

MACON COUNTY BOARD OF COMMISSIONERS
AUGUST 8, 2017
MINUTES

Chairman Tate called the meeting to order at 6:00 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: Chairman Tate expressed his desire to hold one of the board's upcoming meetings in the Town of Highlands, perhaps either in October or November. The County Attorney pointed out that the board's meeting schedule calls for regular meetings to be held in the commission boardroom, but that the board could recess a meeting and hold it in Highlands or call a special meeting. Otherwise, it would need to change its meeting schedule. Chairman Tate asked the County Manager to try to make the necessary arrangements, and Commissioner Higdon suggested that the board also hold a meeting in Nantahala at some point. The County Attorney suggested that the board consider these options as it puts the regular meeting schedule together for 2018 later this year.

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

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

PUBLIC COMMENT PERIOD: **David Culpepper** addressed the board regarding the county's grading license and the planning board's recommendation that the commissioners would consider later in the meeting. Mr. Culpepper said there is a \$500 per day fine for not having a license, but there is no fine for violating the ordinance, adding that if environmental protection is the county's goal, then those two items should be switched. He called the revised ordinance "a huge gift to the industry" and said it "tramples all over private property rights." Calling it an "ill thought-out plan," he said the revised ordinance should be "flatly rejected" by the commission. **Byron Lamb** told the board members that he disagreed with the board's recent action regarding a bid for new patrol vehicles for the sheriff's department, saying that

it took the commissioners less than one minute to take a \$181,000 bid to another county. He questioned if the board had to take the lowest bid, adding he was “curious to hear the reason to take money away from our county.” Mr. Lamb said the winning bidder had not sponsored anything locally, while Franklin Ford had given thousands of dollars to schools in Macon County. “It’s disheartening, to say the least,” he told the board. This led to Commissioner Beale telling Mr. Lamb that “there was a lot of discussion before that vote,” and that the board wanted to spend that money locally but they were “hamstrung” by a state statute. The County Attorney then explained that the board must award the bid to the lowest responsible bidder, noting that there is some ongoing discussion statewide as to allowing counties to prefer local businesses. **Randy Shook** also spoke to the grading license, saying he opposed what he termed the “relicensing for soil disturbance.” He said an individual has the right to work on his own land without having to take a test.

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

- To add discussion of a resolution concerning changes to the “potentially dangerous dogs” board as the new Item 11(F) under New Business, per the County Manager.
- To add consideration of an amendment to the “Agreement to Provide Recreation Opportunities” with the Cullasaja Community Association as the new Item 10(C) under Old Business, per the County Attorney.

FRANKLIN HIGH SCHOOL (FHS) FUTURE BUSINESS LEADERS OF AMERICA (FBLA): Michelle Brooks, the leader of the Future Business Leaders of America (FBLA) at Franklin High School updated the board on the group’s recent trip to national competition in Anaheim, CA. A total of 14 students made the trip from June 25th through July 3rd, and their community service project – a concert in Franklin by country singer Wade Hayes to raise awareness of colon cancer – finished in ninth place in national competition. “Thank you all for supporting us,” Ms. Brooks told the board members. The commissioners asked questions of some of the students about the program. No action was necessary.

4-H YOUTHVOICE REPRESENTATIVE AT NCACC CONFERENCE: Teighlor Holland told the commissioners that she would be Macon County’s 4-H representative at Youthvoice at the upcoming North Carolina Association of County Commissioners (NCACC) annual conference to be held in Durham County. Miss Holland said that she and others would receive two days of leadership and civic training on “how to become a county commissioner.” She asked for and received a photo opportunity with the board members that will

later become part of a slide show at the conference. No other action was necessary.

PLACEMENT OF NEW PUBLIC SAFETY TRAINING CENTER: The County Manager explained that county and Southwestern Community College (SCC) officials had discussed a “more favorable location” for the new Public Safety Training Center, or “burn building,” under consideration for construction on SCC’s Macon Campus off Siler Road in Franklin. He reviewed two proposals, one that would take up either 10.642 acres or a smaller section of that same site which would require six acres. The site is located adjacent to the Macon County Public Library. He noted that the six-acre parcel would work but that both sides “want to measure twice and cut once” before ordering a survey, which would be followed by appraisals from both the county and SCC. The County Manager said he wanted the board’s blessing before moving forward. Dr. Don Tomas, the president of SCC, told the board that he believes the six acres would be adequate. Commissioner Beale made a motion to authorize the County Manager to move forward with a survey and appraisal of the six-acre parcel, and it was seconded by Commissioner Shields. This was followed by a lengthy discussion of the process going forward and the financial issues surrounding the project. The board then voted unanimously to approve the motion.

PROPOSED CHANGES TO GRADING LICENSE ORDINANCE: Jack Morgan, Director of Planning, Permitting and Development, presented proposed changes to the county’s grading license ordinance. Chairman Tate pointed out that the commissioners rescinded these requirements earlier in the year in order for the members of the planning board to review them and make a recommendation back to the commission. Mr. Morgan said the planning board discussed the revisions at its May meeting, and then heard from grading contractors in June before developing a “bullet point” list in July. He then provided the board with a handout of the planning board’s work product for the commission’s consideration. The County Attorney asked the board members to consider this as a draft of a new, small portion of Section 153 of the county’s code of ordinances, and noted the planning board did not undertake any review of other parts of that section. He advised the commissioner that they needed to review this new material in light of the full section, which contains important definitions. This led to a discussion and a question and answer session between Mr. Morgan and some of the commissioners. The County Attorney said that a public hearing would be required to adopt any changes to the ordinance, and Chairman Tate, told his fellow board members that “we have a homework assignment.” No action was taken.

AMENDMENT TO CULLASAJA COMMUNITY ASSOCIATION AGREEMENT: The County Attorney explained that the members of the Cullasaja Community

Association were seeking an amendment to the agreement they entered into with the county earlier in the year. The association is asking to use money that had been saved from the initial scope of work to do additional upgrades, specifically wall repairs and painting, to the Old Salem Church. The County Attorney said the use of those funds for those purposes required a written amendment, and once the board members had time to review it, upon a motion by Commissioner Beale, seconded by Commissioner Gillespie, the board voted unanimously to approve an "Amendment to Agreement to Provide Recreation Opportunities," a copy of which is attached (Attachment 1) and is hereby made a part of these minutes.

REVISED FIRE DISTRICT MAP FOR COWEE VOLUNTEER FIRE AND RESCUE: Emergency Services Director Warren Cabe presented a revised fire district map for Cowee Volunteer Fire and Rescue which reflects the addition of a new substation on Mason Branch Road and the changes in areas now located within a five-mile response area that were previously outside that area. He pointed out that once the new map is approved by the board, it goes to the North Carolina Fire Marshall for final approval. Once the new substation is recognized by the state, the residents are eligible for lower insurance premiums. Following some questions from the board, and upon a motion by Commissioner Beale, seconded by Commissioner Gillespie, the board voted unanimously to approve the new map as presented.

SCALY MOUNTAIN HISTORICAL SOCIETY AGREEMENT FOR RECREATIONAL OPPORTUNITIES: Following a brief explanation from the Finance Director, and upon a motion by Commissioner Gillespie, seconded by Commissioner Higdon, the board voted unanimously to approve the renewal of an annual "Agreement to Provide Recreational Opportunities" with the Scaly Mountain Historical Society, a copy of which is attached (Attachment 2) and is hereby made a part of these minutes. As part of the agreement, the county provides \$5,000 to the society to help with operations.

LANDSCAPE RENOVATION PLAN FOR ROBERT C. CARPENTER COMMUNITY BUILDING: Chairman Tate said that at the board's last meeting, two bids for landscaping at the Robert C. Carpenter Community Building were opened but were not "apples to apples." He had recommended that the board obtain an estimate for a landscape renovation plan from Henry (Hank) Ross, a registered landscape architect in Highlands. Mr. Ross provided a quote for the plan at a cost of \$2,280, with an additional cost of \$840 to administer the bids on behalf of the county. Following discussion, Commissioner Beale made a motion to approve the \$2,280 cost from funds in the renovation project's budget, and to leave the remaining cost up to the discretion of the County Manager. Commissioner Shields seconded the motion, and after further discussion, the board voted unanimously in favor of the motion. A copy of the

landscape renovation plan estimate is attached (Attachment 3) and is hereby made a part of these minutes.

REQUEST FROM NORTH CAROLINA FOREST SERVICE: The County Manager introduced Benjamin Keener, the Macon County Ranger for the North Carolina Forest Service (NCFS), and told the board that the county's portion of funding a new attack vehicle for the NCFS had been contingent on the adoption of the state budget. Sixty percent of the cost of the new vehicle would be borne by the state, leaving Macon County's 40 percent share at \$16,000. Mr. Keener told the board that the NCFS had just a few days to get an answer from the county so that the vehicle could be ordered. The County Manager said that the money was not in the current year budget, and Commissioner Shields asked if it would come from fund balance or contingency. The County Manager pointed out that the local NCFS agency had been very frugal with budgeted funds from the county during the last three years, underspending their budget each year. Following more discussion, Commissioner Shields made a motion to fund the county's portion of the cost from fund balance, and Commissioner Beale seconded the motion. Following more discussion about the future use of the attack truck that was to be replaced, the board voted unanimously to approve the motion.

CLOSURE OF COUNTY OFFICES ON DAY OF TOTAL SOLAR ECLIPSE: The County Manager said that he was getting lots of questions as to whether county offices would be closed on Monday, August 21st, the day of a total solar eclipse. He said that officials in Cherokee and Jackson counties had already made the decision to close on that day, due mostly to the anticipated number of visitors to the area to view the totality of the eclipse. Sheriff Robert Holland and Mr. Cabe offered their viewpoints from a public safety perspective, with the sheriff noting this is "kind of an unknown thing" and recommending that county offices be closed. He said all of the sheriff's department's resources would be utilized on that day. Mr. Cabe said that while he was anticipating some traffic issues, he told the board members, "I don't know exactly what to tell you," other than the demand for emergency services was expected to be greater. Commissioner Shields expressed his concerns over sanitation issues if the county's solid waste department was not in operation. Commissioner Higdon asked "what does it cost us to shut down," and this led to discussion as to whether the day would be considered a holiday or an administrative leave day, a method normally used for inclement weather situations. Commissioner Gillespie said the county should be smart and plan with the realization that there are going to be a lot of people in town and "we're not going to be effective that day." Commissioner Beale said that "at the end of the day, it's the County Manager's decision, and the County Manager pointed out that a holiday would have to be approved by the board. The Finance Director suggested that the best option would be to declare it a holiday, and the County Manager added

that as his recommendation as well. Commissioner Beale made a motion to amend the 2017 Macon County Holiday Schedule to include August 21st, and Commissioner Gillespie seconded the motion. During further discussion, Commissioner Higdon asked who would determine what county services were deemed “essential,” and Commissioner Beale suggested that it be left up to the County Manager. The board then voted unanimously in favor of the motion, and the County Attorney suggested that someone needed to speak to the Clerk of Superior Court, as the board did not have the authority to close that office.

RESOLUTION REGARDING “POTENTIALLY DANGEROUS DOGS:” The County Attorney presented a resolution for the board’s consideration that essentially designates the county’s animal control officers, lead animal control officer, the section administrator for animal services and the health director as the persons responsible for determining when a dog is a “potentially dangerous dog.” Following a brief discussion, and upon a motion by Commissioner Shields, seconded by Commissioner Beale, the board voted unanimously to approve the resolution as presented, a copy of which is attached (Attachment 4) and is hereby made a part of these minutes.

CONSENT AGENDA: Upon a motion by Commissioner Gillespie, seconded by Commissioner Shields, the board voted unanimously to approve the items on the consent agenda as follows: the minutes of the June 13, 2017 regular meeting and the July 11, 2017 regular meeting; the following budget amendments: #18 for the Housing Department to allocate \$58,603 in funds from a Duke Energy Helping Home Fund; #19 for Soil Conservation to appropriate \$3,967 in fund balance to carry forward unexpended funds from a Duke Energy grant; #20 for the Department of Social Services to carry forward \$362 in donated funds for foster care; #21 for the Department of Social Services to carry forward an additional June allocation of \$34,246 in federal adoption funds; #22 for the Department of Social Services to carry forward \$5,353 in revenue from donations and gifts; #23 for the Department of Social Services to transfer \$2,969 of SHIPP and fan funds for Senior Services; #24 for the Sheriff’s Department for the appropriation of June 2017 interest (\$1) from fund balance from federal and (\$2,466) from state drug forfeiture money received during July 2017; #25 for the Health Department to roll unexpended grant money totaling \$5,283 to the current fiscal year; #26 for the Health Department to allocate \$12,664 in additional tobacco settlement money received from the state; #27 for the Transit Department to appropriate \$19,937 in funds from the sale of transit vehicles, with federal regulations requiring that these funds be allocated to and used by the transit system. (Copies of the amendments are attached); approved tax releases for July in the amount of \$7,233.73; approved the Settlement Report for 2016 taxes as provided by Tax Collections Supervisor Teresa McDowell (a copy of the report is on file in the Deputy Clerk’s office.)

APPOINTMENTS: Appointments to various boards were discussed, but no action was taken.

ADDITIONAL PUBLIC COMMENT: Chairman Tate allowed **Narelle Kirkland** to briefly address the board regarding concerns over protection of a viewshed along NC 28 north of Franklin.

ADJOURN: At 7:33 p.m., with no other business and 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