

MACON COUNTY BOARD OF COMMISSIONERS
MARCH 12, 2019
MINUTES

Chairman Tate called the meeting to order at 6:02 p.m. and welcomed those in attendance. All Board Members, the County Manager, Finance Director, County Attorney, members of the news media and interested citizens were present.

ANNOUNCEMENTS: Commissioner Shields announced that on March 30, 2019 there will be two celebrations. The Vietnam Veterans of America Chapter 994 will hold a celebration of the ending of the Vietnam War at the square at 11:00 a.m. and at 1:30 p.m. at the Memorial Methodist Church there will be ceremony for the dedication of the 4.9 miles of Wayah Road to Colonel Tom McNish. Commissioner Gillespie informed the board that the Planning Board took the board's recommendations and they have a plan in place to start going out in communities, beginning with Nantahala on March 21, 2019. The Planning Board will use the comprehensive plan as a basis for what they are doing. Chairman Tate announced that the Board of Health had adjourned their February meeting until tonight. The Board of Health is looking for a new health director for Macon County and is in the process of interviewing potential candidates for the position. Chairman of the Board of Health, Melissa Bell, called their meeting to order and the Board of Health went into closed session for the purpose of discussing a personnel matter under the provisions of NCGS 143-318.11(a)(6). Commissioner Gillespie asked the County Manager for an update on the comprehensive plan in regards to setting a date for a public hearing. After discussion the board would like to add the public hearing for the comprehensive plan to the April agenda.

MOMENT OF SILENCE: Chairman Tate asked those in attendance to all rise and observe a moment of silence.

PLEDGE TO THE FLAG: Led by Commissioner Higdon, the pledge to the flag was recited.

PUBLIC COMMENT PERIOD: **Sandra Swisher** addressed the board about areas of concern in Macon County. Ms. Swisher is concerned about the appearances of areas such as those on Highway 441 from the Georgia line to Franklin, scenic byway route 28, Lyle Downs Road, and Cowee Valley. She said there are vacant buildings, closed motels, and overall clutter. Ms. Swisher told the board that she plans on coming back next month to present them with a collage of pictures of what those areas look like. She thanked the board for their patience and for listening to her.

ADDITIONS, ADJUSTMENTS TO AND APPROVAL OF THE AGENDA: Upon a motion by Commissioner Gillespie and seconded by Commissioner Shields, the board voted unanimously to approve the agenda as adjusted, as follows:

- To remove item 10E, per the County Manager.
- To add a presentation of a resolution in recognition of Macon County Crawford Senior Center volunteers as new Item 9D, per the County Manager.

- Commissioner Higdon asked the County Manager to have Chris Stahl, Director of Solid Waste, on the April agenda for discussion of the salary issues for the convenience center staff.
- Chairman Tate asked the County Manager to have Seth Adams, Recreation Director, on the April agenda regarding proceeding with the dog park.
- The County Attorney informed the board that there will be a need for a closed session for the purpose of consulting with the attorney to preserve the attorney/client privilege and further to establish or instruct the public body staff or negotiating agents concerning position to be taken on behalf of the County in connection with a prospective purchase of real property under NCGS 143-318.11(a)(3) and 143-318.11(a)(5).

SAFE ROUTES TO SCHOOL PROGRAM: Justin Setser, Town Planner, introduced Jackie Moore, Safe Routes to School Coordinator, to the board. Ms. Moore's position is grant funded and covers all the K-8 schools in the eight western counties. The grant was funded from 2013-2019. There are ten regional coordinators that cover all 100 counties and focus on non-infrastructure strategies. However, with the program, it has led to infrastructure in many situations. Ms. Moore presented the board with a PowerPoint presentation highlighting the success of the programs. The Nantahala students participated in a walk to school event, and all fourth grade students at East Franklin participated in a bike safety program and received free helmets. Ms. Moore told the board that their goal is to keep the students safe, but to keep them active and fit. She showed data that supported active living by design changes students' behavior, and improves grades. Ms. Moore said that sustainability of the program is so important, and that Macon County is doing a great job having students participate in on-going programs. Ms. Moore said that the grant is no longer being funded. However, there is a new safe routes to school non-infrastructure transportation alternative grant in the amount of \$100,000 for three years that she is applying for that is an 80% federally funded with a 20% local match. Jackson County will most likely be the lead agency, and has already given a \$5,000 match. Ms. Moore said she would like to include four counties this time (Swain, Macon, Haywood, and Jackson). She said with only four counties in the program she can do more and even expand into the middle schools. Ms. Moore said they are also looking at using this grant to build an advocacy for more active communities and continue working on the trails and greenways. Ms. Moore asked the board for a \$5,000 per year for a three year commitment. Commissioner Beale asked Ms. Moore if the other counties have committed. Ms. Moore said that Jackson County and Swain County has, and they are working on Haywood County. Commissioner Beale asked what the timeline for applying for the grant is. She said that the grant application is due by March 29, 2019. Commissioner Beale asked if they needed the money then, or just the commitment. Ms. Moore said they just need the commitment. Commissioner Shields made the motion to commit to the program and show the funds in next year's budget. Commissioner Beale seconded the motion. Chairman Tate said he did not have a problem committing to the program, but before he could vote "yes" for this program he would like to know that the Macon County School Board wants to see this program continue. Chairman Tate said that, in his opinion, it was not the board's

responsibility to direct the School Board in what direction they should take for the students. Chairman Tate said that if the School Board was in favor of this, then he would be too. Commissioner Shields changed his motion to commit to the program, contingent on the Macon County School Board's approval of the program, and show the funds in next year's budget. Commissioner Beale seconded that motion, and the board approved unanimously to approve.

NIKWASI INITIATIVE UPDATE: Barbara McCrae, co-chair of Nikwasi Initiative and vice-mayor of Franklin, presented the board with a Nikwasi Initiative update. Ms. McCrae told the board that the County has helped establish the Initiative through contributions and through the involvement of Mr. Tommy Jenkins, Economic Development Director. Ms. McCrae said that Mr. Jenkins' service reflects the economic development potential of proposed involvements to the mound area. Ms. McCrae gave the board a brief history of the mound. She stated that the citizens of Franklin and friends from across the country raised \$1,200 in 1946 to purchase the mound and turned it over to the Town of Franklin for safekeeping. The Town has maintained it for 76 years, but has never been in a financial position to do more than keep it mowed and clean. She said through the efforts of Mainspring Conservation Trust, and through the partnership with the Eastern Band of Cherokee Indians, they are moving toward a new chapter for that section of town. Mainspring has done, and will do brownfields work on the contaminated parcels. The Eastern Band has recently purchased the old Dan's Auto building, adjoining the mound, and they plan to convert it to a Visitors Center/Annex of the Museum of Cherokee History. The Women's History Trail plans to place a large public sculpture for an area near the river, and the Town of Franklin, Macon County, and Duke Energy are working together to open a trail under the town bridges that will create a safe connection for the Greenway, with a pocket park in the space between the bridges. Ms. McCrae said that these efforts coincide with the Cherokee Heritage Trail that is under development. On the trail there will be an information kiosk near the mound that will tell the public about its history. Ms. McCrae thanked the board for being a part of this Initiative, and for their help on everything they have done to help improve this area. Ms. McCrae pointed out how much of an asset the Greenway is to the County and that the efforts to highlight the mound and improve the area around it will only make it better. She said that the transfer of the mound will create an equal partnership with the Town and the Tribe, giving the Cherokee a part in any future decisions concerning the mound. Ms. McCrae emphasized that they are not giving the mound away, instead they are sharing it. Ms. McCrae said that she is proud that they are finally ready to put up a "welcome" sign for our Native American neighbors, 200 years after they were forced away. Ms. McCrae thanked the board for being a part of this and said she would like to keep them updated as this proceeds. Commissioner Beale asked Ms. McCrae what the next steps were and she said that the Town's attorney is preparing a deed and the Town board will have to vote on it and sign it and then the Town and Eastern Band will have to work together and decide on how it will be maintained. Commissioner Higdon asked Ms. McCrae if there has been any discussion in this Initiative about taking out the Lake Emory dam. She said that it has not been discussed, but from her personal experience she knows that the silt would be an issue. No action was necessary.

PRESENTATION OF PROGRAM IMPACT REPORT FOR 2018: Allen Durden, Director of Cooperative Extension, along with three of his extension staff, Carol Pitts, Joe Deal, and Julie Sawyer shared with the board some of the highlights of their programs for 2018. Mr. Durden gave the board an update of Cooperative Extension as a whole. He said that in 2018, staff members conducted or participated in 209 meetings, workshops, demonstrations, lectures, and tours in the delivery of educational information to the citizens of Macon County. He said that 4,919 people attended 960 hours of classroom and field instruction. Mr. Durden said extension personnel in Macon County reported 20,977 face to face educational contacts. He said that Macon County Cooperative Extension received \$23,138 from supporters through donations, fundraisers, user fees, and in-kind donations. Volunteers assisted Cooperative Extension by giving 3,972 volunteer hours valued at \$98,069, which is the equivalent of 1.9 full-time employees. Mr. Durden said that in addition to being the County Extension Director he is also responsible for programming in horticulture, both commercial and urban. He highlighted three programs to the board: the Master Gardener Program, Landscape Contractors Continuing Education Program, and Pesticide Disposal Day. Carol Pitts presented the board with an update on the Expanded Food and Nutrition Education Program (EFNEP). Ms. Pitts said that 95% of EFNEP participants improved dietary intake, 66% now practice daily physical activity, 57% practice better food resource management, and 69% have improved their food safety habits. She thanked the board for continuing to allow her to work with the youth of Macon County. She also briefly gave the board a 4-H youth development update. She said they have 13 clubs that they focus on now including shooting sports, livestock, small animals, sewing, chess, cooking, crafts, woodworking, and leadership. Ms. Pitts said they received \$17,000 in community donations from businesses and individuals for youth enrichment. Joe Deal told the board that 2018 was a good year for the livestock program. He highlighted programs such as Farm Safety Day, pesticide applicators continuing education, and youth livestock programs. Julie Sawyer gave the board an update on the Family and Consumer Science program. Ms. Sawyer said she focuses on food safety and nutrition and healthy lifestyle. She said that she offers NC Safe Plates certification and does home food preservation demonstrations. Ms. Sawyer said they started 2019 off on a really good note. She had an opportunity to partner with North Carolina Radon Program where she was able to distribute free radon test kits. Commissioner Beale said that Macon County has the strongest community development organization in the West. Commissioner Beale said that the Community Garden has also been a huge success. Commissioner Beale said that he feels that Cooperative Extension does not always get the credit they deserve. Commissioner Gillespie thanked Mr. Durden and his staff for all that they do. No action was necessary.

RESOLUTION IN RECOGNITION OF MACON COUNTY CRAWFORD SENIOR CENTER

VOLUNTEERS: Jennifer Hollifield, Director of Senior Services, addressed the board to recognize all the work that the dedicated volunteers do for Senior Services. She said that the volunteers teach Zumba, assist with the community resource center, play music in the adult daycare, serve congregate meals, and deliver hot meals to the homebound. She said

that in 2018 alone, the volunteers donated 8,346 hours valued at over \$206,000. She said that two of the largest areas of impact were the congregate meals and home delivered meals. In 2018, volunteers served over 12,000 congregate meals and delivered 18,258 meals and smiles to 131 homebound seniors. Ms. Hollifield said that knowing how much the volunteers contribute, they would like to recognize their contributions with a resolution declaring April 7-13, 2019 as Macon County Volunteer Week. A copy of the resolution is attached (Attachment 1) and is hereby made a part of these minutes. Commissioner Beale proudly made the motion to adopt the resolution as presented. Commissioner Shields seconded the motion, and the board voted unanimously to approve.

RENEWAL OF LEASE AGREEMENT BETWEEN MACON COUNTY AND NC DEPARTMENT OF COMMERCE FOR NC WORKS CAREER CENTER: The County Manager gave the board a copy of the agreement that the County is currently under. He reminded the board that the County has been providing NC Works Career Center office space free of charge since the State stopped funding their rent in 2016. In 2017 the County entered into a two year lease with the NC Department of Commerce and it is now time for the lease to be renewed. The County Manager asked the board to authorize him to execute a new two year lease with the NC Works Career Center. The County Attorney informed the board that he had reviewed the proposed extension to the lease agreement and did not find any issues with it. A copy of the lease agreement is attached (Attachment 2) and is hereby made a part of these minutes. Commissioner Gillespie made the motion to approve the renewal of the lease agreement. Commissioner Higdon seconded the motion, and the board voted unanimously to approve.

ASSUMPTION OF LEASE AGREEMENT BETWEEN NORTH CAROLINA COMMUNITY CARE NETWORKS, INC. AND MACON COUNTY PUBLIC HEALTH: The County Attorney informed the board that he has prepared a recommended resolution and a new lease. He said the board will need to authorize the County Manager to discontinue the present lease with Community Care of Western North Carolina and authorize the Chairman to enter into a new lease with North Carolina Community Care Networks, Inc. The County Attorney said this will be a three month lease that will get the County through the remainder of this fiscal year and he will come back to the board in June to present an annual lease agreement. A copy of the resolution is attached (Attachment 3) and a copy of the lease is attached (Attachment 4) and both are hereby made a part of these minutes. Commissioner Gillespie made the motion to approve the resolution and the lease agreement as presented. Commissioner Beale seconded the motion, and the board voted unanimously to approve.

RESOLUTION CONFIRMING AND RATIFYING THE EXISTENCE OF THE MACON COUNTY COMMUNITY FUNDING POOL: The County Attorney told the board that years ago the Macon County Board of Commissioners saw the need for an advisory committee to assist in funding various community organizations that came before the board seeking some sort of an appropriation to aid and assist in their operations. At that time a Community Funding Pool Board was organized and that group has since done a great service to the Board of Commissioners for Macon County in assisting in evaluating various proposals to receive

limited funds. The County Attorney told the Board that he and the County Manager have looked into the history of this group and noticed that there have never been any bylaws for this organization. He said they were given a task, but never really given any direction on how to operate. The County Attorney said he has prepared a set of bylaws and a resolution that will basically acknowledge that board and confirm and ratify the board that has been appointed, and adopt a set of bylaws. A copy of the resolution is attached (Attachment 5) and the bylaws are attached (Attachment 6) and both are hereby made a part of these minutes. Commissioner Shields stressed how important the Community Funding Pool is for non-profit organizations in our area. The County Manager pointed out that when the County Attorney was preparing this resolution and bylaws that he tried to mirror them as close as possible to how business is currently being conducted by the Community Funding Pool so there should be a very smooth transition. Commissioner Shields made the motion to approve the adoption of the resolution and bylaws as presented. Commissioner Beale seconded the motion, and the board voted unanimously to approve.

OCCUPANCY TAX PENALTY WAIVER REQUEST FOR BETH STRICKLAND: The County Attorney told the board that under the Occupancy Tax Local Bill for Macon County, that the Commissioners are specifically authorized under that bill to look at requests for waivers of penalties. The County Attorney said that if someone comes to the board and, for good cause, shows you that they really should not be penalized that the board has the authority to excuse that penalty. The County Attorney said that Ms. Strickland resides in Gainesville, Georgia and could not attend the meeting, but has provided some information to Lori Hall, Finance Director, and would like the board to use that information when considering her penalty waiver. Ms. Hall told the board that the told amount of Ms. Strickland's penalties is \$1,101.92, of which \$1,090 is penalties and \$11.92 is interest. Ms. Hall said that Ms. Strickland has paid and is current on her taxes. Ms. Hall reminded the board that in the past they have waived the \$10 per day penalty but have imposed the interest penalty. The Chairman said that this is a tough situation because you are penalizing the people that are trying to do the right thing, and he made the recommendation to do what the board has done in the past on waiving the penalties but enforcing the interest penalty. Commissioner Beale made the motion waive the \$1,090 in penalties as allowed under the Occupancy Tax Local Bill for Macon County. Commissioner Gillespie seconded the motion, and the board voted unanimously to approve.

LETTER IN SUPPORT OF THE SMOKY MOUNTAIN RELAY: The County Manager told the board that Sourwood Running, LLC is requesting acknowledgment and approval for the portion of the Smoky Mountain Relay which will be held in a portion of Macon County on April 26-27, 2019. The County Manager said that the North Carolina Department of Transportation is requesting that each Board of Commissioners for each county that the Smoky Mountain Relay will be held in acknowledge and approve the race. Commissioner Higdon made the motion to approve that a portion of the Smoky Mountain Relay would be held in Macon County. Commissioner Shields seconded the motion, and the board voted unanimously to approve.

ACKNOWLEDGMENT LETTER REQUEST FROM BURNINGTOWN-IOTLA VOLUNTEER FIRE DEPARTMENT CONCERNING THE PURCHASE OF 1998 FREIGHTLINER PUMPER/TANKER:

Mike Yacks, Board Chairman Burningtown-Iotla Volunteer Fire Department, told the board that they have submitted a request to the board for letters of approval to be able to acquire an additional apparatus for their department. A copy of the acknowledgment letter is attached (Attachment 7) and is hereby made a part of these minutes. Mr. Yacks said they currently have eight trucks in the fleet. He said they do not have a backup pumper and that is what they are looking to purchase. Mr. Yacks said they found one in Clay County which is a sister truck to one that they purchased a couple years ago. He said that at \$35,000 this truck is well within their budget. Mr. Yacks said that this will help lower their ISO rating. Commissioner Shields made a motion to approve as presented. Commissioner Beale seconded the motion. Chairman Tate said he wanted to reiterate what Warren Cabe, Emergency Management Director, said in an email and thanked them for doing this the correct way. The board voted unanimously to approve.

CONSENT AGENDA: Commissioner Gillespie made a motion to approve the consent agenda. Commissioner Higdon seconded the motion, and the board voted unanimously to approve the items on the consent agenda as follows: the minutes of the February 12, 2019 regular meeting; budget amendment #157 for the Sheriff's Office to appropriate \$1,296 from an insurance settlement (a copy of the amendment is attached – Attachment 8); the tax releases in amount of \$1,637 for February 2019; a tax refund request approval for Mike Davis per NCGS 105-381; monthly ad valorem tax collections report; and the Macon County Board of Public Health proposed changes/additions.

APPOINTMENTS: Commissioner Beale made the motion to approve the reappointment of Bill Dyar to the Macon County Library Board. Commissioner Shields seconded the motion, and the board voted unanimously to approve.

CLOSED SESSION: Upon a motion by Commissioner Beale, seconded by Commissioner Shields, the board voted unanimously to go into closed session at 7:43 p.m. for the purpose of preserving the attorney/client privilege and to instruct the staff and agents of the County concerning the negotiation of possible acquisition of real property under NCGS 143-318.11(a)(3) and NCGS 143-318.11(a)(5). At 8:28 p.m., upon a motion by Commissioner Beale, seconded by Commissioner Shields, the board voted unanimously to come out of closed session and return to open session.

LAWSUIT: The County Attorney outlined the discussion that took place in closed session regarding the request by Macon County Sheriff's Office for assistance by the County under statutory law to commence a lawsuit dealing with some nuisance issues. He said the case would be filed against three individuals; Randy Collins, William Stephen Sheppard, and Dusty Collins. The County Attorney said he would need authority to bring that lawsuit on behalf of the County and ultimately the County bringing it on behalf of the State of North Carolina. The County Attorney said he would need the authority of the County to be given to Derek Roland as the County Manager to verify the complaint that would be filed in court.

Commissioner Beale, as the liaison of the Sheriff's Office on the recommendation of the County Attorney and the Sheriff made the motion to approve the County proceeding as presented. Commissioner Shields seconded the motion, and the board voted unanimously to approve.

ADJOURN: With no other business, at 8:37 p.m., upon a motion by Commissioner Beale, seconded by Commissioner Shields, the board voted unanimously to adjourn.

Derek Roland
Ex Officio Clerk to the Board

Jim Tate
Board Chairman