

**MINUTES OF A  
REGULAR MEETING  
OF THE JACKSON COUNTY  
BOARD OF COMMISSIONERS  
HELD ON  
JANUARY 29, 2015**

The Jackson County Board of Commissioners met in a Regular Session on January 29, 2015, 6:00 pm, Justice & Administration Building, Room A201, 401 Grindstaff Cove Road, Sylva, North Carolina.

Present: Brian McMahan, Chairman  
Mark Jones, Vice Chair  
Charles Elders, Commissioner  
Vicki Greene, Commissioner  
Boyce Deitz, Commissioner

Chuck Wooten, County Manager  
Angela M. Winchester, Clerk to Board  
J. K. Coward, Jr., County Attorney

Chairman McMahan called the meeting to order.

**AGENDA:** Chairman McMahan amended the agenda by adding Resolution R15-03 Approving Terms of Refinancing and Resolution R15-04 Approving Terms of Refinancing. Commissioner Jones moved to approve the Agenda. Commissioner Greene seconded the Motion. Motion carried.

**MINUTES:** Commissioner Elders moved to approve the minutes of a Regular Meeting of January 08, 2015 and a Planning Retreat on January 20, 2015. Commissioner Deitz seconded the Motion. Motion carried.

**(1) CHAIRMAN REPORT:** Chairman McMahan reported that he attended the Legislative Goals Conference for the North Carolina Association of County Commissioners. They had a two day cycle of reviewing proposed goals as presented by county governments all across the state. 45 goals were adopted and distributed to Lobbyist going to Raleigh and Washington DC. The number one goal for county governments in the state was to maintain the current framework that is in place concerning the Medicaid funding in the state. A list of these goals are available on the NCACC website.

**(2) COMMISSIONER REPORTS:**

**(a)** Commissioner Elders stated he thanked Chairman McMahan for representing the county at the NCACC Goals Conference.

**(3) COUNTY MANAGER REPORT:** Mr. Wooten reported:

**(a) Residential Building Permits:** Building permits continue to increase in 2014 where 9.1% was realized as compared to 2013. Our total building permits for 2014 is the highest since 2008 with 168 permits issued and 51 of those were considered high end, which is defined as being greater than 4,000 sq. ft. or \$400,000.

**(b) Whittier Sidewalk Project:** Almost a year ago, the Commissioners adopted a resolution asking NCDOT to consider constructing a sidewalk on 441 from the Cherokee boundary line to the Catamount Travel Center. This action complimented a similar action of the Tribal Council following the death of two pedestrians in that area. This project did not make its way onto the comprehensive transportation plan; however, in talking with Ed Green, NCDOT Division Engineer, he indicated that NCDOT retains some funds at the State level to address projects similar to this one if they are supported by the local legislative delegation. The amount of funding is limited to \$250,000 which happens to be the estimate the NCDOT has placed on this project. He has informally talked with Senator Davis about this project and he has indicated a willingness to carry this request to NCDOT on behalf of the Jackson County Commissioners and the Cherokee Tribal Council. He will work with Chairman McMahan to develop an official written request to Senator Davis and to schedule an opportunity for a personal request for his and Representative Queen's assistance.

**(c) Delinquent Tax Accounts:** A listing of the top 100 delinquent tax accounts as of November 2014 is provided for your information. The Tax Collector is also preparing a comparable list of the 2014 delinquent tax payers. The Commissioners will receive an update from the tax collector at the February work session to discuss the status of delinquencies and the techniques used in the collection of delinquent taxes.

**(d) Fire Tax:** A copy of the editorial in support of a fire tax from the Cashiers Crossroads Chronicle has been provided to you. In addition, they are currently running an on-line survey of their customers to gauge the interest for such a tax in Cashiers. Presently, 67% of people have indicated support.

**(e) Joint Meeting of Governmental Entities:** The joint meeting will occur on Monday, February 2<sup>nd</sup> in the Heritage Dining of the Aging Center. A light dinner will be served at 5:30 pm with the meeting to follow at 6:00 pm. There will also be representatives from Western Carolina University and SCC will also join the meeting. A copy of the tentative agenda is attached. Rose Bauguess and representatives from NCDOT will provide an update of the new draft transportation plan and there will be a discussion of plans for a county-wide litter campaign in the spring 2015.

**(f) District Meeting of the NCACC:** The western district meeting of NCACC will be held on April 1<sup>st</sup> on the campus of Western Carolina University in the Hospitality Room of the Ramsey Regional Activity Center beginning at 5:30 with dinner. More information will be provided as it becomes available.

**(g) Upcoming Meetings:**

February 2<sup>nd</sup> – Joint Meeting of County governmental entities

February 5<sup>th</sup> – Regular Meeting of Commissioners

February 11<sup>th</sup> & 12<sup>th</sup> – Essentials of County Government and Leadership - Asheville

February 17<sup>th</sup> – Work Session

February 19<sup>th</sup> – Regular Meeting of Commissioners

**Informal Comments by Public:**

**(a)** Dick Darnall of Cashiers stated that he has had several break-ins at his home. He believes the money being used to bring security to the Justice Center could be better used by helping the Sheriff's Department with its backlog of case work.

**(b)** Marie Leatherwood of Sylva stated her disapproval of the fire tax.

**(4) CONSENT AGENDA:**

**(a)** Darlene Fox, Finance Director presented the Finance Report for December, 2014 and one Budget Ordinance Amendment for fiscal year ending June 30, 2015, for approval.

**(b)** Brandi Henson, Tax Collector presented Tax Collector and Refund Reports for December, 2014, for approval.

**Motion:** *Commissioner Greene moved to approve the Consent Agenda. Commissioner Jones seconded the Motion. Motion carried by unanimous vote.*

**(5) SYLVA GARDEN CLUB PROPOSAL:** Dianne Herring, Sylva Garden Club stated The Sylva Garden Club created Bicentennial Park in 1976 and has been maintaining with the help of the County grounds crew. In 2013, the Sylva Garden Club had the American Chestnut Foundation plant a new American chestnut hybrid in the park. The Sylva Garden Club wants to build a pavilion in Bicentennial Park and donate it to the County, hopefully within the next five years or sooner. They have already raised about 1/3 of the proposed costs. It will be a 12'x12' with each corner having a 3 ½ - 4 foot benches with electric outlets and a light will come on at dusk and turn off at dawn. Suggested uses would be for outdoor weddings, picnics and family reunions. The Children's Librarian was delighted with the idea, as she envisions children walking down to the pavilion in the summer for story time.

They contacted Rusty Ellis, Parks and Recreation Director, who said he saw no problem with adding this to the list of parks for those that want to reserve it for activities. They also contacted Gerald Green, Planning Director, who said it would be a nice asset to the community.

*Chairman McMahan directed Ms. Herring to seek additional information from staff and follow-up with Commissioners at a later date.*

**(6) JACKSON NEIGHBORS IN NEED UPDATE:** Robert Cochran, DSS Director; Christina Smith, Case Manager; and Rick Westerman, Executive Director Habitat for Humanity Macon County, stated the group includes representatives from community agencies, local churches, law enforcement, our universities, and other groups. Since 2009, this group has met on a monthly basis to plan, develop and coordinate services.

The organization is widely supported in the community, and has received financial and material support from many sources, including the County, the Town of Sylva, and many business, churches and individual donors. These supporters have provided money as well as donating bedding, household items, and other items to help families as they transition from homelessness into permanent housing.

JNIN has offered shelter during each winter (November-March) since 2009. During the 2009-2010 season, they were able to work with Lifeway Church to house our homeless population. Since then, JNIN has worked with local motels, but as shelter use has increased, the primary partner motel has been converted to efficiency apartments, and rates at other motels have risen. As a result of this, the cost of providing cold weather shelter has become prohibitively expensive.

Since the shelter has been in operation JNIN has served over 200 individuals. The number of clients has grown each year. Since November, JNIN has served 44 individuals, including 18 children. The population being served is comprised primarily of hard-working families and individuals that are facing difficult situations such as the loss of a job, an unexpected medical expense, or a family dispute.

JNIN began providing case management to all shelter clients in 2010. Case management services provide the structure and support to transition clients into permanent housing, and it ensures they have access to resources needed to become self-sufficient. As of January 22<sup>nd</sup>, 10 of this year's client families have moved into permanent housing.

**(a)** JNIN Homeless Shelter Mission: Our mission is to provide shelter for our neighbors in need and help assist them to achieve permanent, sustainable housing within ninety days.

**(b)** JNIN Homeless Shelter Vision: Our vision is to create a safe environment where our neighbors in need can achieve self-sufficiency.

**(c)** History of Jackson Neighbors in Need: Jackson Neighbors in Need (JNIN) was formed in 2009 to meet the needs of low-income County residents who were struggling to stay warm during the cold winter months.

**(d)** JNIN provides three primary services:

- Emergency cold-weather shelter
- Assistance with heating expenses
- Weatherization of homes

(e) Proposal/Request: Although the need for shelter is most urgent during the winter months, homelessness is a problem throughout the year. Therefore, a long-term lease of the former Jackson County Rescue Squad building is requested for \$1.00 per year for a year-round shelter. This facility would house more people at a lower cost. The building's zoning allows for a shelter, and its central location and proximity to County Transit routes make it idea for shelter clients to access the trolley for employment and needed appointments.

Due to liability concerns, Mountain Projects cannot provide fiduciary support for a facility based shelter. However, Habitat for Humanity of Macon/Jackson County has offered to provide this needed support. Habitat for Humanity's Executive Director, Rick Westerman, and his team have visited the proposed building and have estimated the cost of renovation for a homeless shelter to be approximately \$20,000. This includes rooms to serve approximately 22 individuals a night, a full kitchen, laundry facility, meeting room, and a staff office. Partnership with Habitat for Humanity will not only assist with the renovation of this building, but also with the long term sustainability of this shelter.

(f) Funding and Budget: The projected budget for the shelter is \$82,681 (see attached). This budget assumes an April opening. It also includes the cost of renovations. JNIN is supported by corporate and private donors, grants, area churches, local groups and organizations, and individual donors. It will be the responsibility of the Shelter board and Shelter Director to sustain the shelter financially.

(g) Concerns from the community: The safety of both shelter clients and community members is the highest priority. Collaboration with Law Enforcement, therefore, is critical. The Sheriff's Department will run a national criminal record search, a NC Sex Offender check, and a North Carolina Department of Corrections criminal search on all shelter clients. No violent offenders or registered sex offenders will be allowed in the shelter. All shelter clients will be scanned with a metal detector wand, and a breathalyzer will be used on anyone suspected of being under the influence. There will be zero tolerance for drug and alcohol use, and appropriate referrals will be made to Mobile Crisis and the Balsam Center for detox. Thorough screening for domestic violence will also be completed prior to admittance into the shelter; if domestic violence is suspected an immediate referral will be made to REACH. Finally, security cameras have been donated and will be installed.

(h) Shelter Staffing: The Shelter will be staffed by a full-time Director/Case Manager, who will oversee the day-to-day operations of the shelter, and two full-time personnel (preferably a male and female) who will staff the shelter while clients are present.

(i) On behalf of Jackson Neighbors in Need and the citizens of the County they serve, they expressed thanks to the Board for their consideration of this request. The JNIN Shelter Committee and many supportive citizens of the County have worked diligently to provide warm shelter for those in need.

**Major Partner Agencies:**

- Mountain Projects, Incorporated
- Department of Social Services
- Smoky Mountain Mental Health
- Habitat for Humanity
- Southwestern Child Development Commission
- Community Table
- Commissioners
- Town of Sylva
- Evergreen Foundation
- Harrah's Casino and Resort
- Western Carolina University
- Sheriff's Department
- Town of Sylva Police
- Health Department
- Good Samaritan Clinic
- Sylva Rotary Club
- Veterans Affairs
- Meridian Behavioral Health

- Circles of Hope
- Colony Club Community Fund of Cashiers
- Webster Enterprises
- Jackson Psychological Services
- Appalachian Counseling Services
- Southwestern Community College
- Vocational Rehabilitation
- REACH of Macon County
- ARF
- Wal-Mart

*Chairman McMahan directed the presenters to gather additional information pertaining to the project and follow-up with Commissioners at a later date.*

**(7) PROPOSED AMENDMENT TO CASHIERS COMMERCIAL AREA DEVELOPMENT ORDINANCE:** Gerald Green, Planning Director, stated that at their October meeting the Cashiers Planning Council heard a request from a Cashiers business owner that the Cashiers Commercial Area Development Ordinance be amended to allow animal boarding kennels. The business owner currently operates an animal grooming business and wishes to expand the business to include boarding of dogs and cats. The Council discussed the request, asked questions of the business owner, and directed staff to draft an ordinance amendment for consideration at their November meeting. Staff prepared the draft ordinance amendment, working with the business owner to assure that the standards were reasonable while assuring protection of neighboring properties. The draft amendment was considered at the November meeting of the Council, at which a public hearing on the proposed amendment was held.

The proposed ordinance amendment would:

- Identify animal boarding kennels as a conditional use, meaning the use would be permitted by the Planning Council only if conditions identified in the ordinance are met.
- Establish a minimum lot size of 1 acre for the lot on which the kennels are located.
- Require a minimum setback of 150 feet from residential property.
- Mandate that the maximum number of kennels would be 30 and all kennels would have to be located within a soundproof building.
- Establish standards for the storage of food and the storage and disposal of waste.
- Require fencing of exercise areas and require an attendant to be present when animals are outside.

After considering the proposed ordinance amendment and hearing no objections from the public, the Cashiers Planning Council recommended approval of the ordinance amendment. There were no dissenting votes. The Planning Board considered the request at their December meeting and unanimously recommended approval of the proposed ordinance amendment.

*Mr. Green requested that a public hearing be scheduled. Chairman McMahan scheduled a public hearing on February 19<sup>th</sup> at 5:50 pm to be held at the Justice & Administration Building, Room A201, 401 Grindstaff Cove Road, Sylva, North Carolina.*

**(8) MOBILE HOME PARK ORDINANCE AMENDMENTS:** A public hearing was held on January 29th, at 5:50 p.m. Tony Elders, Permitting and Code Enforcement Director, presented proposed amendments to the Mobile Home Park Ordinance. No public comment or objections were made.

**Motion:** *Commissioner Deitz moved to adopt the Mobile Home Park Ordinance Amendments. Commissioner Greene seconded the Motion. Motion carried by unanimous vote.*

**(9) AIRPORT AUTHORITY BLOCK GRANT PROGRAM:**  
**Carry Over.**

**(10) COUNTY ATTORNEY:** Chairman McMahan stated the Commissioners are currently exploring the potential of hiring a full time staff attorney. At the time, they had not fully gathered the necessary information to make that determination. It is recommended to continue forward with a contract attorney with the option to continue the investigation of a full time attorney. If a full time attorney is decided on, they would start on July 1<sup>st</sup>. Mr. Coward has agreed to extend his contract for five more months while they continue to investigate.

***Motion:*** *Commissioner Greene moved to extend Mr. Coward's contract through June 30, 2015. Commissioner Elders seconded the motion. Motion carried by unanimous vote.*

**(11) RESOLUTION "MOVE TO AMEND" (R15-02):** Dr. Allen Lomax, stated that he would encourage the Board of Commissioners to call on the North Carolina General Assembly to petition Congress to move to amend the US Constitution: We, the People of the United States of America, reject the U.S. Supreme Court's ruling in "Citizens United" and other related cases and move to amend our Constitution to firmly establish that money is not speech and that human beings, not corporations, are persons entitled to constitutional rights.

Commissioner Elders stated that his main concern with this Resolution is there is no language regarding people using their own funds. He believes everyone is entitled to use their own funds for campaigns. He opposes this Resolution as it is written.

Chairman McMahan stated he agrees with Commissioner Elders, but he does not think this negates the right of an individual to spend their own money to run for office. He believes the problem is with large corporations who are spending millions of dollars to help control elections. He believes this Resolution is needed.

***Motion:*** *Commissioner Greene moved to adopt the Resolution. Commissioner Jones seconded the motion. Motion carried by a 4-1 vote with Commissioner Elders voting "nay".*

**(12) RESOLUTION APPROVING TERMS OF REFINANCING (R15-03):** Darlene Fox, Finance Director requested the Board adopt a resolution authorizing changes to the terms of the Payment Schedule for loan 00004.

***Motion:*** *Commissioner Elders moved to adopt the Resolution. Commissioner Jones seconded the motion. Motion carried by unanimous vote.*

**(13) RESOLUTION APPROVING TERMS OF REFINANCING (R15-04):** Darlene Fox, Finance Director requested the Board adopt a resolution authorizing changes to the terms of the Payment Schedule for loan 00006.

***Motion:*** *Commissioner Deitz moved to adopt the Resolution. Commissioner Elders seconded the motion. Motion carried by unanimous vote.*

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

**(a) Motion:** Commissioner Elders moved to appoint BB Cantrell to a one year term on the Balsam VFD Relief Fund Board of Trustees; Darren Messer to a one year term on the Canada VFD Relief Fund Board of Trustees; Phillip Farmer to a one year term on the Cashiers VFD Relief Fund Board of Trustees; Grady Parker to a one year term on the Cullowhee VFD Relief Fund Board of Trustees; Nick Stewart to a one year term on the Qualla VFD Relief Fund Board of Trustees; Jessica Buchanan to a one year term on the Savannah VFD Relief Fund Board of Trustees. Commissioner Deitz seconded the Motion. Motion carried by unanimous vote.

**(15) GOOD SAMARITAIN CLINIC:**  
**Carry Over.**

**(16) AIRPORT AUTHORITY:**

**Motion:** Commissioner Deitz moved to reappoint Mark Jones to a six year term ending on December 13, 2020 and Vicki Greene to continue her term until December 13, 2020 on the Airport Authority. Commissioner Elders seconded the Motion. Motion carried by unanimous vote.

**Press Conference:**

**CLOSED SESSION:**

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

Chairman McMahan called the regular meeting back to order and stated no action was taken in closed session except the approval of the Closed Session Minutes of January 08, 2015.

There being no further business, Commissioner Greene moved to adjourn the meeting. Commissioner Jones seconded the Motion. Motion carried and the meeting adjourned at 8:15 p.m.

Attest:

Approved:

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Angela M. Winchester, Clerk to Board

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Brian Thomas McMahan, Chairman