

MACON COUNTY BOARD OF COMMISSIONERS
MARCH 13, 2018
MINUTES

Chairman Tate called the meeting to order at 6:00 p.m. and welcomed those in attendance. All Board Members, the County Manager, Deputy Clerk, Finance Director, County Attorney, members of the news media and interested citizens were present.

ANNOUNCEMENTS: Chairman Tate pointed out that there were some issues with the audio system in the boardroom and asked members of the audience to let him know if they could not hear the discussion clearly. He also recognized the many military veterans attending the meeting. Commissioner Beale announced that there would be a meeting entitled "No Wrong Door" to be held March 27 from 11 a.m. to 4 p.m. at the Entegra Bank headquarters building. He said county departments such as the sheriff's and social services would have representatives on hand to help residents "know where to go when you need help" and that the public was welcome to attend. Chairman Tate noted that he, Commissioner Beale and the County Manager attended the recent National Association of Counties (NACo) conference in Washington, D.C., where he said they gathered lots of useful information and made many contacts. Chairman Tate said he had a good conversation with a commissioner from a county in northern Wisconsin that was similar to Macon County in that it had lots of national forest land and seasonal population shifts.

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

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

PUBLIC COMMENT PERIOD: **Narelle Kirkland** told the board that the county's senior citizens need a safe place to bicycle, walk and enjoy nature, then listed a number of county facilities that had been improved recently. She said the Little Tennessee River Greenway has five areas that need attention, and implored the board to attend to those, stating she had spoken to the commissioners a year ago on the same topic. **Donald Herring** asked why improvements to the Macon County Airport were not done all at one time, and

questioned why the runway was being lengthened again. Chairman Tate explained that the county used Federal Aviation Administration (FAA) funds to pay for 90 percent of the projects accompanied by a 10 percent county match, and so any improvements come about when those funds become available. Mr. Herring went on to question how much growth the airport needed, saying it is "not gonna be Asheville or Charlotte in our lifetime, nor do we want it to be." He also questioned why the minutes of the airport authority meetings were no longer posted on the authority's website. Commissioner Gillespie encouraged Mr. Herring to attend the authority's next meeting on March 20th. **Howell Jacobs** thanked Commissioner Higdon and the County Manager for their recent visit to the Nantahala community and for answering some questions. Noting that it was budget time, he said the board members have "heard about stuff we'd like to have," and asked them to "vote our way this time." **David Watters** said that he was a member of the Franklin Garden Club and wants to repair the clock on the clock tower located on the town square. He stated, "I can fix it," and asked permission to do so. The County Manager agreed to meet with Mr. Waters about the project and suggested having county maintenance staff available to assist him with the repairs.

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

- To add a presentation by Judy Paxton regarding naming a portion of Wayah Road for Dr. Thomas McNish as the new Item 9E under Reports and Presentations, per Commissioner Shields.
- To add a presentation by Rick Norton and Johnny Waldroop representing the Vietnam Veterans of America (VVA) Chapter #994, also regarding Dr. McNish, as the new Item 9F under Reports and Presentations, per Commissioner Shields.
- To add a presentation by Betsy Hunter in connection with a request for a proclamation designating March 25-31, 2018 as "Cystic Fibrosis Week in Macon County" as the new Item 9G under Reports and Presentations, per the Commissioner Beale.

FINANCIAL IMPACT OF VETERANS: Jim Prosser, the Assistant Secretary with the North Carolina Department of Military and Veteran Affairs, gave the board an overview of the financial impact that military veterans have on Macon County. He recognized the many veterans in the audience, and then told the commissioners "what a great veterans service office you have here." In recognizing both Leigh Tabor and Christie Black, Mr. Prosser said that both have a real passion for their veterans, and while he has never had a complaint about the department, he has heard "lots of compliments." He then presented statistical information on the economic impact veterans have, noting that 3,366 veterans call Macon County home, or roughly 10 percent of the population. In

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2017, the impact from federal Veterans Affairs (VA) funds was \$29.6 million. Direct compensation to veterans in Macon totaled \$15.8 million. He also pointed out that the local VA clinic in Franklin has 1,433 individual patients. Overall, he told the board that this is "a big economic impact for you." He wrapped up his remarks by speaking to the importance of training for the county's veterans services staff, and announced that Macon is being awarded \$2,175 to help cover training expenses.

WOMEN'S HISTORY MONTH PROCLAMATION: Commissioner Beale invited members of the Folk Heritage Association of Macon County to join him in the front of the boardroom, where he read the "Women's History Month Proclamation - March 2018" in its entirety. Upon a motion by Commissioner Beale, seconded by Commissioner Shields, the board voted unanimously to approve the proclamation as presented, a copy of which is attached **(Attachment 1)** and is hereby made a part of these minutes. Theresa Ramsey with the Folk Heritage Association said that the group's Women's History Trail project and its related activities was an effort to educate residents about the lives of Macon County women and honor their accomplishments.

PRELIMINARY PLAN FOR IMPROVEMENTS IN NANTAHALA FACILITIES: Commissioner Higdon explained that approximately three weeks ago, he and the County Manager visited the Nantahala Community to discuss needed improvements to the community's public facilities. He specifically pointed out standing in the community's library during a rain storm and watching the water leak onto the floor. After asking some residents there to "bring us a plan," he said that a committee formed and met on February 22nd, and he asked that its report be made part of the public record, a copy of which is attached **(Attachment 2)** and is hereby made a part of these minutes. He said the community needs a new community center/library, and requested that this be placed on the front of the county's Capital Improvement Plan (CIP) and that the board would address it this year with funding. While there are lots of partners and lots of hurdles, Commissioner Higdon said he placed "a very high priority on this." The County Manager responded that the CIP is the "vehicle" to do this. No formal action was taken.

BOARD OF ELECTIONS OFFICE: Commissioner Higdon expressed his desire to get the county's Board of Elections "out of the cellar," or the first floor or basement of the Macon County Courthouse. He said that at times there are only two women in the office and stated that, "I wouldn't let my wife work there." He said that he wanted to go on record that he was concerned for the safety of the Board of Elections staff, that it was not a good location for the public for voting matters, and that it was not accessible for those with disabilities. Chairman Tate told Commissioner Higdon that members of the courthouse security committee had met with elections officials, and the County

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Manager said this would also need to be a part of the CIP. No formal action was taken.

ROAD NAME IN HONOR OF DR. THOMAS MCNISH: Judy Paxton informed the board that she had been working with the North Carolina Department of Transportation (NCDOT) in regard to naming a section of Wayah Road in honor of Dr. Thomas McNish, a Vietnam veteran and former prisoner of war. She explained that she needed a unanimous letter of support from the commissioners, along with a copy of the board's minutes where it was approved. Commissioner Beale noted the board's history with this type of request, and suggested that a resolution be prepared for the April regular meeting, which could then be presented to NCDOT afterward. He asked the County Manager to prepare the resolution for the board's consideration next month. No formal action was taken.

VIETNAM VETERANS OF AMERICA PETITION: Johnny Waldroop, representing the Vietnam Veterans of America (VVA) Chapter #994 along with Rick Norton, read a petition from the group in support of naming a section of Wayah Road for Dr. Thomas McNish. Mr. Norton then expressed his appreciation for the work that the county's veterans service office was performing. He spoke of an occasion where Ms. Tabor and Ms. Black arranged for a veteran to be granted a dying wish, but noted that the department needs some discretionary money. He then presented the county with a \$500 check for the veterans service office to use as needed, and challenged the commissioners to meet or exceed the amount. This led to discussion about the procedure for utilizing these funds. Commissioner Shields pointed out that March 31 is Vietnam Veterans Day, which will be recognized with a parade and remarks in downtown Franklin at 11 a.m.

CYSTIC FIBROSIS AWARENESS WEEK PROCLAMATION: Betsy Hunter shared with the commissioners her personal story regarding cystic fibrosis, explaining that her son has three daughters, two of whom suffer from the disease. She noted that a recent article in *The Franklin Press* which described how the family copes with cystic fibrosis, a progressive, genetic disease that causes persistent lung infections and limits a person's ability to breathe. She also touched on the expensive medications needed to combat the illness. Mrs. Hunter and her husband work to raise both funds and awareness regarding cystic fibrosis, and asked the board to approve a proclamation declaring March 25-31, 2018 as "Cystic Fibrosis Awareness Week" in the county. Commissioner Beale read the proclamation for the record, and then made a motion to approve it. Commissioner Shields seconded the motion, and all favored. A copy of the proclamation is attached (Attachment 3) and is hereby made a part of these minutes.

CAPITAL PROJECT ORDINANCE AMENDMENT FOR RADIO COMMUNICATIONS UPGRADE: Following a brief explanation from the Finance Director, and upon a motion by Commissioner Shields, seconded by Commissioner Gillespie, the board voted unanimously to approve a Capital Project Ordinance Amendment for the Radio Communications Upgrade in the total amount of \$800,000 as presented. A copy of the amendment is attached **(Attachment 4)** and is hereby made a part of these minutes.

GRANT PROJECT ORDINANCE FOR WEATHERIZATION ASSISTANCE PROGRAM CONTRACT #7305: Following an explanation by the Finance Director, and upon a motion by Commissioner Beale, seconded by Commissioner Gillespie, the board voted unanimously to approve a Grant Project Ordinance for Weatherization Assistance Program Contract #7305 in the amount of \$191,707 as presented. A copy of the ordinance is attached **(Attachment 5)** and is hereby made a part of these minutes.

ERAD RECOVERY AGREEMENT: Sheriff Robert Holland introduced Josh Stewart with his department's narcotics unit, who outlined how the sheriff's department could utilize an agreement to capture funds used in drug deals. Mr. Stewart provided an overview of how prepaid credit cards have become the preferred method to finance drug transactions. By using an ERAD Recovery agreement, Mr. Stewart said his unit would gain access to look at and seize cards if they were related to drugs. He said cards could be swiped to see what amounts if any were on them, and gave the board an example of how the program would be used. He went on to explain there is a setup fee for using the program, and the ongoing cost of 7.7 percent of the total dollar amount seized. The sheriff pointed out that the Finance Director and County Attorney had been involved in the process of reviewing the agreement, and the Finance Director noted that any funds that are seized go into a separate account. Commissioner Beale said this agreement is part of the department's effort in "just trying to keep up" with the latest methods in the fight against illegal drugs and said entering into the agreement is "pretty much a no-brainer." Upon a motion by Commissioner Beale, seconded by Commissioner Shields, the board voted unanimously to enter into the ERAD Recovery Agreement and to authorize the County Manager to execute it. A copy of the agreement is attached **(Attachment 6)** and is hereby made a part of these minutes.

AUDIT CONTRACT: The Finance Director told the board that she knew there would be an increase in the cost of the annual audit contract, and explained some of the procedural changes in how the audit must now be conducted. She said the cost of the audit for Fiscal Year 2017-18 by Martin Starnes & Associates is \$73,150. She said that she had reached out to other counties to find out what price increases they were experiencing, and that Macon was "on the low end." Some had as much as a 48 percent increase, and while the

county's increased cost of \$8,000 was significant, it was low compared to others. She asked the board to approve the audit contract, and stated that while she was not opposed to changing auditors, it does take more staff time and audit time to do so and creates "a lot of extra work." Commissioner Gillespie said that he had touched on this idea last year and that it "bothers me to spend \$73,000 with no competitive pricing." Commissioner Beale asked what other firms were available, and the Finance Director said that the counties she checked with all used Martin Starnes, and again recommended going with them, saying that cheaper is not always better with governmental audits. Commissioner Higdon made a motion to follow the Finance Director's recommendation, and it was seconded by Commissioner Shields. Commissioner Gillespie questioned how the county knows what is available without going through a request for proposals process, and this led to a lengthy discussion regarding other possibilities and barriers to having other firms perform the audit. The board voted 4-1, with Commissioner Gillespie opposing, to approve the "Contract to Audit Accounts" with Martin Starnes & Associates, CPAs of Hickory, NC in the amount of \$73,150. A copy of the contract is attached (Attachment 7) and is hereby made a part of these minutes, as is the "2018 Single Audit Engagement Letter (Attachment 8).

SAFETY AT SOCCER FIELDS: Chairman Tate said that as the board heads into the budget and CIP process, he would ask that an item regarding soccer fields be "put on the radar." He explained that the soccer fields and football field at the county's high schools are real grass and endure a great deal of wear and tear. He said these are the only such fields in the area that are still grass, as others are either turf or artificial, which require zero maintenance and can be played on in any weather. He told the board that he is investigating the price of a full field of turf, and was presenting this for informational purposes only. However, he said that he would like to see improvements to the football and soccer fields at both Franklin High School and at Highlands School. No action was taken.

CONSENT AGENDA: Upon a motion by Commissioner Higdon, seconded by Commissioner Shields, the board voted unanimously to approve the items on the consent agenda as follows: the minutes of the February 9, 2018 continued session and the February 13, 2018 regular meeting; the following budget amendments: #129 for the Health Department to increase water test fees by \$1,300 in order to purchase additional water test kits to meet demand; #130 to allocate \$1,586 from an insurance settlement for the Sheriff's Department for vehicle repairs; #131 for the Health Department to allocate an additional \$600 to cover the purchase of gift cards for the participants of a Diabetes Prevention Program; #132 for Solid Waste to appropriate \$439 from an insurance settlement to pay for damages done by a vehicle at the Otto recycling convenience center; #133 for the Department of Social Services to appropriate a

\$650 donation to the SHIPP program; #134 for the Department of Social Services to appropriate an additional LIEAP allocation of \$7,536; #135 for the Department of Social Services to appropriate an additional \$6,460 to meet additional demand for congregate meals; #136 for Public Health to use \$41,146 in Medicaid Cost Settlement funds to cover the purchase of computers, printers and a scanner; #137 for Emergency Services to allocate \$2,877 from an insurance settlement for repairs to the Fire Services truck; and #144 for the Housing Department to appropriate a \$20,128 funding increase in a Weatherization grant (Copies of the amendments are attached); tax releases for the month of February in the amount of \$3,063.21; approved Macon County Public Health fee changes and additions (list attached); approved new water testing/sampling fees for Macon County Public Health that will take effect on July 1, 2018 after hearing from Environmental Health Supervisor Kyle Jennings (list attached); monthly ad valorem tax collections report (no action necessary).

CLOSED SESSION: At the request of the County Attorney, a closed session for the purpose of preserving the attorney-client privilege under NCGS 143-318.11(a)(3) was needed. At 7:44 p.m., upon a motion by Commissioner Beale, seconded by Commissioner Shields, the board voted unanimously to go into closed session to preserve the attorney-client privilege. At 8:33 p.m., upon a motion by Commissioner Higdon, seconded by Commissioner Gillespie, the board voted unanimously to come out of closed session and return to open session.

GENERAL RELEASE OF CLAIMS: Chairman Tate recognized the County Attorney, who explained that the county had been involved in a Fair Labor Standards Act (FLSA) and North Carolina Wage and Hour Act claim regarding a former sheriff's deputy and that the county was "close to having it resolved." He explained that the claim was brought by Craig Stahl, who worked as a canine (K9) handler for the department and was seeking unpaid wages for time spent after normal work shifts in caring for the dog. The County Attorney noted that the dogs are at home with their handler and have needs outside of regular work hours. He explained that Sheriff Holland became very proactive when he learned of this situation and contacted both the County Manager and County Attorney, who in turn consulted with an expert personnel attorney and determined that the claim should be settled. The County Attorney said that the sheriff has implemented a policy to address the matters arising from the claim. He went on to state that both sides appear to be pretty close in reaching an amicable settlement, and provided each member of the board with a copy of a "General Release of Claims." This document will resolve Mr. Stahl's claim, he said, by paying him \$41,962.68 in back wages. Due to fringe benefits associated with Mr. Stahl's pay, the County Attorney said that the total cost to the county will be \$50,733. He also noted that the \$41,962.68 to be paid to

Mr. Stahl is not net wages. He said that if the board is inclined to adopt the document presented to it, it would require a motion and second and vote to approve it. He pointed out that the document has already been signed by Mr. Stahl. Upon a question by Chairman Tate, the County Attorney noted that Mr. Stahl will have to pay his attorney's fees, not the county. Commissioner Shields questioned the amount of additional money the county would have paid if the matter had gone to court and the county had lost, and the County Attorney said the amount of back wages to be paid would have doubled and the county would have paid the opposing attorney's fees. Commissioner Shields also questioned public discussion of the settlement, and the County Attorney said that both parties have agreed not to disparage each other in public. He also said that any questions should be directed to the County Manager. Commissioner Beale stated that Sheriff Holland has handled this matter professionally, as evidenced by the presence of the department's other K9 handlers present in the boardroom. Commissioner Beale made a motion to approve the settlement as presented by the County Attorney, with the funds to be taken from the general fund fund balance. Commissioner Shields seconded the motion. During further discussion, Commissioner Gillespie said that it is worthy to note that getting to this point is not without a lot of effort, and expressed his thanks to the department's officers. Chairman Tate told Sheriff Holland, "I can't say enough about how professional you have been," adding that the matter was handled promptly and that he was looking forward to moving past this. Sheriff Holland replied that no longer than three minutes after he learned of this he was on the telephone with both the County Manager and County Attorney. Commissioner Higdon told the law enforcement officers in the room, "I appreciate what you guys do" and that they should be paid for the hours they've put in. The board then voted 4-1, with Commissioner Higdon opposing, to approve the motion. A copy of the "General Release of Claims" is attached (Attachment 9) and is hereby made a part of these minutes.

ADJOURN: Chairman Tate reminded the other board members that he would not be present for the April 10 regular meeting, with Commissioner Beale as vice-chairman to chair that meeting. With no other business, and at 8:50 p.m., upon a motion by Commissioner Shields, seconded by Commissioner Beale, the board voted unanimously to adjourn.

Derek Roland
Ex Officio Clerk to the Board

Jim Tate
Board Chairman