

**MINUTES OF A
SPECIAL MEETING
OF THE JACKSON COUNTY
BOARD OF COMMISSIONERS
HELD ON
SEPTEMBER 11, 2017**

The Jackson County Board of Commissioners met in a Special Meeting on September 11, 2017, 2:30 p.m., Justice & Administration Building, Room A201, 401 Grindstaff Cove Road, Sylva, North Carolina.

Present: Brian McMahan, Chairman
Charles Elders, Vice Chair
Boyce Deitz, Commissioner
Mickey Luker, Commissioner
Ron Mau, Commissioner

Don Adams, County Manager
Heather C. Baker, County Attorney
Angela M. Winchester, Clerk to Board

Chairman McMahan called the meeting to order.

(1) PROCLAMATION: Chairman McMahan read a Proclamation declaring September 10th–16th as Firefighter, Rescue Squad and First Responder Week in Jackson County. Commissioner Luker moved to approve the Proclamation. Commissioner Elders seconded the Motion. Motion carried.

(2) FIREWORKS REQUEST: Tony Elders, Director of Permitting and Code Enforcement, stated he received an application for a fireworks display for the Cashiers Boys and Girls Club for their annual fundraiser on at WCU on September 16th.

Motion: *Commissioner Elders moved to approve the request for a fireworks display on September 16th. Commissioner Luker seconded the Motion. Motion carried by unanimous vote.*

(3) QUASI-JUDICIAL HEARING TRAINING: Ms. Baker stated they would be having a Quasi-Judicial hearing coming up soon for a wireless communications tower. She presented: Procedure for Quasi-Judicial Hearing:

(a) General Information: A Quasi-Judicial Hearing was an evidentiary hearing where the Board of Commissioners would make a decision based solely on competent, material and substantial evidence in the record. The record was all of the material and input that were presented to the Board, including the application, exhibits, testimony and related materials. The record may include some insufficient evidence, but the Board may not base its decision on it. The procedures provided here are not meant to be binding rules but to be flexible guidance for the conduct of the hearing.

(b) Opening the Hearing: The Chairman of the Commissioners would call the case as advertised on the agenda and call for a Motion to open the Public Quasi-Judicial hearing for a wireless communication facility permit.

(c) Disclosures: Members of the Board of Commissioners shall disclose any site visits, Ex parte communications with any person, including County Staff, specialized knowledge related to the case, fixed opinion on the case, family, business or other similar relationship with the applicant or other affected person, financial interest in the outcome or any other relevant information.

(d) Parties: The Chairman of the Commissioners would inquire if there was anyone other than the Applicant and the County Staff who wants to be a party to this action. Anyone other than the Applicant.

(e) Swearing In: All persons, including County Staff and consultants, who intend to present evidence shall be sworn in.

- (f) Evidence:
- Staff Presentation of Report.
 - Cross examination by the Applicant, followed by other parties.
 - Questions from the Board of Commissioners or County Attorney.
 - Applicant Presentation of Evidence and Witnesses.
 - Cross examination by other parties.
 - Questions from the Board of Commissioners or County Attorney.
 - Other parties' presentation of Evidence and Witnesses.
 - Cross examination by the Applicant, followed by other parties.
 - Question from the Board of Commissioners or County Attorney.
 - Rebuttal.
 - Applicant may present brief rebuttal evidence.
 - Other parties may present brief rebuttal evidence.
 - Closing Statements.
 - Each party who presented evidence may give a brief closing statement.
 - Additional questions from the Board of Commissioners.
- (g) Board Discussions: (This ends the public input section of the Hearing).
- The Board of Commissioners would discuss the application and whether it meets the requirements set forth in the applicable Ordinance and make findings relevant to each of these factors based on the evidence and testimony presented. The County Staff would be available to guide the Board of Commissioners through the standards of the Ordinance. Findings shall be made on each applicable requirement and standard. The applicable Ordinance for the hearing was the Jackson County Wireless Communications Ordinance approved August 18, 2015 and the requirements are set forth in Section 30-23 (b)(3).
 - The Board of Commissioners would make a decision to deny the approval of the permit, table the request pending submittal of additional information or approve the application with or without additional conditions and direct who would prepare the Order.
- (h) The Hearing was concluded.
- (i) Notes:
- Witnesses shall avoid hearsay evidence.
 - The Chairman of the Board of Commissioners may rule on any objections or requests from participants regarding the procedure of the hearing or the evidence presented with or without objection.
 - The Applicant had the burden of proof of producing substantial, competent and material evidence for the Commissioners to conclude that the standards of the applicable ordinance have been met. If the applicant shows that they meet these standards than the Applicant was entitled to approval unless those opposed present competent, material and substantial evidence that one or more of the standards have not been met.
 - Substantial evidence was “that which a reasonable mind would regard as sufficiently supporting a specific result”.
- (j) Date for the hearing: October 17th at 1:30 p.m.
Informational item.

There being no further business, Commissioner Deitz moved to adjourn the meeting. Commissioner Mau seconded the Motion. Motion carried and the meeting adjourned at 3:17 p.m.

Attest:

Approved:

Angela M. Winchester, Clerk to Board

Brian Thomas McMahan, Chairman