

**MINUTES OF A
WORK SESSION
OF THE JACKSON COUNTY
BOARD OF COMMISSIONERS
HELD ON
AUGUST 14, 2018**

The Jackson County Board of Commissioners met in a Work Session on August 14, 2018, 1:00 p.m., Justice and Administration Building, Room A227, 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) PAYMENT IN LIEU OF TAXES: Ms. Baker stated that for U.S Forest Service property that was in the county, a total of 76,728 acres, the county was paid Payment in Lieu of Taxes. They had just received payment for \$205,000. There was a federal lawsuit started in Utah that claimed that for 2015, 2016 and 2017 all local governments that received this payment were underpaid. The court decided that the amount that should have been allocated, due to the formula, should have been paid even though Congress did not budget the full amount.

The court stated that local governments were owed the back payments, but had not determined how much that would be. They were being told that for Jackson County it would be approximately \$7,000 to \$8,000. Since this was a class action lawsuit, they could choose to opt-in with no costs or risks. The attorneys requested that their fees be paid separately, but they may come from the overall amount that was awarded. She did not see any negatives to opting-in.

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

(2) SEPTEMBER 3RD MEETING DAY / LABOR DAY: Mr. Adams stated that the regular scheduled meeting on September 3rd was Labor Day. He asked if the Board wanted to reschedule the meeting to another date.

Consensus: *Add this item to the next regular agenda to consider rescheduling the meeting to Tuesday, September 4th at 3:00 pm.*

(3) CONSOLIDATED HUMAN SERVICES AGENCY BOARD: Mr. Adams stated that the Consolidated Human Services Agency Board previously made a formal request that the Commissioners write a letter stating the reasons why consolidation occurred. The Board decided that it would be very difficult to write the reasons on the Board letterhead because consolidation occurred with a 3-2 vote. When he reported that back to the Agency Board, they still had questions and started focusing on the three Commissioners that voted in favor of consolidation. They made a revised request for the three Commissioners that voted for consolidation to appoint one Commissioner to discuss with them common reasons why consolidation occurred.

At that point, he had conversations with Commissioner Luker and the Consolidated Human Services Agency Board meeting was that night. Commissioner Luker would attempt to give common reasons amongst the three Commissioners of why consolidation occurred. Kathy Farmer, Chairman of the Consolidated Human Services Agency Board, would facilitate discussions. It would still be recommended that if any of the Agency Board Members had questions or concerns, they reach out to the Commissioners individually.

Informational item.

(4) TAYLORS CREEK / CATSPA W / WALNUT GAP PETITION AND REQUEST:

Michael Poston, Planning Director, was present for this item.

Mr. Adams stated he received an email from Kathie Livingston, who made public comments and presented information regarding an ongoing petition at the last regular meeting. The email requested consideration to introduce an ordinance to limit the discharge of firearms on private property other than during hunting season or for protection of property and to also include someone opening up a gun range for their own business or for the public.

The Livingston email stated that the issue came about as the new owners of 380 Taylor Creek Road in Cullowhee, the Murdock's, planned to open two firing ranges, one for rifles/shotguns and one for pistols. The property was surrounded by neighborhoods, houses, kids and retirees who lived and spent months there to enjoy the peace and tranquility of the area. Several of the residents in the areas of Taylor Creek, CatsPaw and Walnut Gap in Cullowhee were very concerned and unhappy about this.

They requested consideration of the Lenoir County ordinance that addressed this issue. However, along with this, they wanted to add:

- It was necessary for protection from lead pollution and noise pollution, disrupting the quality of life and it devalued properties.
- The restrictions would include anyone conducting a business on their property that included the discharging of firearms.

They had shared information with a few Commissioners, that Mr. Murdock told some of them that he would not open his shooting ranges to the public. However, since then he stated that he intended to retire from the Thunder Pawn Shop as manager and open his own business on his property as a Gunsmith and that he could indeed charge and allow clients to shoot guns there. He was a gunsmith by trade and stated that the current Noise Ordinance did not apply to him.

Commissioner Mau inquired if the Noise Ordinance applied?

Ms. Baker stated that the county had a good Noise Ordinance that had been upheld by the Court of Appeals as constitutional. Part of the reason that it was upheld was because it had a "reasonable person" standard and it was objective. Each situation was different, so depending on the circumstances, it could definitely apply.

Commissioner Deitz inquired what process someone would have to go through to say the Noise Ordinance had been violated.

Ms. Baker stated that an individual citizen could call and ask for assistance through dispatch at the Sheriff's Office and depending on the situation, law enforcement may be able to respond. Or, they could go to the magistrate, keeping in mind that the noise had to meet the reasonable person standard and they had to be able to prove the case.

Chairman McMahan inquired about the process for someone taking out a warrant for what they deemed to be a violation of the Noise Ordinance.

Ms. Baker stated that if they went directly to the magistrate and if they felt they had enough to move forward with the warrant, a warrant would be issued and someone would be charged. They would be served with a summons to appear in district court in front of a judge. If they were found guilty it would be a Class 3 Misdemeanor, fines and court costs. If law enforcement was contacted, they may be able to attest to the violation.

Chairman McMahan stated that the request brought to them was asking for a separate ordinance, which would regulated the discharge of firearms countywide.

Mr. Poston stated that if the shooting range was not within one of the regulated districts, they really did not have any development standards that would speak to how it would be done. They informed Mr. Murdock of this when he contacted their office. Mr. Murdock asked the Planning Department for verification of what type of activities could be proposed on his property and if the activities that he proposed were allowable.

The Planning Department responded back to Mr. Murdock advising him that the property, as of that date, was not located in an area in the county with zoning ordinances. The sale of hunting supplies, accessories, firearms, manufacturing and the legal, safe discharge of firearms were allowed on the property with no special permit by the county. However, state and federal agency approvals may be required. In addition, the county adopted a Noise Ordinance, which may apply.

Chairman McMahan stated that for all they knew, Mr. Murdock was inquiring because he was intending to retire and do something else as an occupation, it did not necessarily mean he would have a shooting range or that he would violate the Noise Ordinance.

Personally, he was not interested in writing a new ordinance that regulated the discharge of firearms. That went beyond the scope of firing ranges that would go to people shooting guns in their own backyards. He was not for regulating firearm discharges countywide in that type of capacity. In this case, he thought they had a Noise Ordinance that was applicable and it had been tested in the court of appeals. There was a process that they could document what was taking place and pursue it through a legal course.

Mr. Adams stated that Ms. Livingston had requested a response.

Commissioner Luker stated they could go to the magistrate and take out a warrant and let the court handle it as there was a process. He was not willing to step out and have an ordinance that would say someone could not get in their own backyard and discharge firearms. He thought they had a process in place and they needed to follow through the way they saw fit.

Informational item.

(5) COMMISSIONER GOALS: Chairman McMahan stated that they had started the process of adding goals to work on from ordinances, policies or budget goals.

(a) Chairman McMahan:

- **Recreation Facilities for Youth Sports:** He and Commissioner Luker had discussed that the recreation facilities for youth sports were in desperate need of renovations. He wanted the Board to think about things they could do to enhance those facilities.

Commissioner Luker stated that the concession stand at Fairview had part of the floor missing and was a safety hazard. Also, the bathrooms at East Laporte had not been updated since that facility was built 30 years ago.

Commissioner Deitz stated he wanted to look into covers for the fields and repairing the score boards.

Mr. Adams stated he would request that Chad Parker, Public Works Director, give a report to the Board on all of the recreation facilities.

- **Community Buildings:** Add the community buildings to the asset management plan and determine where they were and try to help those communities.
- **Internships:** Look at some internship opportunities for young people in the county to gain experience.

Mr. Adams stated he would create a report of interns in the county. They had them in health and recreation, but lacked some on the management side.

- **Trash Pickup:** Continue to explore options for trash pickup. He thought they had gained a lot of traction and seen a lot of work over the past year, but they still had a long way to go. Maybe the committee could work towards next steps.

Mr. Adams stated that Mr. Parker and Todd Dillard, Emergency Management Director, were creating an interview committee to work towards filling the new position of Solid Waste Reduction Education Coordinator.

- John Parris Cabin: They had work done to stabilize the bank and put in a drainage basin. The Historical Society had contacted him several times stating they would love to do something at the cabin, but it would require the county to do more work. He wanted to think about their long term plans for that building.

(b) Commissioner Mau:

- School Buildings: They had discussed getting the schools onto the new software for facility management when they got all the new roofs, etc. completed. He wanted to take the next step to track the schools as well.

Mr. Adams stated they already had the work order system and he would follow up with Darin Allison, Director of Capital Projects and Facilities, as they would need to price out the system also.

- Policy for Charitable Donations of Conservation Lands: Commissioner Mau distributed a draft of a policy for a starting point. He spoke with Mainspring and also followed up with the author of the Brookings Institute article regarding charitable donations of Conservation lands.
- Buyer's Agent: Another policy they had recently discussed was a Buyer's Agency agreement for land acquisitions for the county.
- Green Energy Park: He wanted to see them keep going on the Green Energy Park.

(c) Commissioner Elders:

- School Safety: When school resumed and the Sheriff had time to evaluate the new SRO officers and security, he did not want them to get stale working on the security situation at all of the schools.

Mr. Adams stated that he met with administration a few weeks ago. They had the engineering done, but they did not have the funding. They were looking to come back and have discussions for the funding. The \$400,000 that was budgeted was mainly for the camera security system. Cort Architectural was putting together a true cost estimate for them.

- School Board: He suggested more joint meetings with the School Board.

(d) Commissioner Deitz:

- School Grounds: The county grounds crew kept all the school grounds up, they did a great job. Maybe they could upgrade some of the things they did.
- Visitor Restrooms: He wanted to look at building restrooms on the visitor side at the football stadium.

(e) Commissioner Luker:

- Recreation Facilities for Youth Sports
- Highway 107 Informational Boards: As far as emergency services and residents that traveled Highway 107 from Cullowhee Valley to the top of Big Ridge, he wanted to look at a way to work jointly with DOT to place information boards on each end to provide information for accidents, detours or road construction. There was a truck wreck there last week that had the road closed for several hours.

Informational item.

(6) OTHER BUSINESS:

(a) Commissioner Luker stated they may need to go into closed session for personnel on this item, but at some point, he wanted to learn more about Mr. Adams contract where it stated that he reported to the Chairman. He knew what the General Statute stated and he wanted to have discussions on that among the Board. Should that include the Chair and the Vice Chair? If the Chair and Vice Chair were both one party, should it include the Chair and a Commissioner from the other party? He wanted to have discussions on this.

Chairman McMahan stated that he thought that was fairly standard.

Mr. Adams requested that they have any of this conversation in closed session.

(b) Commissioner Luker requested that Mr. Adams update the Board on SCC.

Mr. Adams stated that currently the goal was going to be fall for going out to bid. The county applied for an EDA Grant in the amount of \$2,015,000. They could not open bids until they got final notification of the status of the grant, which should be after September 30th. County staff had reviewed the documents for HVAC, electrical and plumbing and they were just waiting on the outcome of the grant. Once they opened the bids and they understood the cost that would dictate the next steps. The loan would still occur in the fiscal year they had planned. There were a lot of caveats to EDA Grants and they had worked a lot with Ms. Baker, SCC attorneys, a bond attorney and the state.

(c) Commissioner Luker stated that he wanted to recognize Deputy Jessica Beasley and Deputy Brian Wellmon. He saw them going above and beyond doing what was right by assisting an elderly gentleman in front of the Justice Center.

Informational item.

There being no further business, Commissioner Mau moved to adjourn the meeting. Commissioner Luker seconded the Motion. Motion carried and the meeting adjourned at 2:24 p.m.

Attest:

Approved:

Angela M. Winchester, Clerk to Board

Brian Thomas McMahan, Chairman