

**MINUTES OF A
WORK SESSION
OF THE JACKSON COUNTY
BOARD OF COMMISSIONERS
HELD ON
JANUARY 15, 2019**

The Jackson County Board of Commissioners met in a Work Session on January 15, 2019, 1:00 p.m., Justice and Administration Building, Room A227, 401 Grindstaff Cove Road, Sylva, North Carolina.

Present: Brian McMahan, Chairman
Mickey Luker, Commissioner
Ron Mau, Commissioner
Gayle Woody, Commissioner

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

Absent: Boyce Deitz, Vice Chair

Chairman McMahan called the meeting to order.

(1) SKYFI WIRELESS, INC.: Rich Price, Economic Development Director, presented: North Carolina GREAT Grant Program overview:

(a) Program Summary: The North Carolina General Assembly appropriated \$10 million dollars in 2018 for the purpose of furthering access to high-speed broadband service in rural areas across the state. The North Carolina Department of Information Technology's Broadband Infrastructure Office, as authorized under S.L. 2018-5, was providing grants to private providers of broadband services to facilitate the deployment of broadband service to unserved areas of the State. The Growing Rural Economies with Access to Technology GREAT Program funds eligible projects in economically distressed Tier One counties. The application materials and program guidelines were for use when applying for the GREAT Program and were developed based on the enabling legislation for the Program within S.L. 2018-5.

Jackson County was previously designated a Tier One county at the time of this appropriation, service providers in this county were eligible to apply for these funds based on qualifying projects and the application process. These were competitive funds that would favor highly vetted and locally supported deployment projects that were designated for under-served and unserved communities.

(b) SkyFi Wireless, Inc. Grant Proposal: SkyFi Wireless, Inc., owned and operated by local entrepreneur Travis Lewis, intended to make application for NC GREAT funding assistance and had mapped two specific under-served communities in the county for the targeted wireless deployment project. Those communities included, but were not limited to Caney Fork, East Laporte and East Cope Creek. These were comprised of an estimated 400-500 residential customer that currently had limited or no internet access.

Funding secured by SkyFi, Inc., if successful in their application process, would construct two to four new towers and respective access points to allow for the wireless transmission of the high-speed broadband signal in previously difficult to reach areas of these communities. The newly constructed infrastructure would dramatically improve line-of-sight wireless signal coverage to the communities as specified, but also to surrounding communities as well, making further expansion of service a distinct probability. SkyFi currently serviced over 700 customers in central and northern Jackson County with true high-speed internet service, with minimum download speed of well over 10 mbps.

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

(2) MATERIAL SAFETY DATA SHEETS (MSDS) CONTRACT: Chad Parker, Public Works Director, stated that this was a program they had been using for three years for the Hazardous Communication Plan they had so they could access data about chemicals that may be in the departments to comply with regulations. This was for a as a multi-year contract that would need to be approved by the Board.

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

(3) UNIFIED DEVELOPMENT ORDINANCE: Michael Poston, Planning Director; John Jeleniewski, Senior Planner; Tony Elders, Permitting and Code Enforcement Director; and Kevin Jamison, GIS Director, were present for this item.

Mr. Poston presented: Jackson County Unified Development Ordinance: In 2017, the county embarked on a path to consolidate 17 different development related ordinances into one Unified Development Ordinance (UDO). The new UDO was applicable to unincorporated areas of the county and would increase ease of use by the development community, leadership, decision makers and staff. Below were a few of the highlights of the UDO, which reflected best planning practices and community goals. Adoption was expected in early 2019. Zoning Maps for regulated districts were not updated as part of this process.

The new UDO:

(a) Provided a comprehensive Table of Contents at the beginning of the Ordinance and each Article.

(b) Complied with current North Carolina General Statutes (NCGS) and applicable Federal Laws (signage). To that end, provisions were created within regulated districts to address uses not listed as permitted or prohibited. This was included to address potential conflicts if an individual proposed to do something not expressly addressed through the Ordinance through its table of permitted uses. Recent court rulings favored a provision that unlisted uses should be treated the same as the most nearly similar use as opposed to a blanket prohibition of all unlisted uses. The ordinance also added a requirement for comprehensive plan consistency statements into rezoning/text amendment procedures to comply with NCGS 153A-341.

(c) Clarified the staff member with jurisdiction and responsibility for the administration of specific sections of the UDO. Most procedures were addressed by either the Planning Director or the Permitting and Code Enforcement Director, which eliminated administrative positions that did not actually exist (sign enforcement officer, etc.). Procedural text and flow charts accompanying each review and permit procedure would mitigate confusion in the development community.

(d) Clearly identified public meeting notice procedures through “levels” and assigned the notice level in the development procedures table.

(e) A change in procedure for the case review for projects in the regulated districts reduced the timeframe for from three (3) public meetings to two (2).

(f) The new UDO combined several chapters: Water Pollution, Erosion & Sediment Control, Watershed Protection, Water Recharge, Flood Damage Prevention, Mountain Ridge Protection and Mountain and Hillside Development, adopted over the last two decades into an Environmental Regulations article.

(g) Graphics and photographs were added to illustrate concepts (street cross-section, conservation subdivision design) to Article 4: Subdivisions.

(h) Provided improved graphics, charts and tables to illustrate the intent of the ordinances.

(i) Implemented the term “Special Use” and utilized that term consistently throughout the UDO, replacing the term “conditional use”.

(j) Consolidated definitions from 17 different chapters and appendices into one place, Article 11: Definitions. Used common planning terminology and eliminated repetition and inconsistencies including differences in terminology, definitions (e.g. buffer, setback), procedures and standards.

(k) Revised county-wide sign regulations to ensure compliance with US Supreme Court Decision Reed vs. Town of Gilbert. These changes primarily were related to temporary signs, sign illumination and the removal of vegetation as it related to billboards in the public ROW (NCGS 136-133) and were also incorporated into Cashiers, Cullowhee and 441 Gateway Regulated Districts.

(l) Resolved conflicting regulations within existing ordinances (i.e. impervious coverage areas, grading limits).

(m) Creation of an updated Protected Ridge Map and Airport Hazard Zoning Map. The Protected Ridge Map was based on the regulations that were approved in 2007 when it went down to 2,500 feet in height for protected ridges and 400 feet above the adjacent valley floor. When the change was made there was no tool developed to help them discern what a protected ridge was. Mr. Elders had to do a lot of manual observation of going to the site. They had this for the state model ordinance that was adopted in 1983 and mapped all of the protected ridges. Further complicating the matter was that there was no definition for “adjacent valley floor”.

Mr. Jamison stated that all they had was a geographical definition of what a valley was. Which was “a depression that is longer than it is wide”. That was where they started. There was a lot of experimentation that went in first how to define valley for this analysis and also to define ridge tops. There was not a GIS layer of the ridgelines in North Carolina.

After a lot of trial and error and consulting it was determined that anything that was an 8.5% slope or less and contained approximately 90 contiguous acres would be considered a valley. Secondly, they mapped the ridge tops at 2,500 feet or above. They took the 3D model of the county and flipped it upside down and made a stream flow along the ridgelines and flipped it back up to have ridge lines and found 400 feet above the closest valley floor. The North Carolina Center for Geographic Information and Analysis and NC Geodetic Survey looked at the information and validated the process.

(n) Standardized Regulated District sections regarding Planning Council operations, non-conforming regulations and temporary and exempt sign standards.

Commissioner Mau inquired if they could put hyperlinks into the final version?

Mr. Poston stated they would try to figure out if there were ways to do that with the online version.

Commissioner Mau inquired of where the 8.5% came from?

Mr. Jamison stated that it was pure experimentation. The state did not even have a standard.

Commissioner Luker stated that if there was no set standard, if that got challenged, where would that stand?

Ms. Baker stated it was very important to have maps. When maps were adopted, they were saying that they determined that they were the protected ridges in the ordinance. Regardless of how they got there, they were stating that these were the protected ridges and applied to the ordinance.

Mr. Poston stated that by the end of January, they would have updated all of the planning councils and boards. In February, they would hopefully have the public hearing process for the planning councils and in March possibly have the planning board public hearing. They were looking to April for a possibility for the Board of Commissioners to hold a public hearing.

Commissioner McMahan stated that he started working for the county in 1996 in the Planning Department. In the last 23 years he had seen a lot of these ordinances come to pass and he felt sure that as time went on there would be more ordinances written. What did the future look like now that they had the UDO?

Mr. Poston stated that if they could imagine managing 22 different documents and a lot of them overlapped. Every time there was a change to be made, there may need to be changes done to four different ordinances, which meant a public hearing for each. He thought administering the totality was unsustainable for staff and resources put into public hearings. By codifying this, they were creating a more streamlined process to make those changes.

Commissioner Mau inquired if they wanted to add the typical time frames to the flow charts.

Mr. Poston stated they would take a look at that.

Informational item.

(4) **CASHIERS SMALL AREA PLAN**: Mr. Adams stated that it had been requested that the Board hold a public hearing regarding the Cashiers Small Area Plan in the Cashiers area in March.

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

(5) **SPECIAL CALLED WORK SESSION**: Mr. Adams stated that it had been requested that the Board call for a special called work session in the Cashiers area as well as there was a group that requested to be on a work session agenda.

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

(6) **TOURISM DEVELOPMENT AUTHORITY (TDA) INTERN**: Nick Breedlove, TDA Executive Director, stated that at the TDA's December board meeting, the Board of Directors approved an internship position, pending Commissioners' approval, to assist the Executive Director with various marketing and public relations duties. As the Director duties had steadily increased year over year, the internship would provide support to accomplish the growing plan of work.

In consulting with county legal, finance and human resources, it was determined that due to the language in the establishing legislation, they would need to present the request to the Commissioners for approval. The TDA's establishing legislation R12-34, adopted November, 2012, subsequently amended, Section 11, Provision B stated: "Funds shall not be used to create pay positions from TDA funds unless approved in advance by the TDA Board and the Jackson County Board of Commissioners".

A detailed description of duties proposed for the 150 hour paid internship (\$12 per hour) was provided. Funds were available within the TDA budget for the request.

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

(7) **MEMORANDUM OF UNDERSTANDING AND GRANT AGREEMENT – BLACKROCK CONSERVATION PROJECT**: Mr. Adams presented a Memorandum of Understanding and Grant Agreement between the county and the Town of Sylva in regards to 441.53 acres of property located off of Black Rock Road in Sylva. The Conservation Fund Mainspring and the Town of Sylva was preparing to move forward with the project. The Board of Commissioners previously approved up to \$250,000 funding for this project contingent upon certain items being met:

- Clean Water Management Trust Fund application approval.
- Final purchase price determined by fair market with two independent appraisals performed.
- Conservation easement placed on the property for passive recreational uses.
- The Town of Sylva and Jackson County would mutually agree on allowable uses.

There was a requirement in the agreement that if at any time, the town wished to restrict a use they would have to get mutual consent from the county. If they moved forward without the mutual consent they would pay back the \$250,000 grant to the county.

Other specifics of the agreement:

- The Town of Sylva would be the grant recipient from the Clean Water Management Trust Fund.
- The county would provide a \$250,000 grant to the Town of Sylva.
- The Town of Sylva would provide \$250,000.
- The Conservation Fund would purchase the property and the town would reimburse the Conservation Fund \$500,000.
- The Conservation Fund committed \$583,225 from private donations.
- Total acquisition cost \$2,088,225.

Consensus: *Place this item on the next regular meeting agenda for consideration.*

(8) SOUTHWESTERN WORKFORCE DEVELOPMENT CONSORTIUM

AGREEMENT: Mr. Adams presented the Southwestern Workforce Development Consortium Agreement. The contiguous units of local government listed below agreed to establish a consortium pursuant to the provisions of N.C. G.S. Section 160A-464(1) to act jointly as a Workforce Investment Area under the Workforce Innovation and Opportunity Act (WIOA), Public Law 113-128 as enacted July 22, 2014. The consortium was composed of the following independent and contiguous units of general purpose local government: Cherokee County, Clay County, Graham County, Haywood County, Jackson County, Macon County and Swain County.

In accordance with N.C. G.S. Section 160A-463(b), the Chairmen of the Boards of Commissioners of the undersigned units of local government provide that the designated Chief Elected Official from Macon County shall be authorized to exercise the functions of the Southwestern Workforce Investment Area Chief Elected Official, which were required under the Workforce Innovation and Opportunity Act.

Consensus: *Place this item on the next regular meeting agenda for consideration.*

(9) GREEN ENERGY PARK MASTER PLAN: Mr. Adams stated that the engineering firm would be attending the January 22nd regular meeting to present a preliminary master plan for the Green Energy Park. There would also be a report of conditions presented as well.

Informational item.

(10) MUNICIPAL GRANT APPLICATIONS: Mr. Adams presented the 2019 municipal grant applications:

(a) Town of Sylva: Requested \$5,000 to install an entrance sign with various community organizational logos on Grindstaff Cove and add a power pole for food trucks in the paved lot at Bridge Park.

(b) Forest Hills: Requested \$2,500 for a clean stone area for a quaint, outdoor mobile vendor space with picnic table, plus additional gravel for keeping ingress/egress pull-out clean. The location was in the ETJ area of Forest Hills inside the space designated by the property owner as community green space.

(c) Town of Webster: Requested \$2,200 to upgrade and improve three unique features Webster: the WWII Monument and the two entry signs.

(d) Town of Dillsboro: Requested \$5,000 to remove bamboo and replace the asphalt with a 4” concrete surface at the parking area and sidewalk designated for a handicapped fishing pier at the Dillsboro Picnic Park

Consensus: *Place this item on the next regular meeting agenda for consideration.*

(11) FY2019-2020 BUDGET CALENDAR: Mr. Adams presented the proposed 2019-19 Budget Schedule:

January 15, 2019	Regular Commissioner work session – set Budget Calendar - 1:00 pm
February 14, 2019	Manager’s Preliminary meeting with staff
February 21, 2019	Commissioners’ Budget Retreat – NCCAT - 1:00 pm
March 1, 2019	Non-profit grant applications disseminated
March 22, 2019	All requests submitted to Finance
March 29, 2019	Non-profit grant applications due
April 9, 2019	Regular Commissioner work session summary of all new requests -1:00 pm
April 16-May 3, 2019	Manager/Finance Budget meeting with Departments and Agencies
May 14, 2019	Regular Commissioner work session – Capital Projects, update on new requests - 1:00 pm
May 21, 2019	Regular Commissioner meeting – Manager’s recommended budget -3:00 pm
May 27-29, 2019	Special called budget work sessions to hear presentations, if needed
8:30 am – 1:00 pm	(Safety, education, non-profits, other departments)

June 4, 2019	Regular Commissioner meeting – Budget public hearing - 6:00 pm
June 5 – 10, 2019	Special called budget meetings, as needed and regular work session (June 11, 2019 at 1:00 pm) to make final adjustments
June 18, 2019	Adoption of budget

Chairman McMahan noted that May 27th was Memorial Day.

Commissioner Mau stated that he would be out of town the week of May 27th.

Mr. Adams stated they could consider May 22nd and 23rd instead of May 27th and 28th.

Consensus: *Place this item, with date revisions, on the next regular meeting agenda for consideration.*

(12) FEBRUARY 19th REGULAR COMMISSIONER MEETING: Mr. Adams stated Commissioner Deitz had made a request to change the meeting on February 19th at 3:00 p.m. He was absent from the meeting that day, but they could consider changing the time to earlier in the day.

Consensus: *Place this item on the next regular meeting agenda for consideration.*

(13) JOINT MEETINGS:

(a) Board of Education: The Board requested updates on facilities and security at this meeting. Consider February 13th or February 20th.

Consensus: *Place this item on the next regular meeting agenda for consideration.*

(b) Municipalities: Mr. Adams stated that at some point Highway 107 would be a topic at a joint meeting, but it may be summer before TWSA was ready to start making policies.

Informational item.

(14) OTHER BUSINESS:

(a) Commissioner Mau stated that since they were getting ready to go into a budget cycle and consider goals, he wanted to look at paperless ways to send the county employee pay stubs.

(b) Commissioner Mau stated that about a year ago, they had a time constraint for picking out a site for an indoor pool and decided not to move forward. They now had time if they wanted to place it on the November 2020 ballot, if they had a site vetted by September or October. That would give Mr. Adams time based on what they had before to go along with the design and bond issues.

Mr. Adams stated that he could place this item on the retreat agenda.

(c) Chairman McMahan stated that a topic they had discussed several times and he thought they all recognized that where there were at currently was probably where they did not want to stay with oversight of DSS and the Health Department with the Board of Commissioners being the oversight board. He felt strongly about moving back to where they used to be with the two independent boards. He requested staff to start the process of looking at what would be necessary and bring this topic back up.

Commissioner Woody stated that she agreed that it was an important issue.

(15) CLOSED SESSION:

Motion: *Commissioner Mau moved that the Board go into closed session pursuant to G.S.143-318.11(a)(5) Real Property. Commissioner Woody seconded the Motion. Motion carried.*

Chairman McMahan called the work session back to order and stated that no action was taken in closed session.

There being no further business, Commissioner Mau moved to adjourn the meeting. Commissioner Luker seconded the Motion. Motion carried and the meeting adjourned at 3:06 p.m.

Attest:

Approved:

Angela M. Winchester, Clerk to Board

Brian Thomas McMahan, Chairman