

MACON COUNTY BOARD OF COMMISSIONERS
MAY 8, 2018
MINUTES

Chairman Tate called the meeting to order at 6:01 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 noted that it was Election Day. He also said he had attended an event at the county's Senior Services facility and was "in awe of how busy they were," adding that he was "enamored" with the number of volunteers involved. Describing it as an "eye-opening experience," he pointed out the need for an expansion of the facility and said he would be a proponent of that moving forward.

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: **Patrick "Skip" Milne** told the board that he would be representing Macon County in the National Veterans Wheelchair Games in Orlando, FL July 29th through August 4th. Mr. Milne described the event for the board and explained he believed that the commissioners needed to know that he would be competing. Mr. Milne said he would be competing in several events and told the board, "I'm real excited about this," adding that a local veterans group had provided money for his hotel and meal expenses.

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 consideration of a resolution prohibiting right-of-way spotlighting as well as the suggested language for a local bill in the North Carolina General Assembly to accomplish this matter, per the County Attorney. He also asked that this item be moved as high as possible on the agenda, and Chairman Tate said it would be taken up first under New Business.

- To add consideration of a temporary easement near the Robert C. Carpenter Community Building as requested by the North Carolina Department of Transportation (NCDOT) under New Business as Item 11H, per the County Attorney.
- To add consideration of a grant for “No Wrong Door” as an addition to Item 11A under New Business, per Commissioner Beale.

SECOND READING ON REVISED ANIMAL CONTROL ORDINANCE:

Following a brief explanation by the County Attorney, and upon a motion by Commissioner Gillespie, seconded by Commissioner Shields, the board voted unanimously to approve “An Ordinance of the Macon County Board of Commissioners *Making Revisions to Chapter 90 Animals*, of the Code of Ordinances of the County of Macon, North Carolina,” a copy of which is attached (Attachment 1) and is hereby made a part of these minutes.

AMENDMENT TO CULLASAJA COMMUNITY ASSOCIATION AGREEMENT:

The County Attorney explained that Commissioner Beale had approached him about the need for another amendment to the county’s agreement with the Cullasaja Community Association regarding the remaining balance of funds that could be used to do more repair and restoration work on the Old Salem Church. Commissioner Beale explained that the remaining funds could be used to upgrade the bathroom and kitchen and to underpin the structure, and made a motion to amend the agreement for the second time and allow the association to use the remaining \$11,621.50 for this purpose. Commissioner Shields seconded the motion, and all favored. A copy of the “Second Amendment to Agreement to Provide Recreation Opportunities” is attached (Attachment 2) and is hereby made a part of these minutes.

RENEWAL OF LEASE AGREEMENT WITH TOWN OF FRANKLIN:

The County Attorney noted that the proposed renewal of the lease agreement with the Town of Franklin concerning the gazebo property on the town square was discussed at the last board meeting. In addition to a list of proposed changes he had recommended, the County Attorney presented a revised lease agreement that incorporates those changes as well as language prohibiting the consumption of alcohol on the property. Commissioner Gillespie questioned the county’s use of property, which the County Attorney said could be addressed on a case-by-case basis. After further discussion, Commissioner Shields made a motion to approve the lease agreement as presented, it was seconded by Commissioner Beale, and all favored. A copy of the lease is attached (Attachment 3) and is hereby made a part of these minutes.

“SPOTLIGHTING” RESOLUTION: Mickey Carpenter with the North Carolina Wildlife Resources Commission briefed the board members on some of the issues surrounding the illegal “spotlighting” of deer. Following questions from

some of the board members, the County Attorney pointed out the need to obtain a local bill in the General Assembly to address this matter. He had prepared a resolution for the board's consideration, as well as a draft of a local bill that could be forwarded to state Rep. Kevin Corbin, as the Wildlife Resources Commission cannot enforce a county ordinance. The bill would make it a misdemeanor to spotlight from a road right-of-way. Chairman Tate noted that a letter of support for such legislation had been received from the county's coonhunters association. Commissioner Higdon asked why this was not a statewide law and Mr. Carpenter said it was not due to coyote hunting in the eastern part of the state. Commissioner Gillespie asked about how it would apply to private property owners, and Mr. Carpenter responded that landowners are exempt from "shining" on their own land. Following further discussion, and upon a motion by Commissioner Beale stating this is "a safety issue," seconded by Commissioner Shields, the board voted unanimously to approve a "Resolution Expressing Support and Requesting the Introduction and Passage of a Local Bill by the General Assembly for the State of North Carolina Prohibiting Right-Of-Way Spotighting in Macon County." A copy of the resolution and the accompanying draft local bill is attached (Attachment 4) and are hereby made a part of these minutes.

PUBLIC HEALTH FISCAL YEAR 2018-19 BILLING AND COLLECTION POLICIES AND FEES SCHEDULES: Following a brief explanation by Public Health Director Jim Bruckner, and upon a motion by Commissioner Shields, seconded by Commissioner Higdon, the board voted unanimously to approve the Macon County Public Health Fiscal Year 2018-19 Billing and Collection Policies as presented, a copy of which is attached (Attachment 5) and is hereby made a part of these minutes. Following discussion and questions from the board, upon a motion by Commissioner Higdon, seconded by Commissioner Shields, the board voted unanimously to approve the Macon County Public Health Fee Schedule as presented, a copy of which is attached (Attachment 6) and is hereby made a part of these minutes.

"NO WRONG DOOR": Mr. Bruckner handed out a document providing an overview of "No Wrong Door," a "system navigation and tele-psychiatry initiative" that would be a partnership between Macon County Government, Macon County Public Health, Appalachian Community Services and East Carolina University. A copy of that handout is attached (Attachment 7) and is hereby made a part of these minutes. Mr. Bruckner described the program as an "assistance navigator" and asked the board for permission to apply for a \$60,000 grant to help fund it. Commissioner Beale said that applying for the grant is "just the first step," adding that the grant cycle is "now." Commissioner Gillespie commented that after attending the recent "No Wrong Door" event held in Franklin, "to say it was an eye-opening experience is an understatement." That event was held to help connect members of the public

with access to mental health and substance abuse services. Following more discussion, which included staffing needs for the program, Commissioner Beale made a motion authorizing permission to seek the grant funding, with Commissioner Gillespie “enthusiastically” seconding it but noting that there are “a lot of causes out there that need attention.” He also pointed out that Commissioner Beale “gives a lot of hours” to this issue. The board voted unanimously to approve the motion.

SOUTH MACON ELEMENTARY SCHOOL: Following a brief explanation by the County Attorney, and upon a motion by Commissioner Shields, seconded by Commissioner Beale, the board voted unanimously to approve (1) an Interlocal Agreement between the county and the Macon County Board of Education regarding planned improvements to South Macon Elementary School and (2) a Memorandum of Lease Extension and Subordination Agreement, also between the county and board of education in regard to the same matter. Copies of both documents are attached (Attachment 8 and Attachment 9, respectively) and are hereby made a part of these minutes. In addition, upon a motion by Commissioner Beale, seconded by Commissioner Shields, the board voted unanimously to schedule a public hearing to receive public comment on the proposed financing for the school expansion project for 6 p.m. on Tuesday, June 12, 2018 in the commission boardroom.

SOUTHWESTERN COMMUNITY COLLEGE PUBLIC SAFETY TRAINING CENTER: The County Attorney advised the board that he had prepared an Interlocal Governmental Agreement between the county and Southwestern Community College (SCC) in regard to the new Public Safety Training Center proposed for the SCC Macon campus located on Siler Road in Franklin. The document essentially states that the county agrees to give SCC an approximately six-acre tract of land as well as \$1,313,605 to help construct the new training center. Upon a motion by Commissioner Shields, seconded by Commissioner Gillespie, the board voted unanimously to approve the agreement as presented, a copy of which is attached (Attachment 10) and is hereby made a part of these minutes. In addition, the County Attorney prepared a warranty deed to deliver title to the property from the county to SCC, and asked the board to authorize Chairman Tate and the County Manager to sign the document, but to hold it until notified by the County Attorney to release it. Upon a motion by Commissioner Beale, seconded by Commissioner Gillespie, the board voted unanimously to approve the County Attorney’s recommendation as outlined.

DOG PARK: Chairman Tate shared that the dog park located near Wesley’s Park along the Little Tennessee River Greenway in Franklin is “used very, very frequently,” but offers no shade – although a temporary shelter has been set up – and there is no water available. “I think we can do better than this,” he said,

and suggested forming a committee to study the issue and bring back a recommendation, offering to personally donate trees to the project. This led to further discussion, and the County Attorney pointed out that there may be some “obligations” to work on due to the park’s proximity to a conservation easement. Chairman Tate agreed to work on the matter and report back to the board at a later date. No action was taken.

FIREWORKS PERMIT: Upon a motion by Commissioner Gillespie, seconded by Commissioner Shields, the board voted unanimously to approve a request for a permit to conduct an outdoor fireworks display on Saturday, June 9, 2018 at Old Edward’s Inn’s The Farm, located at 336 Arnold Road in Highlands, for a private wedding reception.

DISCUSSION REGARDING OPIOIDS LITIGATION: The County Attorney said that “wholesale litigation” is being filed by counties and municipalities across the nation in response to the opioid epidemic. He said he was seeking the board’s input on whether to be a part of it or not, adding that he does not have a recommendation one way or the other, although the county has been disproportionately affected. Commissioner Beale recommended that at this point the county should not get involved, as it will be a long process with pharmaceutical companies who have large resources. The County Attorney noted that there is an attorney who is looking to make a presentation to the board on this issue and would likely want the county to sign on. Commissioner Beale said he doesn’t see where Macon would “leapfrog” the bigger counties on this and again suggested the county “take a wait and see attitude.” No action was taken.

NCDOT TEMPORARY EASEMENT: The County Attorney said that the County Manager has been working with the North Carolina Department of Transportation (NCDOT) in regard to a temporary construction easement at the entrance to the Robert C. Carpenter Community Building on U.S. 441 South (the Georgia Road). There is a “bump” when entering the building’s parking lot, and NCDOT is also planning for a deceleration lane for northbound traffic turning into the building. Plans also call for a drainage easement a short distance south of the entrance. The County Attorney said that NCDOT was offering \$7,275 for the temporary easement and that traffic into the community building would not be blocked for more than 15 minutes at a time. Upon a motion by Commissioner Higdon, seconded by Commissioner Beale, the board voted unanimously to approve the temporary easement as presented. A copy of the “Summary Statement/Contingent Offer to Purchase Property Due to the Acquisition of Right of Way and Damages” is attached (Attachment 11) and is hereby made a part of these minutes.

CELL TOWER ON WINDY GAP: Commissioner Beale questioned whether a cellular telephone tower erected approximately two years ago in the Windy Gap area had been placed into use, and following discussion, the County Manager said he would check on the matter and report back to the board. No action was taken.

CONSENT AGENDA: Upon a motion by Commissioner Shields, seconded by Commissioner Beale, the board voted unanimously to approve the items on the consent agenda as follows: the minutes of the April 10, 2018 regular meeting; the following budget amendments: #191 to allocate \$2,856 in additional SHIPP revenue for the Department of Social Services; #192 for the Maintenance Department to appropriate an insurance settlement of \$391; #193 for the Sheriff's Department to appropriate \$10,232 of federal drug forfeiture money received; #194 for the Capital Project Fund to appropriate funds from wildfire reimbursement for the radio communications upgrade project. (Copies of the amendments are attached); tax releases for the month of April in the amount of \$295.02; monthly ad valorem tax collections report (no action necessary).

APPOINTMENTS: (1) Highlands Tourism Development Commission: Upon a motion by Commissioner Beale, seconded by Commissioner Shields, the board voted unanimously to appoint Jerry Moore and Tony Potts as new members of the Highlands Tourism Development Commission, representing Small Accommodations and the Highlands Chamber of Commerce, respectively. Terms of appointment are for three years. **(2) Franklin Tourism Development Commission:** Upon a motion by Commissioner Shields, seconded by Commissioner Beale, the board voted unanimously to reappoint Linda Sterrett to the Franklin Tourism Development Commission representing at large attractions. Term of appointment is for three years. It was also noted that Ron Haven, the large accommodations representative on the commission, declined reappointment.

CLOSED SESSION: Upon a motion by Commissioner Beale, seconded by Commissioner Gillespie, the board voted unanimously to go into closed session at 7:24 p.m. for the purpose of (1) discussing the acquisition of real property under NCGS 143-318.11(a)(5) and (2) to preserve the attorney/client privilege under NCGS 143-318.11(a)(3). Upon a motion by Commissioner Beale, seconded by Commissioner Higdon, the board voted unanimously to come out of closed session at 7:46 p.m. and return to open session.

RECESS: Upon a motion by Commissioner Higdon, seconded by Commissioner Shields, the board voted unanimously to recess the meeting until Tuesday, May 15, 2018 at 6 p.m. in the commission boardroom on the third floor of the Macon County Courthouse, 5 West Main Street, Franklin, NC for the primary purpose of the County Manager's presentation of the

recommended Fiscal Year 2018-19 budget and for any other business that may come before the board.

Derek Roland
Ex Officio Clerk to the Board

Jim Tate
Board Chairman