

**MINUTES OF A
REGULAR MEETING
OF THE JACKSON COUNTY
BOARD OF COMMISSIONERS
HELD ON
JANUARY 22, 2019**

The Jackson County Board of Commissioners met in a Regular Session on January 22, 2019, 6:00 p.m., Justice & Administration Building, Room A201, 401 Grindstaff Cove Road, Sylva, North Carolina.

Present: Brian McMahan, Chairman
Boyce Deitz, Vice Chair
Mickey Luker, Commissioner
Ron Mau, Commissioner
Gayle Woody, Commissioner

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

Chairman McMahan called the meeting to order.

(1) **AGENDA**: Commissioner Mau moved to approve the agenda. Commissioner Woody seconded the Motion. Motion carried.

(2) **MINUTES**: Commissioner Woody moved to approve the minutes of a Regular Meeting of January 08, 2019. Commissioner Mau seconded the Motion. Motion carried.

(3) **CHAIRMAN'S REPORT**: Chairman McMahan stated that the Board had not met since the passing of Conrad Burrell, former County Commissioner, Register of Deeds, NC DOT Board Member, among many more things in the community. He expressed his heartfelt condolences to Mr. Burrell's family. It was a great loss that the community endured with the passing of Mr. Burrell. He left a legacy and a name that would be long remembered for all the great things that he did for Jackson County. He appreciated the opportunity of having served with Mr. Burrell on the Board of Commissioners, it was an honor.

Also, yesterday was Martin Luther King, Jr. Day and in celebration of Dr. King and his legacy and life's work, he had the opportunity to attend, along with Commissioner Woody, a unity march at Western Carolina University. It was a great event spreading the message of Dr. King, focusing on injustice and working to strive for unity. He was honored to be a part of that event.

(4) **COMMISSIONER REPORTS**:

(a) Commissioner Mau stated that he provided each Commissioner with a copy of the Jackson County TDA Newsletter and a copy of the TWSA January 15, 2019, Business Meeting Organizational Update. Also, Mr. Adams, Ms. Baker, Commissioner Woody, Chairman McMahan and himself, attended the Essentials of County Government in Asheville. It was about learning the basics of county government, legal issues, communicating and ethics. It was really interesting and educational.

(b) Commissioner Woody stated she also attended the NCACC Legislative Goals in Raleigh, which was a great time and learning experience. They brought forward resolutions for the Legislator to consider. Commissioners came together from all 100 counties and brought forward issues to be voted on. They ranked the resolutions and she shared the top five priority goals:

(1) Seek legislation, funding, and other efforts to expand digital infrastructure/broadband capability to the unserved and under-served areas and residents of the state.

(2) Seek additional revenue sources, including a statewide bond and lottery proceeds, to equitably address statewide public school and community college capital challenges.

(3) Support efforts to preserve and expand the existing local revenue base of counties and authorize local option revenue sources already given to any other jurisdiction to all counties. Oppose efforts to divert to the state, fees or taxes currently allocated to the counties or to erode existing county revenue streams.

(4) Support provision of state resources to ensure county ability to provide essential public health, behavioral health and social services, with specific consideration to the challenges of incarcerated persons, the continued county role in behavioral health governance and programs addressing substance use disorder, throughout Medicaid transformation.

(5) Seek legislation to repeal the statutory authority under N.C. Gen. Stat. 115C-431(c) that allows a local school board to file suit against a county board of commissioners over appropriations to the local board of education's capital outlay fund.

(c) Commissioner Deitz stated that he agreed wholeheartedly with the comments regarding Mr. Burrell. Also, Curtis Allison passed away and he was a great citizen of the county. He did a lot for a lot of people that no one heard about. He was an awesome person and well thought of.

About seven years ago, the counties of Western North Carolina were asked to join in to help come up with a stockyard. They received donations from counties, including Jackson and received help from the Tobacco Fund and others were very involved. That past Monday, they had a celebration as they sold the 100 millionth dollar worth of cattle. Before, all that money was taken to other states where folks had to haul their livestock. A lot of that money now went back to local farmers and was owned by the farmers. He was proud of that.

(5) COUNTY MANAGER REPORT: Mr. Adams reported on the Health Department:

(a) They planned to begin moving on February 2nd. Offices would be closed on February 4th, 5th and 6th. There would be no clinical services during those days. Scheduled environmental inspections would still occur.

(b) The Health Department recently went through accreditation and received a recommendation for accreditation with honors. This recommendation would go before the State Board in May.

(c) Lewis Beck, retired FNP, now working part-time for the county was awarded the Dr. Ham Stevens award from the North Carolina Association of Local Health Directors. This was a statewide award given to individuals who portrayed the qualities of a friend of public health in their professional as well as personal life.

(d) They were still moving forward to go out to bid in February with an award date in March.

(6) INFORMAL COMMENTS BY THE PUBLIC: Gene Middleton of Sylva stated his thoughts for a median for the 107 road project so visibility would be good. Also, he was concerned about the right-of-way on the sewer line.

Commissioner Woody invited Mr. Middleton to the next 107 meeting on January 29th in the Library's Community Room at 4:00 pm.

(7) CONSENT AGENDA:

(a) Darlene Fox, Finance Director, presented the Finance Report for December, 2018 and a Budget Ordinance Amendment for fiscal year ending June 30, 2019, for approval.

(b) Brandi Henson, Tax Collector, presented the Tax Collector and Refund Reports for December, 2018, for approval.

Motion: Commissioner Mau moved to approve the Consent Agenda. Commissioner Deitz seconded the Motion. Motion carried by unanimous vote.

(8) GREEN ENERGY PARK: Gary Warner, Landscape Architect and Planner with WithersRavenel, stated that for the past few months they had been working with the county on developing a new master plan for the Green Energy Park. They had been working on site analysis and programming. He presented a preliminary Green Energy Park Master Plan:

(a) Currently at the Green Energy Park:

- Art Center
- Landfill
- Recycling Center
- Greenhouses
- Event Space
- Kilns

(b) Proposed Park Program:

- Animal Rescue Center
- Innovation Center (approximately 17,000 SF)
- Event Space
- Walking Trails / Art Walk
- Dog Run / Park
- Open Space
- Parking
- Relocate Recycling Center

(c) Existing Conditions: He presented photos of the existing buildings and areas.

(d) Topography: They used drones to fly the property with Lidar to capture the topography. The topography did show some real challenges.

(e) Geotechnical: They did soil borings and found in elements 2, 3, 4 and 5 that they could drill down 15-20 feet and then started to hit a lot of rock. In areas 7, 8, 9 and 10, they stopped drilling at 50 feet and had only dirt and sand. As far as they had been able to tell, there was a minimum cover on the landfill, which meant they were limited in what they could do.

Mr. Adams stated that they had a division in Solid Waste and had conversations with them regarding these potential uses.

Mr. Warner stated that Solid Waste was happy with the ideas they had, but they were concerned about the minimum coverage on the landfill, which appeared to be about four feet. Also, regarding the Innovation Center, they had managed to get it to approximately 13,000-14,000 SF.

Mr. Adams stated that regarding the Innovation Center, they started off with a 17,000 SF concept, which was based on thinking they had a 17,000 SF pad ready and available. What they had on the first level was about a 10,000 SF pad for them to have a conversation about the needs of the innovation center. When they choose to move forward they would go through another process to determine exactly what the facility would be.

Mr. Warner stated that they would continue to work with county staff, art center staff and NCDOT to make sure they were on the right track and moving in the right direction.

Mr. Adams stated there was a lot of engineering data behind this plan as this was a challenging site. At that point, they were formulating estimated costs. This item was scheduled for the February 12th work session to start talking about quantities, phases and breaking down the costs.

Informational item only.

(9) TOURISM DEVELOPMENT AUTHORITY (TDA): 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. He requested a start date of January 23, 2019.

Motion: *Commissioner Mau moved to authorize the expenditure for the request for a TDA internship position with a start date of January 23, 2019, as presented. Commissioner Woody seconded the Motion. Motion carried by unanimous vote.*

(10) 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.

Motion: *Commissioner Mau moved to set a special called work session on March 7th at 1:00 p.m. in Cashiers at a location to be determined. Commissioner Deitz seconded the Motion. Motion carried by unanimous vote.*

(11) 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.

Motion: *Commissioner Deitz moved to set a public hearing regarding the Cashiers Small Area Plan on March 7th at 5:00 p.m. in Cashiers at a location to be determined. Commissioner Mau seconded the Motion. Motion carried by unanimous vote.*

(12) BOARD OF EDUCATION JOINT MEETING: Mr. Adams requested that the Board set a joint meeting with the Board of Education.

Motion: *Commissioner Mau moved to set a joint meeting with the Board of Education on February 20th at 3:00 p.m. at a location to be determined. Commissioner Woody seconded the Motion. Motion carried by unanimous vote.*

(13) FEBRUARY 19TH REGULAR COMMISSIONER MEETING: Mr. Adams stated Commissioner Deitz had made a request to change the regular meeting on February 19th at 3:00 p.m.

Motion: *Commissioner Woody moved to change the regular meeting on February 19th at 3:00 p.m. to February 20th at 1:00 p.m. Commissioner Mau seconded the Motion. Motion carried by unanimous vote.*

(14) VETERANS COUNCIL OF WNC: Mr. Adams stated this was a follow up to a consensus of the Board, at a work session, to approve up to \$2,500 to support this effort. It had been requested that the county provide funding in the sum of \$2,500 toward a dinner for the 210th Military Police Company that deployed to Cuba returned on October 6th. They were planning to do a welcome home meal for these men and women along with their families. The Veterans Council would organize the event, but they were requesting funding from the county for the dinner. Other county contributions included: Macon County \$2,500; Cherokee County \$2,500; Haywood County \$2,500; Graham County \$1,000; Swain County \$1,000; and Clay County \$1,000.

Motion: *Commissioner Luker moved to grant the request to provide \$2,500 toward the welcome home meal, as requested. Commissioner Mau seconded the Motion. Motion carried by unanimous vote.*

(15) SKYFI WIRELESS, INC.: Mr. Adams stated this item was a follow up from a work session regarding Skyfi Wireless, Inc. submitting an application for a grant from the state. A letter of support from the Board had been requested.

Motion: *Commissioner Luker moved to grant the request to provide a letter of support, as requested. Commissioner Mau seconded the Motion. Motion carried by unanimous vote.*

(16) MATERIAL SAFETY DATA SHEETS (MSDS) CONTRACT: Mr. Adams stated that this item was a follow up from a work session regarding the MSDS multi-year contract. This was a mandated requirement to have MSDS be kept on all hazardous materials kept in county facilities.

Motion: *Commissioner Mau moved to approve the three year contract, as presented. Commissioner Woody seconded the Motion. Motion carried by unanimous vote.*

(17) MEMORANDUM OF UNDERSTANDING AND GRANT AGREEMENT – BLACKROCK CONSERVATION PROJECT: Mr. Adams stated that in the proposed grant agreement with the Town of Sylva, the county agreed to grant the town \$250,000 to be used in conjunction with the \$250,000 from the town to contribute towards the purchase of 441 acres for conservation purposes. The conservation easement would be maintained by Mainspring. Other funding sources were over \$1 mil from The Clean Water Management Trust Fund and approximately \$580,000 from the Conservation Fund from private donations. The property would be transferred to the Town of Sylva with a conservation easement as described in the agreement. Should the town no longer own the property, restrict the conservation easement or did not receive ownership, they would pay back the \$250,000 grant to the county.

Motion: *Commissioner Deitz moved to approve the Memorandum of Understanding and Grant Agreement, as presented. Commissioner Mau seconded the Motion. Motion carried by unanimous vote.*

(18) SOUTHWESTERN WORKFORCE DEVELOPMENT CONSORTIUM AGREEMENT: Mr. Adams stated that this agreement was regarding the Workforce Investment Act Funds. The funds were federal dollars that had to flow through a qualified regional agency WIOA funds. The agreement set into motion that Southwestern Workforce Development Consortium Agreement was the receiver of these funds. Also, they were selecting a Macon County representative to act as the Chief Elected Official in accordance with WIOA rules and regulations.

Motion: *Commissioner Mau moved to approve the Southwestern Workforce Development Consortium Agreement, as presented. Commissioner Woody seconded the Motion. Motion carried by unanimous vote.*

(19) MUNICIPAL GRANT APPLICATIONS: Mr. Adams stated they received grant applications from multiple municipalities:

(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

Motion: *Commissioner Mau moved to approve all grant applications and fund requests, as presented. Commissioner Deitz seconded the Motion. Motion carried by unanimous vote.*

(20) FY2019-2020 BUDGET CALENDAR: Mr. Adams presented the proposed 2019-2020 Budget Schedule updated from comments at the work session:

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 22-23, 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

Motion: *Commissioner Woody moved to approve the FY2019-2020 Budget Calendar, as presented. Commissioner Mau seconded the Motion. Motion carried by unanimous vote.*

(21) ADDENDUM TO MEDICAL PARK LEASE: Ms. Baker presented an Addendum to the Medical Park Lease, which was the lease for the building that the Health Department would move to during renovation. The addendum allowed the county to do renovations to the building as long as they received written permission from the landlord. Renovations they were aware of were included in the original lease, but were not sure of the specifics of others. The addendum stated the specifics of the alterations that were needed and had been approved by Evergreen, the landlord. There could be a couple more of these later, so she included a provision that would allow future addendums to be authorized by the County Manager.

Motion: *Commissioner Mau moved to approve the Addendum to the Medical Park Lease, as presented. Commissioner Woody seconded the Motion. Motion carried by unanimous vote.*

(22) RESOLUTION R18-18 APPROVING FINANCING TERMS AND DOCUMENTS FOR SCC HEALTH SCIENCES BUILDING: Ms. Fox stated that Resolution R18-18 authorized the final approval of the financing with Sterling National Bank in accordance with the financing proposal that dated December 7, 2018. The amount financed was \$10 mil with an interest rate of 3.81% and a 20 term. It authorized the County Manager, Finance Director and other staff and employees to take proper steps to complete the financing in cooperation with the lender and in accordance with this resolution. It approved the county accepting title to the property for the site of the facility.

The resolution also approved the following documents:

- Installment Financing Contract
- Deed of Trust and Security Agreement
- Lease between Jackson County and SCC
- Agency Agreement between Jackson County and SCC
- Escrow County between Jackson County and the lender

Motion: *Commissioner Luker moved to adopt Resolution R18-18 approving the financing terms and documents for the SCC Health Sciences Building, as presented. Commissioner Mau seconded the Motion. Motion carried by unanimous vote.*

(23) CULLOWHEE PLANNING COUNCIL:

Motion: *Commissioner Mau moved to reappoint Rick Bennett, Scott Baker, Jack Debnam, Myrtle Schrader, Joel Setzer, David Claxton and James Lewis to serve additional three year terms on the Cullowhee Planning Council. Commissioner Luker seconded the Motion. Motion carried by unanimous vote.*

(24) FIREMEN'S RELIEF FUND: Recommendations for appointments were submitted by the respective fire departments.

Motion: *Commissioner Deitz moved to reappoint BB Cantrell of the Balsam VFD; Darren Messer of the Canada VFD; Phillip Farmer of the Cashiers VFD; Blaine Ensley of the Cullowhee VFD; Nick Stewart of the Qualla VFD; and Jessica Buchanan of the Savannah VFD to additional two year terms on the Firemen's Relief Fund Board of Trustees, terms expiring January 1, 2021. Commissioner Woody seconded the Motion. Motion carried by unanimous vote.*

(25) PLANNING BOARD: *Carry over.*

(26) US 441 GATEWAY DISTRICT COMMUNITY PLANNING COUNCIL:

Carry over.

(27) PRESS CONFERENCE: None.

(28) CLOSED SESSION:

Motion: *Commissioner Mau moved that the Board go into closed session pursuant to G.S.143-318.11(a)(4) Business Expansion and G.S.143-318.11(a)(5) Real Property. Commissioner Woody seconded the Motion. Motion carried.*

Chairman McMahan called the regular meeting back to order and stated that no action was taken in closed session except the approval of the minutes.

(29) AGENDA: Commissioner Mau moved to amend the agenda to add one item: Pepsi Plant Property Contract. Commissioner Deitz seconded the Motion. Motion carried.

(30) PEPSI PLANT PROPERTY CONTRACT: Chairman McMahan stated that the due diligence period would expire soon on the Pepsi Property Acquisition contract with the county.

Motion: *Commissioner Mau moved to terminate the contract based on the findings of the due diligence and to authorize the Chairman to sign the letter of termination. Commissioner Woody seconded the Motion. Motion carried by unanimous vote.*

Chairman McMahan requested that staff convey to Pepsi how favorable the county was towards the property and their willingness to continue working with them.

(31) CLOSED SESSION:

Motion: *Commissioner Mau moved that the Board go into closed session pursuant to G.S.143-318.11(a)(3) Legal. Commissioner Woody seconded the Motion. Motion carried.*

Chairman McMahan called the regular meeting 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 Woody seconded the Motion. Motion carried and the meeting adjourned at 8:27 p.m.

Attest:

Approved:

Angela M. Winchester, Clerk to Board

Brian Thomas McMahan, Chairman