered community development block grants for every county in the region, except Haywood, which she offered technical assistance to them as well. She stated that Commissioners had not been provided with information such as how much the grant was for; the grant number; what the project was for; how long from the time the county received the grant that it had to contract with Mountain Projects and spend the money; and how much money was left over?

Ms. Wilkins stated there was approximately \$96,000 left of a \$200,000 grant.

Commissioner Greene stated that this was the last time that community development block grant money could be used for housing for poor people. The priorities in the legislature and the Department of Commerce had changed so that all CDBG money will now be used for water and sewer. She asked if efforts could be made to retain the remaining funds and the county administer the funds.

Ms. Wilkins stated that they had been given an extension of November 30<sup>th</sup> instead of October to finish the construction because one of the contractors that was working on two of the houses had passed away. She did not think there were any more extensions as they were basically shutting down that department in Raleigh as soon they finalize these.

Mr. Wooten stated they could make the inquiry and report back to Commissioners at the first meeting in January.

Commissioner Greene stated she would like to have an extension. She knew in speaking with Ms. Wilkins that she came in half way through the process and did not get all of the information that she needed nor was she as prepared to make a presentation to Commissioners to close out the grant.

Ms. Wilkins stated there were extenuating circumstances with recipients not moving forward or not being eligible.

***Consensus:*** *County Manager to make inquiry as to whether an extension can be granted. Additional information will be presented at the first meeting in January.*

**(7) NFL GRANT ARTIFICIAL TURF PROJECT:** Dr. Michael Murray, Superintendent, requested \$200,000 be transferred from the Reserve Fund for Public Schools to be used immediately to pursue the NFL Grant Artificial Turf Project. The plan would be to use the \$200,000 from the grant for the construction in addition to \$300,000 from the current capital budget. This total of \$700,000 should fund the project. The first step would be to hire a civil engineer for \$15,000, who will provide a cost estimate for the project. Dr. Murray was very supportive of the project, but noted if the estimate is substantially over budget, they would not move forward.

Commissioner Deitz stated he thought the artificial turf was needed. It would allow multiple high school and county groups to utilize the field.

***Motion:*** *Commissioner Greene moved to approve the request to transfer \$200,000 from the Reserve Fund for Public Schools to be used to pursue the NFL Grant Artificial Turf Project. Commissioner Jones seconded the Motion. Motion carried by unanimous vote.*

**(8) ANIMAL SHELTER NEEDS ASSESSMENT / BUILDING FEASIBILITY:** Paula Carden, Health Director, presented the proposal for Community Needs Assessment or Building Planning Study for the Animal Shelter:

- (a) Requests for proposals
  - Scope of work
    - Sizing study
    - Facility type, size-kennels
    - Suitable location-access to sewer/water and internet
- (b) Statistical Information and Analysis
  - Calculations for number of spaces required house canines and felines
  - Housing of aggressive animals or potential dangerous dogs
  - Special medical or behavior
  - Mothers and litters
  - Animals for being held for court cases
  - Staffing
  - Calculate appropriate staffing based on current and future needs
    - Additional staffing is needed currently
  - Additional animal control officer
  - Office processing assistant

- (c) Humane Organizations
  - The county has three humane organizations
    - 2 have shelter space (Catman2, Cashiers-Highlands Humane Society)
    - ARF –adoption, transports, fosters
- (d) Features for Consideration
  - Soundproofing for reception area, offices and multipurpose rooms
  - Entrance (incoming animals) separate from exit (outgoing animals)
  - Offices to accommodate ACO’s, volunteers
  - Multipurpose room could function as training rooms, break room, photography area
  - Outdoor play yards for dogs (double gates, double fenced)
- (e) Additional spaces for dogs being held for transports
  - Bathing area/grooming area (walk-in tubs)
  - Get acquainted rooms/meet and greet/real life rooms for adopters for dogs/cats
  - Restrooms for public, staff, shower area/locker area for staff
  - Laundry
  - Storage
  - Sally-port
  - Energy efficient shelter
- (f) Proposals Received
  - Animal Shelter Fundraising, Phoenix AZ, provides only needs assessments or building planning studies for Animal Shelter
    - \$2,500 (Building Planning Study)
    - \$4,000 (optional) on site review and assessment of current shelter
    - Objectives included in proposal
    - Calculate current and future housing needs
    - Compute total square footage needed for housing
    - Predict total square footage for future growth 20 years
    - Estimate low and high cost for construction
  - Shelters Planners, Charlottesville VA, utilizes a programming questionnaire provided by us, reference to Census Bureau Statistics, US Veterinary Medical Associations’ “US Pet Ownership and Demographics Source will enable them to develop on analysis and report to provide the county with:
    - Organized stats and analysis based on national averages and trends
    - Calculations of numbers of spaces for housing of canines/felines, length of stay etc. (we provide data)
    - Preliminary calculation of size of facility
    - Calculation of impact of population growth and resulting animals served in 10 and 20 years to test capacity of the facility over time
    - Calculation Seasonal Peak Animal Population
    - Sizing Study-(10-20 years) \$3,000
    - Building Programming \$.50/SF based on programmed square footage approx. \$1800.00-\$2500.00
  - Designed Learned Inc. -Norwich CT
    - Task 1 Space Needs Programming, facility evaluation, site review, opinion of Probable Construction cost \$12,000 (\$6,000 Bacon, \$6,000 Design Learned)
    - Task 2 Architectural site plan, conceptual floor plans, sustainable and building system recommendations \$7,700 (\$4,500 Bacon and 3200 Designed Learned)
    - Direct Expense Estimates 2-day meeting Task 1 and Task 2 Conceptual Design 1 day meeting Travel Bacon and Designed Learned \$5,450
    - Total Fee plus Expenses \$25,150.00

**Consensus:** Move forward with Designed Learned, Inc., for Task 1 for \$12,000, plus travel expenses. Also, add the task of evaluating the current site/facility. The Board requested to hear the report from the Animal Shelter Task Force at their first meeting in January.

**(9) CHINQUAPIN DEVELOPMENT AGREEMENT:** John Jeleniewski, Code Compliance Officer, stated Chinquapin was an existing subdivision containing 2000 acres that was recently acquired by the Waterfront Group PLC, LLC from the Carlton family. Of the 2000 acres, nearly 904 acres are in a conservation easement or in common area/green space. In March of 2012, the county entered into a 20 year development agreement with Carlton Land Trust (Chinquapin Subdivision) which would regulate residential development on 200 estate lots that would be a minimum of one acre each. There are currently 80 existing platted lots with Chinquapin Subdivision. All the properties are to be served by individual septic systems and a private, community water system. The original development included a nine-hole golf course which was not maintained.

Development Agreement Modification: The current Development agreement allows for modifications and The Waterfront Group requested a major modification to the current development agreement. The Waterfront Group requested that the total number of buildable lots/units be increased from 200 to 400 as follows:

- 80 Existing Platted lots (no revision)
- 148 Newly divided parcels
- 155 New “cluster” housing units
- 17 Cottage lots (newly divided from existing parcels)

Chairman McMahan stated that a public hearing was held on December 10, 2015 at 10:30 a.m., where they received public comment.

**Motion:** Commissioner Elders moved to adopt the Amendments to the Chinquapin Development Agreement as presented. Commissioner Jones seconded the Motion. Motion carried by unanimous vote.

**(10) THREE MOOSE VILLAGE LANDSCAPE CONTRACT:** John Jeleniewski, Code Compliance Officer, stated that the county was holding \$25,680.00 in escrow from Three Moose Village, LLC (Riverwalk Apartments). The owner had removed a buffer during construction that was supposed to remain in place. The county entered into a performance agreement with the owners of the project in May, 2014, to replace the buffer with shrubs and trees. The owners submitted a landscape plan and requested that the county be responsible for the buffer using the funds held in escrow. Any remaining funds would be returned to the owner. The county solicited bid quotes from local landscape firms:

<u>Company Name</u>	<u>Date Rec'd</u>	<u>Bid Price</u>	<u>Agree to terms</u>
Snow Creek Landscaping, LLC.	10/26/2015	\$38,137.69	No
B.H. Graning Landscapes, Inc.	11/6/2015	\$17,895.00	Yes
R & R Landscaping	11/9/2015	\$27,508.00	Yes
Laurel Crest Landscapes	11/9/2015	\$33,876.71	Yes

**Motion:** Commissioner Deitz moved to award the Three Moose Village Landscape Contract to B.H. Graning Landscapes, Inc. and authorize Mr. Jeleniewski to negotiate delaying the contract until spring and also to enhance the landscape plan. Commissioner Greene seconded the Motion. Motion carried by unanimous vote.

**(11) APPALACHIAN LANDSLIDE CONSULTANTS MAPPING PROJECT:** John Jeleniewski, Code Compliance Officer, presented a summarized list of activities that Appalachian Landslide Consultants dedicated time to during the months of October and November, 2015:

- Drafted, negotiated and finalized contract for project;
- Signed contract with Mr. Wooten on 11/04/2015;
- Drafted list of potential stakeholders;
- Collaborated with county office on the stakeholders list and initial stakeholders meeting;
- Drafted inquiry of interest email for potential stakeholders;
- Discussed stakeholders meeting dates and locations with county office; and
- Addressed on public inquiry about the mapping of landslide features by one county property owner.

*Informational item only.*

**(12) NCDOT OFFER TO PURCHASE REAL PROPERTY FOR RIGHT-OF-WAY AND TEMPORARY EASEMENT:** Mr. Wooten presented a summary statement/contingent offer to purchase real property due to the acquisition of right-of-way and damages from NCDOT with a total contingent offer of \$3,700.00 for Parcel R-4753 0012, NC 107 from North of SR 1002 to NC 281. He also presented a summary statement/contingent offer to purchase real property due to the acquisition of right-of-way and damages from NCDOT with a total contingent offer of \$1,500.00 for Parcel R-4753 017, NC 107 from North of SR 1002 to NC 281.

***Motion:** Commissioner Elders moved to accept the offers in the sum of \$3,700.00 for Parcel R-4753 0012 and \$1,500.00 for Parcel R-4753 017 from NCDOT for right-of-way and temporary easement as presented. Commissioner Greene seconded the Motion. Motion carried by unanimous vote.*

**(13) NCDOT SIDEWALK MAINTENANCE AGREEMENT:** Mr. Wooten stated the NCDOT has finalized the agreement between the county, Western Carolina University and NCDOT for the design, construction, installation and maintenance of 1,410 linear feet of sidewalk on SR 1002 Old Cullowhee Road.

***Motion:** Commissioner Greene moved to accept the agreement from NCDOT for sidewalk maintenance on SR 1002 as presented. Commissioner Jones seconded the Motion. Motion carried by unanimous vote.*

**(14) OATHS FOR PERMITTING AND CODE ENFORCEMENT:** Ms. Baker stated that any public office is required to take an oath. Most of the positions in the Permitting and Code Enforcement Office fall under this category. Tony Elders, Director, Permitting and Code Enforcement, requested that the entire department take the oath and requested it be administered by Chairman McMahan.

***Motion:** Commissioner Elders moved to approve administering the oath to the Permitting and Code Enforcement officials. Commissioner Jones seconded the Motion. Motion carried by unanimous vote.*

**(15) ORDINANCE DECLARING TEMPORARY TRAFFIC REGULATION FOR SPECIAL 5K RUN COUNTY EVENT:** Ms. Baker stated the Recreation and Parks Department will be doing its annual 5K run on January 1<sup>st</sup>, which they have been doing for the past ten years. A change in the NCDOT rules and regulations, require that the Commissioners adopt an ordinance approving the event. There will be no road closures and no public hearing is required.

**Motion:** *Commissioner Greene moved to adopt the Ordinance for the 5K Run as presented. Commissioner Elders seconded the Motion. Motion carried by unanimous vote.*

**(16) TOURISM DEVELOPMENT AUTHORITY:**

**Motion:** *Commissioner Greene moved to appoint Noah Bell and Ann Self to serve three year terms; reappoint Clifford Meads, Vick Patel and Kelly Custer to serve three year terms on the Tourism Development Authority, terms to expire on December 03, 2018. Commissioner Jones seconded the Motion. Motion carried by unanimous vote.*

*Commissioner Jones moved to appoint Robert Jumper as Chair of the Tourism Development Authority, for a one year term. Commissioner Greene seconded the Motion. Motion carried by unanimous vote.*

**(17) HISTORIC PRESERVATION COMMISSION:**

**Motion:** *Commissioner Deitz moved to appoint Dan Hoyle to a three year term on the Historic Preservation Commission, term to expire on December 31, 2018. Commissioner Greene seconded the Motion. Motion carried by unanimous vote.*

**(18) PLANNING BOARD:**

**Motion:**

*Commissioner Elders moved to appoint Scott Ogle to a two year term on the Planning Board, term to expire December 31, 2017;*

*Commissioner Deitz moved to reappoint Bonnie Claxton to a two year term on the Planning Board, term to expire on December 31, 2017;*

*Commissioner Greene moved to appoint Vickey Wade to a two year term on the Planning Board, term to expire on December 31, 2017;*

*Commissioner Jones moved to appoint Steven Johannessen to a two year term on the Planning Board, term to expire on December 31, 2017;*

*Chairman McMahan moved to appoint Kenneth Brown to a two year term on the Planning Board, term to expire on December 31, 2017;*

*Commissioner Greene moved to reappoint Kent Moore to serve as the At Large Two appointment, reappoint Dickie Woodard to serve as the At Large Three appointment, appoint Kirk Stephens to serve as the At Large Five appointment, and reappoint Burt Kornegay to serve as the At Large Six appointment, each one year terms on the Planning Board, terms to expire on December 31, 2016. Commissioner Elders seconded the Motion. Motion carried by unanimous vote.*

*Commissioner Greene moved to appoint Scott Baker as chair for a one year term on the Planning Board and directed the Planning Board to make a recommendation to Commissioners for the Vice Chair. Commissioner Elders seconded the Motion. Motion carried by unanimous vote.*



**(19) RECREATION AND PARKS ADVISORY BOARD:**

**Motion:** *Commissioner Jones moved to appoint Jim Nichols to a three year term on the Recreation and Parks Advisory Board, term to expire on December 31, 2018. Commissioner Greene seconded the Motion. Motion carried by unanimous vote.*

**(20) HEALTH BOARD:** *Carry over.*

**(21) TUCKASEIGEE WATER AND SEWER AUTHORITY:**

**Motion:** *Commissioner Elders moved to reappoint Doug Cody to a three year term on the Tuckasegee Water and Sewer Authority. Motion failed for lack of second.*

**Motion:** *Commissioner Deitz moved to appoint Joe Ward to a three year term on the Tuckasegee Water and Sewer Authority, term to expire on December 31, 2018. Commissioner Greene seconded the Motion. Motion carried by unanimous vote.*

**(22) JOINT COMMITTEE WITH HEALTH BOARD:** *Carry over.*

**(23) PRESS CONFERENCE:** None

There being no further business, Commissioner Greene moved to adjourn the meeting. Commissioner Jones seconded the Motion. Motion carried and the meeting adjourned at 6:22 p.m.

Attest:

Approved:

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Angela M. Winchester, Clerk to Board

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Brian Thomas McMahan, Chairman