

**MINUTES OF A
REGULAR MEETING
OF THE JACKSON COUNTY
BOARD OF COMMISSIONERS
HELD ON
FEBRUARY 20, 2019**

The Jackson County Board of Commissioners met in a Regular Session on February 20, 2019, 1:00 p.m., Justice and 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 Woody moved to approve the agenda. Commissioner Deitz seconded the Motion. Motion carried.

(2) **MINUTES**: Commissioner Mau moved to approve the minutes of a Public Hearing (US 441 Corridor Development Ordinance Amendments) of February 05, 2019 and a Regular Meeting of February 05, 2019. Commissioner Woody seconded the Motion. Motion carried.

(3) **CHAIRMAN’S REPORT**: None.

(4) **COMMISSIONER REPORTS**:

(a) Commissioner Mau stated that TWSA awarded Community Development Grants last evening. One went to the Town of Dillsboro for approximately \$3,300, including in-kind time from TWSA to get improved services at the Women’s Museum, which was fully funded.

When the Cullowhee Fire Department first got their building permit, TWSA was still using impact fees and going through the system development fee process, which ended up lowering fees. The Cullowhee Fire Department requested to be fully refunded the impact fee that they had paid and the TWSA Board unanimously approved the request.

(b) Commissioner Luker stated that he attended the Library Meeting, which was very successful. He was amazed by all that they did at the libraries. They did have a new feature at both the Sylva and Cashiers Libraries of a 3D printer. There were many interesting programs and the library did a lot for the communities.

(c) Commissioner Woody stated she attended a meeting at Meridian where Judge Letts gave a presentation about Determining Conditions of Pretrial Release. He started a new program that he believed was the only model in a rural area in the United States. The program started on January 1st and in Haywood County, they had been able to close their prison annex because of this program. She was very impressed and pleased to hear about the program. They were not letting dangerous or violent criminals out, but if it was a first offense and there was no risk of violence, they only gave them a citation so that person could continue to work and pay their bills so that it did not set up a cycle. WCU had a professor that was collecting data and would do a comprehensive study on the results.

(d) Commissioner Deitz stated he met in Morganton at the Institute of Government regarding the Soil and Water Board. It was a good meeting that discussed what each county did with their Soil and Water Board. He was proud of how the Jackson County Soil and Water Board was running after hearing other county reports.

(5) COUNTY MANAGER REPORT: Mr. Adams reported:

(a) **Community Services Center/Health Department /One Stop Center:** The project was proceeding forward and he provided the Board with a final timeline. The Health Department had successfully transitioned over to their new location and the county was in the final stages of leasing 22 additional parking spaces.

(b) **Green Energy Park Campus:** Withers Ravenel had presented a preliminary site master plan and cost estimates to the Board. This issue would be discussed further during the budget retreat.

(c) **Savannah Park:** He provided an updated schedule from Buchanan and Sons, Inc. The schedule indicated 50% completion and they were scheduled to be completed by March 22nd. The playground equipment was at the Cullowhee Recreation Center and the picnic shelter was scheduled to be delivered the week of February 25th. Other items such as picnic tables and trash cans had been ordered.

(d) **January 2019 Zoning and Building Permits:** Planning and Code Enforcement developed a new report describing major zoning/building permits. This report listed the zoning district, if applicable, the owner/business name, the work permitted and the actual address of the project. This report was not intended to list all work being accomplished in these departments (i.e. residential building permits or planning slope analysis). Instead this report would attempt to capture commercial projects.

(e) **TWSA and NC107 Project:** He previously requested that Dan Harbaugh, TWSA Executive Director, provide an update on when he believed TWSA Board Members would be in a position to discuss operational policies as they related to the new NC107 Project. This was something Mr. Harbaugh was already working on and discussing with the TWSA Board. Mr. Harbaugh created a NCDOT R5600 Project Review and Coordination Schedule. This latest schedule was based on the information provided at the time of its development. He provided an email summary from Mr. Harbaugh of the latest coordination efforts occurring with NCDOT. TWSA's ability to discuss policies as they may relate to the NC107 project may be impacted by NCDOT's timeline.

(f) **Conservation Fund – Blackrock Creek, Plott Balsam Range:** The NC Conservation Fund closed on purchasing the 912 acres on February 15th. Jackson County's investment was for 441.53 acres of the 912 acres.

(g) Upcoming Meetings:

Joint meeting with Board of Education on Wednesday, February 20th at 3:00 pm

Quasi-Judicial Hearing – Cell Tower on Tuesday, February 26th at 1:00 pm

Regular meeting on Tuesday, March 5th at 6:00 pm

Special work session on Thursday, March 7th at 1:00 pm

Public hearing – Cashiers Small Area Plan on Thursday, March 7th at 5:00 pm

Work session on Tuesday, March 12th at 1:00 pm

Regular meeting on Tuesday, March 19th at 3:00 pm

(6) INFORMAL COMMENTS BY THE PUBLIC: None.

(7) CONSENT AGENDA:

(a) Darlene Fox, Finance Director, presented the Finance Report for January, 2019 for approval.

(b) Brandi Henson, Tax Collector, presented the Tax Collector and Refund Reports for January, 2019, for approval.

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

(8) COMMUNITY SERVICES CENTER: Brandon Benzing, Asheville Health Care Lead, McMillan/Pazdan/Smith, stated they were progressing on the design documents for the community service center and had submitted those to the local permitting authorities. They received comments back from them and they were in progress with responses, which was part of the standard practice. Another standard practice for buildings of this age, was that they typically would procure a Hazardous Materials Report and since the building had been vacated, a full report was underway.

BLE had been contacted to do the Hazardous Materials Report and they anticipated that report and a plan for abatement of any hazardous materials on March 4th. They would review that report and incorporate it in the bidding documents that would go out to the general contractors. They would also be advertising the project in a variety of places by invitation, local papers and Plan Room to encourage as much interest in the project as possible. They believed it was a good time to put the building out in the bidding climate.

The plan was for bids to advertise and begin soliciting bids on March 15th, which they typically allowed three to four weeks for. Part of the standard bidding procedure was to meet with them on site, if they chose to do so. On April 10th bids would be due and they would begin the process of negotiating and refining the bids. On April 15th and May 6th they would begin the process of accepting the bid awards with the county.

Mr. Adams stated that regarding the March 18th pre-bid meeting, he would ask county staff to make sure subcontractors were aware of the meeting as well. This would be a general contractor bid and hopefully they would get a local general contractor, but if they did not, they would want to make sure the general contractor had access to local subcontractors to keep the money local.

Also, they would be discussing this facility at the budget retreat and what was currently budgeted and what they needed to put in for planning. They would not know what the bids were until the opening according to the schedule. There were some elements that had come up such as the hazardous abatement plan, which was more than the standard demolition that would occur. He requested that Mr. Benzing discuss some of the elements.

Mr. Benzing stated that as far as the scope of the project, they were not sure about accessibility upgrades to be performed on the building such as enlarging the elevator to be ADA accessible. The state did assess they wanted to see that in the building, so there had been a shift in the elevator location and there would be costs associated with that. Also that week, they became aware that the roof was in worse shape and had a series of layers stacked up. They would remove those layers and better insulate the building. It was a code requirement based on the existing condition of the roof to repair it and put a new roof that would be properly insulated so it would be better performing and more sustainable from an energy perspective.

Another issue was that they were not aware that the entire site would need to be brought up to the City of Sylva's Compliance Requirements. They would add parking and make upgrades to water treatment regarding storm water. Also, they had been working with local energy companies and because they were meeting certain efficiency standards, they would be receiving rebates

Informational item.

(9) CULLOWHEE PLANNING COUNCIL REQUEST FOR AD HOC MEMBER: Michael Poston, Planning Director, stated that the Cullowhee Planning Council was requesting that the Board of Commissioners consider the appointment of a WCU student as an ad hoc member to the Cullowhee Planning Council. The purpose of this appointment was to serve as part of the Steering Committee for the Cullowhee Small Area Plan. The Cullowhee Planning Council recommended Harrison Conner be appointed as a student representative to the Cullowhee Small Area Plan Steering Committee. Mr. Conner was recommended to the Planning Council by way of the WCU's Provost Office. Mr. Conner was a Macon County native, living in off campus housing within the Cullowhee Planning Area and was majoring in Biology Pre Medical with a minor in Chemistry.

Section 3-3 (b)(5) provided that “the Board of Commissioners may select, at their discretion or upon the request of the Cullowhee Planning Council, ad hoc or ex officio members for the purposes of contributing expertise to the planning council”. The Planning Council voted unanimously to recommend to the Board of Commissioners the appointment of Harrison Conner as a non-voting ad hoc member of the Cullowhee Planning Council with a term to expire at the adoption of the Cullowhee Small Area Plan.

Motion: *Commissioner Deitz moved to select Harrison Conner as a non-voting ad hoc member of the Cullowhee Planning Council, as requested. Commissioner Mau seconded the Motion.*

Discussion:

Commissioner Woody stated that she thought it was great having a person that age participate. Her concern was that she would want to see a way to encourage the younger demographic in the community to become full participants in the government process. With this appointment, she wanted to see them find someone from Jackson County as she felt that would further their purposes of encouraging with the governmental process.

Mr. Poston stated that they would like to have someone from the local area, but they also wanted someone that currently lived within the district and also was an off-campus student. There was some effort to identify a student that would be committed to the nine month process, was in the area during the summer months to participate and have an interest and willingness to participate.

Commissioner Luker stated that he wanted to see them take a further step to entertain putting an ex officio student on that board in the near future to give that presence and participation.

Motion passed by a vote of 4-1 with Commissioner Woody voting “nay”.

(10) VETERAN MEMBERSHIP DISCOUNT: Rusty Ellis, Recreation and Parks Director, stated that it had been requested to offer veterans the senior rates at both of the recreation centers and would be as follows:

	<u>Senior/Veteran</u>	<u>Individual</u>	<u>Family</u>
Day Pass	\$3	\$5	\$8
12 Visit Pass	\$32	\$48	
Month	\$21	\$40	\$64
6 Months	\$90	\$180	\$212
Year	\$148	\$297	\$350

Veteran families would be double the veteran rate.

Motion: *Commissioner Mau moved to grant the request to offer veterans the senior rates at both recreation centers, as presented. Commissioner Luker seconded the Motion. Motion carried by unanimous vote.*

(11) RESOLUTION R19-02 GRANT APPLICATION AUTHORITY: Mr. Adams stated that a portion of Section 43 of the FY18-19 adopted budget ordinance stated:

“The County Manager is hereby authorized to accept grant funding which has been previously approved for application by the Board of Commissioners, including any local match involved. The County Manager is authorized to execute any resulting grant documents”.

It was requested that the Board consider allowing the County Manager to apply for certain grants without immediate approval of the Board of Commissioners under certain conditions. The proposed conditions were as follows:

- The authority would only extend to capital grants that do not require a cash match. Grants that require operational contracts, personnel and a cash match would still need to come before the Board in mid-year for approval prior to submittal.
- The County Manager would report to the Board any new mid-year capital grant applications within the next month after submittal.

The reason for this request was so that the County Manager could sign off on simple capital grant applications in mid-year when the opportunities would arise. This authority would assist when there were timing issues. He presented a resolution delegating authority to the County Manager to accept or approve certain grant funding.

Motion: *Commissioner Woody moved to grant the request and adopt Resolution R19-02, as presented. Commissioner Deitz seconded the Motion. Motion carried by unanimous vote.*

(12) **AGENDA:** Commissioner Mau moved to amend the agenda by adding an item: Alteration of Meeting Schedule. Commissioner Woody seconded the Motion. Motion carried.

(13) **PROPERTY RELEASE OF GAP AREA:** Ms. Baker stated this was an item discussed at the work session last week regarding Dr. Edwards' Dental Office that adjoins the High School property and was referred to as the Gap Area. The request was to convey by quit-claim deed any interest that could be found to be owned by the county to Dr. Edwards.

Informational item.

(14) **ALTERATION OF MEETING SCHEDULE:** Chairman McMahan stated it had been requested to change the regular meeting time on March 5th from 6:00 pm to 3:00 pm.

Motion: *Commissioner Mau moved to change the meeting time on March 5th to 3:00 pm., as requested. Commissioner Woody seconded the Motion. Motion carried by unanimous vote.*

(15) **RESOLUTION R19-01 RELEASE OF GAP AREA DEED:** Ms. Baker presented Resolution R19-01 Release of Gap Area Deed. The resolution authorized the Chairman to sign a quit-claim deed to 1609 East Main Street LLC, which was the LLC that Dr. Edwards owned the property in.

Motion: *Commissioner Luker moved to adopt Resolution R19-01 to release the Gap Area and authorize the Chairman to sign the quit-claim deed, as presented. Mau seconded the Motion. Motion carried by unanimous vote.*

(16) **EQUALIZATION AND REVIEW BOARD:** Chairman McMahan stated that Bobby McMahan, Tax Assessor, provided recommendations for the Equalization and Review Board.

Motion: *Commissioner Luker moved to reappoint Gail Cooper, Robert Edwards, Richard Robson, Norman West and David Noland. All to serve one year terms on the Equalization and Review Board, expiring April 04, 2020. Also, to reappoint Gail Cooper as Chair and Robert Edwards as Vice-Chair for one year terms. Commissioner Mau seconded the Motion. Motion carried by unanimous vote.*

(17) **PLANNING BOARD:** *Carry over.*

(18) US 441 GATEWAY DISTRICT COMMUNITY PLANNING COUNCIL:

Carry over.

(19) PRESS CONFERENCE: None.

(20) CLOSED SESSION:

Motion: *Commissioner Mau moved that the Board go into closed session pursuant to G.S.143-318.11(a)(6) Personnel. 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.

There being no further business, Commissioner Mau moved to adjourn the meeting. Commissioner Woody seconded the Motion. Motion carried and the meeting adjourned at 2:01 p.m.

Attest:

Approved:

Angela M. Winchester, Clerk to Board

Brian Thomas McMahan, Chairman