

**MINUTES OF A
WORK SESSION
OF THE JACKSON COUNTY
BOARD OF COMMISSIONERS
HELD ON
OCTOBER 13, 2020**

The Jackson County Board of Commissioners met in a work session on October 13, 2020, 1:00 p.m., Justice and Administration Building, Room A201, 401 Grindstaff Cove Road, Sylva, North Carolina.

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|----------------------------------------------------------|--------------------------------------|
| Present: Brian McMahan, Chairman | Don Adams, County Manager |
| Boyce Deitz, Vice Chair | Heather C. Baker, County Attorney |
| Mickey Luker, Commissioner (via Zoom video conferencing) | Angela M. Winchester, Clerk to Board |
| Ron Mau, Commissioner | |
| Gayle Woody, Commissioner | |

Chairman McMahan called the meeting to order.

(1) STATEWIDE BROADBAND INITIATIVES: Jeffrey Sural, Director of Broadband Infrastructure, North Carolina Department of Information Technology and Keith Conover, Technical Analyst, Broadband Infrastructure, North Carolina Department of Information Technology were present via Zoom video conferencing for this item. Rich Price, Economic Development Director was present for this item.

Mr. Sural stated that he was joined by Mr. Conover, who worked out of Asheville and had been working closely with Mr. Adams and others in the county along with the COG to improve broadband deployment throughout the region.

He presented: Statewide Broadband Initiatives Update:

(a) Program purpose: To facilitate economic development through the deployment of broadband to unserved areas of the state.

(b) How we do what we do:

- State Broadband Plan
- Partnerships and Programs
- Technical Assistance/Community Playbook
- Data Collection, Analysis and Mapping
- Rural Grant Program

(c) Activities/Models – Existing Infrastructure: WCU, Morris Broadband partnering to provide high-speed internet.

(d) North Carolina Broadband Service Inventory: Underserved Census Blocks reporting only DSL, Satellite or less than 25mb/s download and 3mb/s upload service map.

(e) GREAT Grants impact to date:

- Invested nearly \$26 million for projects in 26 Tier 1 counties
- Connected more than 21,000 households, businesses and agricultural operations to high-speed internet
- State funding matched by more than \$20 million in private investment

(f) 2020 Special Supplementary Round Dates:

- Application period opens: September 14
- Application period closes, applications due: October 14
- Bio Initial review, vetting for completeness and basic eligibility: October 15-16
- Public posting and protest window: October 17- 27

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- Final application review and revisions: October 28-November 8
- Award announcements: November 9
- (g) Potential Broadband Funding Opportunities:
 - USDA Rural Utilities Service:
 - Community Connect
 - Distance Learning and Telemedicine Grants
 - Rural Broadband Access Loan and Loan Guarantee
 - Telecommunications Infrastructure Loans and Guarantees
 - USDA ReConnect Loan and Grant Program:
 - Grant only
 - Grant/Loan combo
 - Loan only
- (h) USDA Broadband Funding in North Carolina:
 - USDA Community Connect Awards 2018 and 2019:

| | | |
|------------|------------------------------|--------|
| ○ Camden | Eastern Shore Communications | \$1.8m |
| ○ Cherokee | Blue Ridge Mountain EMC | \$3m |
| ○ Madison | French Broad EMC | \$3m |
| ○ Columbus | Wilkes TMC | \$1.9m |
 - USDA ReConnect Awards 2019 and 2020:

| | | |
|----------------------|---------------------|---------|
| ○ Bladen and Sampson | Star Communications | \$23.7m |
| ○ Columbus | ATMC | \$7.9m |
| ○ Madison | French Broad EMC | \$3.2m |
- (i) Potential Broadband Funding Opportunities:
 - ARC:
 - Match required
 - \$300K construction
 - \$100K non-construction
 - Eligible applicants: local governments and nonprofits
 - ARC Power:
 - Match required
 - Funding limits will be detailed in the RFP
 - Eligible applicants: local governments and nonprofits
 - FCC Rural Digital Opportunity Fund:
 - FCC Vote January 30
 - Scheduled auction date: October 2020 (exact date tbd)
 - Proposal for \$20.4 billion
 - Distribution: reverse auction
 - Priority funding areas: CAF II (169k HH) and <25/3Mbps
- (j) Federal and State Broadband Deployment Grant Awards map

Commissioner Woody stated when they got their county maps last time from the Association, it looked as though Jackson County had a lot more service than they actually had. The map presented that day was a better reflection of their actual situation. She talked to the Madison County Chair of the Board of Commissioners, who stated they were pleased with their partnership. She asked how they got extension service and it was because they had an electric co-op they were working through. She assumed that was the same with Cherokee. What could they do? She talked with Lisa Leatherman, their local Duke Energy Representative and she asked if there was any potential for them to do what these electric co-ops were doing and Ms. Leatherman said no, it was not going to happen.

Mr. Sural stated they had been having recent conversations with Duke about how they could help. They had stated they were interested in helping, but he did not think they would do the same as the electric cooperatives and actually provide the service. However, they had assets that they could utilize for the deployment. They would continue to have conversations with Duke and would not take no for an answer.

Mr. Conover stated that the projects in Madison were going so well and the funding was coming as it was because in that case, when the French Board Electric Co-op built their fiber infrastructure, they accounted for splices with an eye toward broadband, which was critical for the distribution of broadband to the home. As a result of that, they were more prepared than most other co-ops. In relation to the electric infrastructure in Jackson County, without a co-op or limited co-op activity, they would need an incumbent or new company apply for a grant and bring in Duke early. There should be room on the poles so there would not be a lot of cost to add.

Mr. Adams stated that the broadband service inventory was showing less than 25 megabytes per second. Did they have to be less than 10 to qualify for a Great Grant?

Mr. Sural stated that was correct.

Mr. Adams stated that in Jackson County, there was a question whether or not there was really 10 megabytes available versus the data that was out there. Was there any movement with Great Grants to increase that to 25 megabytes or less?

Mr. Sural stated that there was. They looked at 25 megs because that was what USDA programs would fund. The Great Grants were slowly getting there, but there had been strong advocacy from their office and internet service providers to raise that level.

Mr. Conover stated that they did have the ability to take ineligible areas, do field testing and potentially change those to eligible areas. They had not done that yet, but when they did, they would likely have to include an appeals process for the incumbents because they could not test every person's phone or DSL lines. The issue had always been the guidelines stated that if one business or customer could get the service at that speed, then the entire area was considered covered. They had never agreed with that, but unfortunately, it was the environment they operated in. The statute did not simply rely on this data, it relied on the data plus anything else the community or provider submitted.

Commissioner Luker stated that it was mentioned that the \$30 million dollars would be distributed throughout 98 counties. What was the process to make sure that was fair and equitable?

Mr. Sural stated that the statute set out a scoring matrix and all applications were scored against that and it was all standardized.

Commissioner Woody stated that Covid had placed a spotlight on the lack of connectivity in the county with people working from home and schools. It had been a huge concern for them. She was asked frequently from constituents what they were doing. She knew he worked hard on this and continued to communicate with the state legislators that this was essential work. The people of the county deserved this. Being the most mountainous county, they had issues that were unique.

Mr. Price stated that he was aware of three Great Grant applications for communities in Jackson County:

- Skyfi Wireless: Seeking funding for portions of four different communities, including parts of Dillsboro, Willets Community, Quest Ridge and in the Tuckasegee area for a total of approximately 245 homes.
- Morris Broadband: Seeking funding for portions of the Cope Creek Road area for approximately 100 homes.
- Comporium Communications: Seeking funding for the Holly Forest community in Sapphire for approximately 636 homes.

This would be approximately a total of 980-1,000 that could potentially be serviced. It was not likely that all three grant applications would be fulfilled because it was very competitive across the state. He encouraged the Board to pay attention to the map showing eligible areas for the Great Grant Program.

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On the map, a majority of Jackson County appeared to be served at the 10-megabyte download speed. The majority of those people were served by a provider and were using DSL connectivity. They knew this from feedback across the county that they were not getting the 10-megabyte download speeds. The opportunity would be to challenge those areas such as Tuckasegee, Caney Fork, Little Canada, etc. None of those areas were eligible for Great Grants because they appeared to have access to 10-megabyte download speeds.

Also, they were working on another economic development project, that if it went forward, they would look for funding from Appalachian Region Commission to do potential high speed wireless internet throughout the entirety of downtown Sylva, Main Street, Mill Street, Bridge Park and surrounding areas. They were using a minimum of twelve wireless hotspots all over the county for those who did not have service.

Mr. Conover stated that as part of the process, they had done field testing on Skyfi because they received funds from the first round of Great Grants and part of the process was to monitor how well they were progressing. They saw new infrastructure that was placed and all grounded properly. They saw many customers in areas that were now served and they also got to hear there had been an increase in the amount of employees at Skyfi as a result of the grant. That was a good news story and an example of how the Great Grant process could work. They hoped to do more in Jackson County.

Informational item.

(2) HEALTH INSURANCE: Mark Browder, Vice President Mark III, presented: Experience Update and Wellness:

(a) 2019-2020 Experience:

- Even with the unusual runout claims from Crescent, Plan claims ended up down 5% and the plan was in a positive position.
- Stop loss credits were a significant value to the Plan.
- BCBSNC Stop Loss Premiums did not cover reimbursements.

(b) 2020-2021 Experience:

- The Plan was running flat for the current year.
- Stop loss contract continued to be a significant value to the Plan.
- They did anticipate a trend increase for 2021-2022.

(c) Wellness Success:

- Mark III successfully guides, leads and advises clients on wellness strategies.
- In a recent wellness evaluation called Healthiest Employer in the Charlotte market by the Charlotte Business Journal, Mark III groups performed very well.
- The rankings and scores were provided by a third-party surveying partner, Indianapolis-based Healthiest Employers LLC. Companies were nominated at bizjournals.com/charlotte/nomination. Nominated companies completed surveys that were verified, scored and ranked by Healthiest Employers.
- For employers under 500 employees, the City of Salisbury came in second, which was a local government, Mark III customer.
- For employers between 500 and 1,500 employees, Rowan County came in first and Cabarrus County came in third. Both were local government, Mark III customers.

(d) Healthcare Resource Consumption Determinants of Health:

- Access to care 10%
- Genetics 20%
- Environment 20%
- Behavior 50%

(e) Top Health Risks for employees:

- Weight: Cardiovascular Disease, Hypertension, Diabetes
- Cholesterol: Coronary Artery Disease

- Blood Pressure: Heart Disease, Heart Failure, Kidney Disease
- They were meeting with staff to discuss additional opportunities to improve member health.

Commissioner Mau asked if the claims being lower was something he was seeing across his clients? He wondered how many people were not going to see the doctor because of Covid, at least for March, April and May. Would that be one variable?

Mr. Browder stated that a lot of services that could be deferred were not of the catastrophic nature that would hit the plan. All the larger services were still going on during Covid. They had clients with increases during that time that were substantial.

Informational item.

(3) CASHIERS DOG PARK: Rusty Ellis, Recreation and Parks Director, stated they had been approached by Vision Cashiers and a donor to construct a dog park at the Cashiers Rec Center Complex. They had put together a couple of layouts with one being in the field behind the Library. After talking with Environmental and Code Enforcement, there was an active well at that location serving the Senior Center. With it being an active well, they could not have anything within a 50-foot radius of the well. Also, there were no bathrooms there other than the Senior Center and Library.

Mr. Adams stated that this was the original site that Vision Cashiers approached the county with. He asked staff to evaluate this site and other properties to determine the best location for a dog park. They did occasionally have parking issues at the original site and there were no restrooms, so staff initially recommended they look at another location.

Prior to the meeting, he met with staff to walk the site. He had asked Mr. Ellis to reevaluate the site because there was potential for the dog park to be larger, but Mr. Ellis confirmed that the well would reduce the site size. At that point, between staff recommendations and the restrictions associated with the well, they would not recommend the site behind the Library.

Mr. Ellis stated also, they got back from Code Enforcement that it was the head of the Chattooga River and there had to be another 50' buffer from bank to any structure. That would eliminate more of the area. John Jeleniewski, Senior Planner, put together another plan below the playground, which was in the center of the complex. It would be about 0.32 of an acre, which was around the same as the area behind the Library with all of the restrictions. With this area, there would be a walking trail on either side of the dog park, restrooms and a playground. There was also ample parking that they would be able to use from the rec center. Vision Cashiers would try to fundraise approximately \$40,000 for the project.

Mr. Adams presented: Welcome to Cashiers Dog Park by Vision Cashiers:

- (a) A dog park is a public park: Typically fenced, where people and their dogs can play together. As the names imply, these places offer dogs off-leash play areas where their owners can enjoy a park-like setting and the chance to socialize with other canines and their owners. Dog parks offer a wealth of benefits to dogs, dog owners and the community as a whole.
- (b) Mission: To establish a fenced in, off-leash dog park where well-behaved canine citizens can exercise in a clean, safe environment without endangering or annoying people, property or wildlife. To develop a beautiful, well-maintained space open to all dog lovers and friends who are willing to uphold the park's rules and restrictions. To view this park as a community project, in partnership with the county, designed to satisfy the needs of dog owners and non-dog owners alike.
- (c) The need:
 - Off-leash dog parks offer active, clean and safe recreational opportunities for families and their four legged friends.
 - Dog parks are a great place for people to meet and share their common canine interests.
 - Current off-leash dog parks in Highlands are small and 30 minutes away, Trillium Dog Park is private, Millis River is 1 ½ hours away and Azalea Dog Park in Asheville is 1 ½ hours away.

- Cashiers is an ideal location for a new park because of large numbers of resident dog owners and visiting dog owners during the vacation season.
- (d) Amenities: The ideal dog park should include:
- One acre or more of land
 - Six-foot high chain link fence
 - The fence should be equipped with a double gated entry
 - Two sided fenced in area for large and small dogs
 - Facilitate wheelchair access
 - Dog waste stations, dog waste bags and trash cans
 - Shade and water for both dogs and owners
 - Benches, drinking water and shade
 - Grassy area that is mowed routinely with adequate drainage
 - Signs that specify park hours and rules
 - Parking close to the site
- (e) Health and Safety Rules
- (f) Proposed location: The ideal Cashiers dog park location:
- Grassy area between ball fields
 - Close to parking
 - Close to refreshments and facilities
 - Easily accessible from Frank Allen Road
 - ADA wheelchair access
 - Close to the Village Green
- (g) Proposed Budget:

| Cashiers Dog Park Amenities | Estimated Costs |
|--------------------------------------------------------------------|-----------------|
| Dog fencing and existing fence removal | \$14,000 |
| Dog waste containers | \$800 |
| Signage and donation plaques | \$4,500 |
| Benches (9 interior benches with canopy covering) | \$7,500 |
| Water faucet, platform and French drain | \$3,500 |
| Landscaping, trees and shrubs | \$12,000 |
| Total estimate | \$42,300 |
| <i>Lawn maintenance and garbage removal provided by the county</i> | |

Mr. Adams stated that staff and Vision Cashiers agreed that the location below the playground would be the appropriate location. He had conversations with Vision Cashiers and they would have to talk about the fundraising efforts complying with county policy, such as the naming policy.

If they did the fundraising effort, they wanted to have the space be guaranteed to be used for a dog park long-term. The county did not own the property, they leased the property from Cashiers Valley Community Council through 2044. He thought they could utilize the space for this purpose, but would need to work to guarantee how long the county would maintain the dog park. If and when they would need to reprioritize the property, they could discuss relocating the dog park and/or refund the money to a nonprofit if they needed the space for another county use.

Commissioner Woody asked if the plan infringed on future plans for the rec center?

Mr. Ellis stated that as of that time, no, they did not have plans for this area. The next step would be for the Board to approve this and he and Mr. Adams would go back and sit down with Vision Cashiers.

Consensus: *Favorable to move forward.*

(4) **ANIMAL RESCUE CENTER / GREEN ENERGY PARK:** Cary Perkins, Architect, McMillan/Pazdan/Smith, was present via Zoom video conferencing for this item.

Ms. Perkins stated that the Board had been provided with a copy of the bids that they received publicly for the bid opening for the Animal Rescue Center and the Green Energy Park. All aspects of the project were bid together and H & M Constructors were the apparent low bidder with a base bid of \$4,030,000. In her opinion, the low bidder did have a cost per square foot for that type of building to be expected.

There were several alternates that were bid as part of the project. This was done in an effort to provide options to the county:

- Alternate 1: Provide a backup generator for the Animal Rescue Center, which could be added anytime in the future.
- Alternate 2: Epoxy floor in the dog kennel portion of the building. The base bid included a sealed concrete floor that sloped to the drains in the dog kennels. The epoxy floor provided durability and made it a lot easier for staff to clean.
- Alternate 3: Radiant floor in the dog kennel.
- Alternate 4: Polished floor in the dog kennel.
- Alternate 5: Prefabricated public restroom building to serve the Green Energy Park/Walking Trails.
- Alternate 7: Prefabricated storage building with several storage units to be shared among the Green Energy Park, nonprofits and Animal Rescue Center.

Mr. Adams stated that he was very pleased with the number of bids they received. He shared the budget summary:

| <u>Description</u> | <u>Cost</u> | <u>Budgeted Amount</u> | <u>Under / Over Budget</u> |
|-------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------|
| Base Bid + Trail Costs | 4,093,000 | | |
| MPS Architect Fees | 217,353 | | |
| WR Engineer Fees | 179,465 | | |
| McGee Engineer Fees | 27,500 | | |
| Hazmat & Permitting Fees | 63,207 | | |
| Equipment & Furniture | 287,719 | | |
| Signage | \$10,000 | | |
| Estimated Security System, Telephone, Data, Audio/Visual. Still awaiting quotes. | \$75,000 | | |
| Shipping Containers | 10,000 | | |
| 7% Contingency | 286,510 | | |
| Sub-Total: Min. Project Costs | \$5,249,754 | \$5,390,000 | \$(140,246) |
| Kilns, Carport, Fencing | 52,572 | | |
| Alternate 1 - Generator | 84,300 | | |
| Alternate 2 - Epoxy Floor | 49,600 | | |
| Alternate 3 - Radiant Floor | 114,400 | | |
| Alternate 5 - Public Restroom | 80,200 | | |
| Alternate 7 - Storage Building | 26,400 | | |
| Sub-Total: Add'l Requests | 407,472 | | |
| Grand Total Project Costs: All Requests | \$5,657,226 | \$5,390,000 | \$267,226 |
| Summary of Request: It is requested to add an additional \$267,226 to the project budget so that all elements can be funded. | NOTE: If the Board wished to remain within existing budget, then there is \$140,246 available to be expended towards the \$407,472 in add. requests. | NOTE: Costs for security system, telephone, data and audio visual are unknown at this time. \$75,000 is just a place holder until the prices are known. | NOTE: Alternate 4: Polished concrete floor is not included in these totals. This cost would be \$28,300 instead of \$49,600 for the epoxy floor. |

Mr. Adams stated that his priorities with the alternates would be the epoxy floor, the public restroom, a generator, the storage building, the kilns and then the radiant flooring would be last. Overall, he thought they had good bids. The alternates were doing their purpose of giving them choices within the existing budget.

Chairman McMahan stated that it looked like the base project came in under budget, so they did have the alternates to consider.

General discussions were held.

Mr. Adams stated that to summarize, the Board was ready to move forward with awarding the bid to include all of the alternates except the radiant flooring, which would add \$224,326 to the budget.

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

(5) MULTI-FAMILY HOUSING: Michael Poston, Planning Director, stated that they had discussed previously, the first step of the Soil and Erosion Control Standards in the ordinances. The Commissioners requested they look at a litany of different issues. Before they went to the Planning Board, he wanted to describe the next step, which would be to bring back this issue for discussion.

All multi-family projects, outside zoned areas, did not have any design standards. They wanted to talk about parking, buffering and stormwater requirements for those types of developments. They wanted to begin to put together regulations to handle that type of development outside of zoned areas.

Was this something the Board wanted them to continue working on with the Planning Board to bring back proposals on how they could approach that type of development outside of regulated districts within the county? Should the Commissioners have questions, they could forward them to the Planning Department.

Informational item.

(6) HOLIDAY DECORATIONS: Tracy Fitzmaurice, Librarian and Chad Parker, Public Works Director, were present for this item.

Mr. Adams stated he wanted to summarize what the committee's directive was. For the last couple of years there had been requests from the Library and individuals to look at changing the holiday decorations at the Old Courthouse Lawn to include items such as a Menorah, Kinara, etc. They had discussed that there would need to be thought into this issue. The task of the committee was to figure out, within the law, ideas and concepts of how this would be integrated into the current holiday decoration scheme.

He provided the Board with a Memorandum from Ms. Baker regarding her legal opinion on the issue. The opinion stated that a Menorah or Nativity Scene, were considered nonsecular or religious items. There were certain criteria that had to be considered and followed in order to meet constitutional law. It was this criteria that the committee took into consideration when working on what they were asked to do.

The original request was to add a Menorah. The Menorah was considered a nonsecular religious item according to the constitutional legal cases on the issue. As a committee, they were trying to anticipate what the future conversations would be, which was why they provided concepts that included a Menorah, a Kinara and a Nativity Scene and how they would fit within the holiday decoration scheme. When they start going down the road of putting religious icons onto public property, they would open themselves to discussions, questions and/or criticism.

Chairman McMahan stated that he wanted to say that he appreciated the context of what had been said and he appreciated the work the committee did. He knew that the issue of the Menorah had come up a couple of different times and had usually come up at the time the decorations were being installed, which was why Mr. Adams asked they try to deal with this in a time of the year that was not the holiday season when decorations were being put up.

He personally did not believe they should put up religious symbols on county government property, including the Courthouse Lawn during the holiday season with the other decorations. He understood the decorations they did put up were commonly referred to as Christmas trees, but that was a name that was given to a decoration that had been widely accepted as a secular holiday decoration that bared no religious tone. It was not in any way connected to any religion, whereas a Menorah, Kinara or Nativity Scene did.

Personally, he was a very dedicated, devout Christian. He had multiple manger scenes at his home that they placed out as a holiday decoration. As an individual property owner, he had the right to do that because that was what they celebrated. He attended a religious institution, he was a member of a church, they put up manger scenes and he had been a part of a live Nativity. His family frequently visited Nativity Scenes around the county because that was what they enjoyed.

At the same time, they celebrated Hanukkah with Jewish friends. His family made a Menorah and helped their friends celebrate. It was done through a personal effort outside the realm of government. He thought they created a real problem when they started putting religious symbols on government property. They had a beautiful decoration at that time, that was not controversial and he thought everyone seemed to enjoy. He did not feel they should do this and it was just his personal opinion. He appreciated the work of the committee, but he wanted to say that up front.

Ms. Fitzmaurice stated that people did come to the Library wondering where other displays were. She knew holiday trees were not a Christian symbol, but the whole idea of the decoration was for Christmas. She had employees and residents of the town that asked every year, why they were not represented.

The committee did study a lot about different areas that arranged different decorations in front of their courthouses or government property. The Kinara was a cultural icon, not a religious symbol. The Menorah was a religious symbol, although it had been accepted as secular in some towns, depending on how it was lit.

Those were the only two that had been requested, but they did believe that if a Menorah was put up, it was likely that a Nativity Scene would also be requested, which was why they chose three symbol displays that were the same height and from the same manufacturer. They would also blend in nicely with the other decorations. They looked at many different locations to try and blend them in because if they were blended into a holiday decoration and not set aside in one religious corner, they were acceptable, as far as a legal standpoint. The committee had three to four meetings and everyone seemed to be pleased with the results.

Mr. Parker stated that Randy Cabe and Ira Jones had worked on this for many years and had done a great job. In the process, they requested to have the liberty to move items around, if needed. The different items were the same size as far as height. Everyone on the committee agreed to go with those types of lighted symbols. The committee was also in agreement with the general area of the design that was presented to the Board.

Commissioner Mau asked what the recommendation of the committee was.

Mr. Adams stated that it was incandescent lights as shown on the design provided.

Commissioner Luker asked what Ms. Baker's opinion was on this.

Ms. Baker stated that the Supreme Court cases on the subject stated that it had to be looked at on a case by case analysis. It was her opinion, that the committee's recommendation met the majority of the standards that were put forth in two US Supreme Court Cases. It did leave some question because it would be in a prominent place in the community and was a former, well-known entrance to a public building. She did believe this would be acceptable under the US Supreme Court analysis, but again, it was a case by case basis.

She did raise the issue that it would generate complaints. Nativity Scene's created the biggest form of complaints for local governments in this manner during that time of year. The way decorations had been done in the past, with what the US Supreme Court deemed secular items, would keep the risks of legal challenges low.

Commissioner Luker stated that he would be under the same idea as the Chairman. Why open themselves up for more scrutiny and put them in the chance of that liability.

Commissioner Mau asked when most complaints had occurred and there had been lawsuits, was that when a public entity had only selected one religious symbol to put up and had it by itself?

Ms. Baker stated that they did not know all of the lower Court opinions because not all were published, but that yes, that was one of several standards considered when looking at this issue from a constitutional standpoint. Generally, the research she did find that when there was a Nativity Scene involved, complaints and questions arose. Other factors, besides if the religious object was by itself were, was it in an entry way or prominent location of a government building. This was now a Library and not a courthouse, so she thought that helped with regards to the Supreme Court analysis that this was not in front of a courthouse building used for county operations or for court procedures. There were several factors that need to be examined.

Mr. Adams stated that this started with a Menorah, but once it was understood that a Menorah was a religious item, then it made this a more complicated conversation than just holiday decorations. There was a Nativity Scene in the recommendation from the committee, but there may be other requests. They needed to be prepared that if they allowed for religious items to be placed, there would be feedback because it was considered nonsecular. He asked Ms. Baker what the safest route was legally?

Ms. Baker stated that the safest route legally was to do what they had been doing, keeping it secular items. These were items that were determined by the US Supreme Court as secular. When they started adding religious items, that would assume greater risks and liabilities. It was her opinion that the way the committee designed the items probably met the constitutional standards.

Commissioner Deitz stated that he thought they should leave it with what they had. They had enough controversy on that hill without another one.

Commissioner Mau stated that the recommendation from the committee would meet the standard, but they would assume more risks if they placed religious items there. Was that a fair summary?

Ms. Baker stated that it would probably meet the standard, but it was case by case. It was her opinion that it probably did meet that analysis.

Commissioner Woody thanked the committee and Ms. Baker for their hard work on this issue.

Informational item.

(7) COMMUNITY SERVICES DEED RESTRICTIONS: Mr. Adams stated that due to the oil spill they had at the Community Services Center project, the Health Department, they were going to have deed restrictions be placed on the property. When he first had this conversation with the Board, it was thought the restrictions would be for residential uses, but commercial uses would be allowed. Since then, the state came back and with different language that he believed was better.

In the letter from North Carolina Environmental Quality, it stated:

“Be advised that although soil contamination at the site exceeds unrestricted use standards for low priority site, it is possible to receive a final no further action determination.” This was what they were attempting to receive. The letter also stated “Therefore, the incident is ranked low priority/industrial commercial. In accordance with North Carolina General Statute (NCGS) 143-215.94E(e4), you are not directed to proceed with additional assessment or corrective action.”

The proposed language for the deed was as follows:

“Soil containing residual petroleum contamination above applicable standards exists on the site in the Area of Soil Contamination shown on the attached aerial photograph. No soil from a depth of 3 feet or more shall be excavated or otherwise disturbed in this area, except to remediate it in accordance with all applicable state and federal statutes, regulations and guidelines.”

Ms. Baker stated if they wanted to pinpoint the area exactly for future reference, they may want to go ahead and have a survey description added so there were no questions.

Mr. Adams stated if they dugout in that area, they would have to keep digging until it tested negative. He felt comfortable moving forward with the requirement.

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

(8) **APPALACHIAN WOMEN'S MUSEUM:** Mr. Adams stated that this item was regarding the pump station that had previously been discussed. He shared a letter and quote from Lofquist & Associates of what was needed to take care of the situation. This was now putting the Board in a position to make a decision and/or determine how much money was needed to be raised.

Estimated Material and Construction Costs:

| Description | Estimated Total Cost |
|---------------------------------------------------------------------------------------------------------------|----------------------|
| Pumping system equipment only | \$14,800 |
| Pumping system equipment excavation, foundation/anti-flotation, electrical connection, equipment installation | \$7,100 |
| Materials for PVC | \$1,550 |
| Trenching, piping installation, backfill, property restoration | \$3,100 |
| Force main installation under DOT temporary road by mole | \$960 |
| Wet tap connection to TWSA existing force main | \$750 |
| Erosion control and seeding allowance | \$500 |
| Estimated Construction Cost Subtotal | \$28,760 |
| TWSA System Development Fee and Permit Fee allowance | \$1,200 |
| Engineering design | \$3,000 |
| Engineering - assist owner in soliciting 2 or 3 informal bids | \$1,100 |
| Engineering approximately 3 or 4 periodic site visits | \$700 |
| Other Project Costs Subtotal | \$6,000 |
| Total Estimated Project Costs | \$34,760 |

Commissioner Woody asked if this would also hook up the water?

Mr. Adams stated that it did not.

Commissioner Woody stated that she wanted to give Mr. Lofquist credit, he did the estimate for free, which was a nice offer to the community. It concerned her as it seemed like a lot of money to hook up to TWSA.

Mr. Adams stated that he believed the other engineering estimate for just the design was nearly \$10,000. Once they bid it out, the cost would be the cost as this was an estimate.

Commissioner Mau stated that with TWSA's new fee schedule, he was not sure why this was one that would be zero. He thought it would be in the category for the reduced fee because of Covid. He would verify that and talk with the TWSA Board.

Commissioner Woody stated that Daniel Manring, TWSA Executive Director, had stated that he would use a grant to help and she did not see that subtracted from the bid. She hoped that would lessen the cost to the county.

General discussions were held.

Mr. Adams stated that the next steps for the county would be to consider a request to fund up to \$34,760 to go towards the project, which would put the finances in place. They would have discussions with TWSA to determine if there were other monies available such as a grant.

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

(9) **NCACC GOALS:** Mr. Adams stated that language was presented previously to the Board for the additional goal. Commissioner Mau sent new language to him that day and emailed it to the Commissioners as well.

Chairman McMahan stated that he had some thoughts about it. He wondered if they should present this as a goal at that time.

Commissioner Mau stated that he had that conversation last spring during his unsuccessful campaign for state with current state legislators and they knew it was an issue.

Chairman McMahan stated that the committee was working on it. He did not know if it was a goal and maybe they should hold off on it to let the committee play out and take no action on it.

Informational item.

(10) GLENVILLE-CASHIERS RESCUE SQUAD FINANCIAL FORENSIC INVESTIGATION: Mr. Adams stated that included with item was a cover letter and the actual report. The letter stated:

“In late 2018 (early 2019), leadership from Glenville-Cashiers Rescue Squad (“the Squad”) informed Jackson County (“the County”) of concerns related to potentially inappropriate transactions that had taken place within their organization. Once it was understood that there were potential criminal accusations that could be made, both the County and Squad leadership requested that law enforcement investigate the issue.

The County contracts with the Squad to provide rescue services for the area at an annual cost of \$116,421. The County also contracts with the Squad to provide emergency medical services for the area at an annual cost of \$1,093,257. Since there is a significant financial relationship between the County and the Squad, it was decided to hire an independent forensic auditor to investigate. The County engaged Dixon Hughes Goodman (“DHG”) to perform investigative services in May 2019. This investigation took place with the full cooperation of the Squad leadership. The forensic investigation covered years 2016, 2017 and 2018. The DHG report was completed November 20, 2019 and distributed as needed for investigative purposes. The final report is attached to this letter. (Note: Certain information such as bank account numbers has been redacted from this report).

There have been potential issues identified with financial transactions that have taken place between the Glenville-Cashiers Rescue Squad and Sullivan Custom Homes. These issues are being adjudicated through the court system and licensing boards.

The report concludes that no other items of concern were identified other than the issues associated with Sullivan Custom Homes. The report also states that all other transactions reviewed “appeared appropriate and reasonable”.

It is unfortunate that these issues have taken place with the Glenville-Cashiers Rescue Squad. The incidents appear to be isolated and steps have been taken to protect taxpayer dollars and EMS/Rescue services to the area. The Squad leadership states that they have appropriate procedures in place to manage and monitor all aspects of their business and financial transactions. This includes multi-layered management oversight with strict internal control procedures, checks and balances processes and strong conflicts of interest policies. Squad leadership states that their most recent 2019-2020 financial audit conducted by an independent third-party audit firm did not identify any financial issues.

Jackson County looks forward to working with the Glenville-Cashiers Rescue Squad to continue providing high quality EMS and Rescue services to the area.”

Informational item.

(11) CASHIERS-GLENVILLE VOLUNTEER FIRE DEPARTMENT: Randy Dillard, Chief of the Cashiers-Glenville Volunteer Fire Department (via Zoom video conferencing) stated they had been trying to purchase the property beside them for a while. They were not interested in building right away, they just wanted to secure it for the future of the town. It was about the only land left available that would work for them.

During this time, the Boys and Girls Club bought half of the property, so they were trying to secure the other half. They were going for a loan with United Community Bank with a 2.36 tax exempt loan. They requested a few items, including a resolution from the Commissioners, which had no bearing on the Commissioners other than their support.

Ms. Baker stated that this resolution was requested by United Community Bank's attorney. This got into the tax code, which was the only reason this was requested. It only gave their support to them for approving the loan, it did not obligate them to any financials. This would allow them to proceed with the loan. The resolution would need to be approved after a public hearing was held. She requested this be added to the November 3rd agenda.

Consensus: *Add this item to the November 3rd regular meeting for consideration.*

(12) CONFEDERATE MONUMENT:

Chairman McMahan stated that they were not yet prepared for this item as he and Commissioner Woody had not had a chance to get together.

Commissioner Woody stated that she had reached out to some community members and had been working on a draft, as Chairman McMahan had been as well. She did not want the public to think this was not front and center, but they were being very thoughtful and careful about how they proceeded.

Chairman McMahan stated that the Andrew Mellon Foundation was offering some grant funds for alterations and they were following up on that as well.

Carry over.

(13) OTHER BUSINESS: None.

There being no further business, Commissioner Mau moved to adjourn the meeting. Commissioner Woody seconded the Motion. Motion carried and the meeting adjourned at 3:52 p.m.

Attest:

Approved:

Angela M. Winchester
Angela M. Winchester, Clerk to Board

Brian Thomas McMahan
Brian Thomas McMahan, Chairman

