

Macon County



MACON COUNTY BOARD OF COMMISSIONERS SEPTEMBER 11, 2018 AGENDA

1. Call to order and welcome by Chairman Tate
2. Announcements
3. Moment of Silence
4. Pledge of Allegiance
5. Public Hearing(s) – **None**
6. Public Comment Period
7. Additions to agenda
8. Adjustments to and approval of the agenda
9. Reports/Presentations
 - A. Nantahala Community Library – Ed Trask
10. Old Business
 - A. Class action matter regarding Payment In Lieu of Taxes (PILT) – County Attorney
11. New Business
 - A. Discussion regarding Fire Study recommendation -- Emergency Services Director Warren Cabe
 - B. Request by William F. Thomas for an exception to the Macon County Flood Ordinance – Planning, Permitting and Development Director Jack Morgan
 - C. Macon County Public Health Billing and Collection Policies and Fee Schedules – Public Health representative
 - D. Discussion of grant award for purchase of in-car cameras and body cameras for the Macon County Sheriff's Department – County Manager

E. Discussion and consideration of a resolution of support for Senate Bill 711, the NC Farm Act of 2018 – Commissioner Gillespie

12. Consent Agenda – Attachment #12

All items below are considered routine and will be enacted by one motion. No separate discussion will be held except on request of a member of the Board of Commissioners.

A. Budget Amendments #38-45

B. Tax Releases

C. Monthly ad valorem tax collection report (no action necessary)

13. Appointments

14. Closed session

15. Recess until Tuesday, September 25, 2018 at 6:30 p.m. in order to hold a joint meeting with the Franklin Town Council and the Town of Highlands Board of Commissioners. The meeting will be held at the Old Edwards Inn Springhouse on Spring Street in Highlands, NC.

MACON COUNTY BOARD OF COMMISSIONERS

AGENDA ITEM

MEETING DATE: September 11, 2018

DEPARTMENT/AGENCY: Macon County Public Library

SUBJECT MATTER: Nantahala Community Library

COMMENTS/RECOMMENDATION:

Per Karen Wallace, Ed Trask, a member of the Macon County Public Library Board of Trustees and a resident of the Nantahala community, would like to give the board a report on the Nantahala Community Library. Based on recent discussion about a possible new facility in the community that could include the library and a community club, the report will share findings from information collected from community input sessions, focus groups and surveys, according to Ms. Wallace, who will be attending with Mr. Trask.

Attachments _____ Yes No

Agenda Item 9A

MACON COUNTY BOARD OF COMMISSIONERS

AGENDA ITEM

MEETING DATE: September 11, 2018

DEPARTMENT/AGENCY: Governing Board

SUBJECT MATTER: Class action matter regarding Payment in Lieu of Taxes (PILT)

COMMENTS/RECOMMENDATION:

The County Attorney can provide additional information at the meeting. In a nutshell, the issue is whether the county wants to join in a class action lawsuit to recover Payment in Lieu of Taxes (PILT) underpayments by the federal government for the fiscal years of 2015-2017. According to the law firm of Smith Currie, records indicate that Macon County's total underpayment for these three years was at least \$13,664 and could be more. Again, the County Attorney can outline the board's options in regard to "opting-in" or not.

Attachments _____ Yes X No

Agenda Item 10A

MACON COUNTY BOARD OF COMMISSIONERS

AGENDA ITEM

MEETING DATE: September 11, 2018

DEPARTMENT/AGENCY: Emergency Services

SUBJECT MATTER: Fire Study Recommendation Discussion

COMMENTS/RECOMMENDATION:

Discussion concerning Recommendation #5 of the 2017 Fire Study as it relates to fire department expenditures. Per Emergency Services Director Warren Cabe, this item is for discussion only. The appropriate excerpt from the Fire Study is attached.

Attachments 1 Yes No

Agenda Item 11A

Recommendation #4 (Policy)

Macon County has improved their budget process and financial records collection with the volunteer fire departments considerably over the past several years, but a more detailed examination of the financial health of the departments is necessary to maintain accountability of increasingly large sums of public monies spent for fire protection services. Several inconsistencies were noted between what departments indicated their funding sources and percentages were with this study compared to what was submitted with the budget process last year. The budget is an ever changing item that can only be captured at any given moment in time and there are numerous reasons those numbers/percentages could differ from year to year. There is no indication of any inappropriate spending noted from the information supplied, but, in an effort to ensure the public that funds are adequately managed and any potential future problems discouraged, every effort should be used to maintain the integrity of the financial process from all parties involved. Although the intent of the NC General Statute listed above seems fairly clear when first read, some counties in North Carolina have added a section into their contracts for service with fire departments including provisions for compliance with County budgeting procedures and other procedures provided for by State law and the presentation to the County by the department an annual audit and management letter prepared according to generally accepted accounting principles and generally accepted auditing procedures for the preceding fiscal year. The existing contract does provide for review of the financial records but no specificity is indicated and the time required for such reviews on a regular and routine basis is probably not possible with existing staff. At least one county in our region offers to include the departments into the annual county audit process.

5. Expenditures

The current contract for services requires the department to notify the Macon County Fire Marshal's office for concurrence when any new operating expense extends beyond the current fiscal year. The excerpt from the contract is as follows:

- B. The DEPARTMENT shall use the funds subject to this Contract in accordance with the annual DEPARTMENT budget. The budget may be amended by the Fire Department Board of Directors within the funds made available by this Contract except that amendments providing for any expenditure that establishes a new operating expense that will extend beyond the current fiscal year shall require the concurrence of the Macon County Fire Marshal's Office.

Recommendation #5 (Policy)

Specific guidance should be provided as to what is specifically required to meet the definition of "concurrence". The County occasionally receives requests from financial lending institutions when a department enters into a lending agreement asking if the department is in "good standing". The adoption of recommendation #4 will assist in making that decision but specific guidance should be provided as to what expenditures require such "concurrence" and to whom such requests for "concurrence" are addressed. The expenditures may be approved at the annual budget request presentation to the Board of Commissioners or addressed mid-year as necessary. The baseline information necessary for concurrence could be presentation of a satisfactory audit or other such financial review and evidence that the purchase meets the strategic goals for fire protection of both the county and the department. The concurrence could be required on all purchases extending beyond the current fiscal year. It could be more specific such as requiring concurrence on all apparatus purchases over a specific dollar amount such as \$50,000. It could also be based on the department's current debt to assets ratio utilizing a percentage that is industry specific, or it could be on the department's current debt to income ratio established at a reasonable percentage. Concurrence may require a combination of both evaluations. A fairly new department may have a high debt to asset ratio but can still manage to cover costs with their income, whereas a long established department may have a good debt to asset ratio but could still attempt to undertake an expenditure that their debt to income ratio would not allow enough financial stability to maintain efficient and effective operations. Whatever method is pursued, input from a financial expert will be required to develop a strategy that is effective for all stakeholders involved.

MACON COUNTY BOARD OF COMMISSIONERS

AGENDA ITEM

MEETING DATE: September 11, 2018

DEPARTMENT/AGENCY: Planning, Permitting & Development

SUBJECT MATTER: Request for exception to Flood Ordinance

COMMENTS/RECOMMENDATION:

Per Planning, Permitting & Development Director Jack Morgan, William F. Thomas is requesting an exception to the Macon County Flood Ordinance following a Notice of Violation. A copy of that NOV, dated July 19, 2018, will be included with the agenda packet. In addition, a copy of Mr. Thomas' request will also be included. As both documents contain color photographs, they will be attachments to the packet as the scanned version is black and white only. Mr. Morgan and Mr. Thomas will both be present at the meeting.

Attachments 2 Yes No

Agenda Item 11B

MACON COUNTY BOARD OF COMMISSIONERS

AGENDA ITEM

MEETING DATE: September 11, 2018

DEPARTMENT/AGENCY: Public Health

SUBJECT MATTER: Billing and collection policies and fee schedules

COMMENTS/RECOMMENDATION:

A representative from Macon County Public Health will be available at the meeting to address questions the board members may have in relation to the latest version of the department's Billing and Collection Policies and Fee Schedules, copies of which are attached. These documents were approved by the Macon County Board of Health on August 28, 2018.

Attachments 2 Yes No

Agenda Item 11C

MACON COUNTY PUBLIC HEALTH

FY 18-19

**Billing and Collection Policies
And
Fee Schedules**

Effective

**Presented to and Approved by Board of Health on
April 24, 2018**

**Presented to and Approved by Board of Commissioners on
May 8, 2018**

BILLING AND COLLECTION POLICIES

RATIONALE

North Carolina law¹ allows a local board of health to impose a fee for services to be rendered by a local health department, except where the imposition of a fee is prohibited by statute or where an employee of the local health department is performing the services as an agent of the State.

- Fees may be based on a plan recommended by the Health Director;
- The plan must be approved by the Board of Health and the Board of County Commissioners;
- And, fees collected under the authority of this subsection are to be deposited to the account of the local health department so that they may be expended for public health purposes in accordance with the provisions of the Local Government Budget and Fiscal Control Act.

The State requires local health departments to provide certain services, and no one may be denied these services. It is in the best interest of our community for the Health Center to:

- Assure that all residents can get all legally required public health services.
- Provide as many other recommended and needed health services as possible, within the resources we still have available to use.

The Health Director has the right to waive fees for individuals who for a good cause are unable to pay.²

The purpose of charging fees is to increase resources and use them to meet residents' needs in a fair and balanced way. Fees are necessary to help identify and cover the full cost of providing public health services. As much as possible, fees are based on the true cost of providing a particular service (calculated as direct costs plus indirect costs). Throughout the year, ongoing cost analyses are performed and fee schedules shall be adjusted by the Health Director, with approval from the Board of Health and the Board of Commissioners in the amount of the increased cost for provision of said services. A list of Health Center fees is available upon request.

The information in the document below is the fee plan for FY 16, effective on July 1, 2015. This Billing Guide for FY16 replaces all earlier plans.

COST OF SERVICE DETERMINATION

Costs for services received through the Health Center are based on the actual cost of the service. Cost analysis takes into account all of the resources associated with providing a particular service and calculates the actual cost to provide that service. Cost analysis includes the calculation of direct and indirect costs for services and then adding these figures together to determine the actual cost of the service.

Calculating direct cost: Direct costs are expenses that can be easily related to the provision of a specific service, i.e., physician and support staff salaries and benefits, medical supplies, lab tests, and other resources consumed at the time of the service.

Calculating indirect costs: Indirect costs involve resources that are not directly consumed during the provision of a service, but without them the provision of that service would not be possible, i.e., administrative staff salaries and benefits, training costs, facility costs, insurance premiums, office equipment and supplies, and recruiting and marketing expenses.

¹ North Carolina General Statute 130A-39(g)

² IAW Title X 8.4.3 (42 CFR 59.2)

PAYMENT BY CONSUMER OR RESPONSIBLE THIRD PARTY (SELF PAY)

Fees are charged for services and collected at the Health Center. See attachment for fee schedule. All fees are the responsibility of the consumer, consumer or responsible third party and may be subject to the sliding fee scale. No consumer will be refused services solely on their inability to pay for said services. All fees may be paid by cash, check, or major credit card. Full payment is expected at the time of service. Consumers will be informed of their account status at each visit. An itemized receipt showing total charges, as well as any discounts will be provided to individuals at time of payment. Third parties authorized or legally responsible to pay for consumers at or below 100% of the Federal Poverty Level are properly billed. Fees for adult dental services will be collected before the service is rendered. Prepayment of co-pays for all services in which co-payments apply will be required and collected when services are rendered.

Fees will be charged to individuals in families with annual gross incomes exceeding specified levels of a scale based on current Federal Poverty Income Guidelines. Verification of income and family size must be provided to determine a consumer's eligibility status. Falsification of this information will permanently disqualify consumers from using sliding fee scale. Eligibility will be reevaluated as consumer's income and household status changes or at least annually. If income cannot be verified at the time of screening, the charge for all services will be at 100% pay and a Payment Agreement will be presented to the consumer for signature until verification is provided. If verification of income is received within thirty days of a service, the charge will be retroactively adjusted to reflect percent pay based on verification received. Verification received after thirty days will be applied only to future services. Eligibility of Medicaid will be determined where applicable. Individuals will be requested to provide all social security numbers and names used for employment purposes. If an individual refuses to provide information to verify income, they will not be eligible for the sliding fee scale and will be at 100% pay.

Customary visit services for mandatory childhood immunizations, community outreach, Tuberculosis (TB), TB related X-rays, Sexually Transmitted Disease control (STD), and other epidemiological investigations are provided at no cost to the consumer but may be billed to Medicaid or other third party agent. Separate fees may be charged for drugs, supplies, laboratory services, X-rays and other technological services, if appropriate. The costs of services performed by providers not affiliated with Macon County Public Health are the responsibility of the consumer. Fees may be charged or waived for educational services provided to individuals or groups, such as orientation, preceptorship, field training or classes.

Charges not eligible for sliding scale discount include:

- a. Environmental Health services
- b. Non-mandated immunization services
- c. Miscellaneous/general services (see Miscellaneous/General section below)
- d. Out-of-county residents (see Out-of-County Service Restrictions section below)
- e. Specific insurance situations (see Insurance section below for details)

Bills will be mailed monthly to individuals who have not paid charges in full for services rendered (exception Family Planning for those that request no mail be sent to their home). All bills will show total charges, as well as any discount that may have been provided. Arrangements may be made for payment plans when required for good cause.

PAYMENT BY THIRD PARTY

Verification of enrollment under Medicare, Medicaid, insurance or other third party payment plan is required by presentation of a valid card at the time of service. The Health Center is required to bill only participating third party payers for services rendered. Services that are billed to third parties are billed at 100% of the total charge with no discount applied unless there is a contracted reimbursement rate that must be billed per the third party agreement. When the claim is returned from the third party payer all discounts are applied at that time. (i.e., any applicable sliding fee scale adjustment) For services rendered to consumers with insurance where the Health Center is not a participating provider, the consumer will be responsible for full payment of service when the service is delivered. The consumer

is responsible for charges not covered by third party payers. Co-pay amounts must be paid at the time of services and are not subject to the sliding fee eligibility scale.

Sliding fee scale discount does not apply in the following situations:

- a. Consumers with insurance in which MCPH is not participating provider.
- b. Consumers with any insurance who choose not to use their coverage (exception those requesting confidential services i.e. Family Planning services and Communicable Disease Services).
- c. Insurance co-payments (when MCPH is a participating provider)

ACCOUNT COLLECTIONS AND BAD DEBT

The Health Center will issue all consumers a monthly statement of fees that have been incurred and are due. Consumers are expected to make payment at the time services are rendered. If a balance is carried forward consumers who have not made a payment on their account for any service(s) received from Macon County Public Health for 120 days shall be required to pay their past due balance before another service shall be rendered (see Service Denial for further information).

The Health Center may use the following resources to pursue collection of consumer accounts: billing statements, past due notices, collection agencies or credit bureaus, and the NC Local Government Debt Setoff Clearinghouse (ref: NCGS 105A-1 et seq.) as administered by the NC Department of Revenue

Accounts will be reviewed annually for bad debt status, and at that time with the approval of the BOH and the BOCC's the amounts may be written off for accounting purposes if no further collection is anticipated. Any payments received for write-off debts will be accepted and credited to appropriate accounts. At no time will a consumer be notified that the account has been written off as a bad debt. Bad debt may be reinstated at time of service unless it is determined uncollectible (i.e. bankruptcy, death), at which time it will be written off permanently.

CONSUMER DONATION POLICY

A consumer may choose to make a donation to the agency. The consumer will never be asked to make a donation, but if offered the donation is accepted. Donations are not required, and are not a prerequisite for the provision of any service. Billing requirements set out above in the Payment by Consumer section are not waived because of consumer donations. (ref: Donation Policy 101.9)

RETURNED CHECK POLICY

A \$25.00 fee will be charged for a returned check written to Macon County Public Health (MCPH). The consumer will be notified via telephone or letter. All returned checks will be made good via cash, money order, and/or certified check. If a consumer has two returned checks within a one-year period, he/she will be required to pay for services in advance via cash, money order, or certified check for the period of one year. After the one-year period expires, if another returned check occurs, all future bills must be paid with cash, money order, or certified check prior to the provision of services. (Exception: Family Planning, Child Health and Maternal Health services for families with income at or below 250% of Federal Poverty should not pay more in co-payments or additional fees than what they otherwise pay when a Schedule of Discounts is applied. 42 U.S.C. 300 et seq./42 CFR 59.5 (a) (9)).

REFUNDS

In the event that a consumer or other third-party has overpaid their responsible charges, the credit balance is either: applied to future charges or refunded to the payer within thirty (30) days of discovery or request. Refunds for Environmental Health services are determined by attached policy and procedure.

SERVICE DENIAL

No individual may be denied Health Center mandated services e.g. communicable disease services (STD/TB) and immunizations. These services are provided at no charge to the consumer. Individuals who do not meet program guideline criteria may be denied specific services. Consumers covered by Medicaid who fail to make required co-payments will not be denied services but may be subject to collections and/or bad debt set-off. . Individuals who have not paid proper charges for previous services (unless state and federal program rules prohibit services restriction or denial) may be required to pay fees beforehand, be denied access to services (see Account Collections and Bad Debts), or be denied subsequent services pending demonstration of a good faith effort to make payment within the past ninety (90) days.

OUT OF COUNTY SERVICE RESTRICTIONS

Macon County supports its low-income citizens by subsidizing the cost for certain health care services. To assure that Macon County citizens have maximum access to Health Center services only those services mandated by Federal Law, North Carolina General Statutes or approved in this plan will be provided to non-Macon County residents. If an individual moves out of Macon County, they are encouraged to obtain services from another provider. Consumers are required to report any change of address at time of service.

COMPLIANCE WITH TITLE VI AND VII, OF 42 US CODE CHAPTER 21

The MCPH complies with Title VI and Title VII of the Civil Rights Act of 1964 and all requirements imposed by or pursuant to the regulations. Staff will not discriminate against any consumers because of age, sex, race, creed, national origin, or disability. Staff will ensure consumers with LEP are provided adequate language assistance so they have meaningful access to the agency's services.

PROGRAM SPECIFIC INFORMATION**COMMUNICABLE DISEASE CONTROL**

Deals with the investigation and follow-up of all reportable communicable diseases. Testing, diagnosis, treatment, and referring as appropriate, of a variety of STD's. Provides follow-up and treatment of TB cases and their contacts. No fees are charged directly to consumers for these services as stated in Program Rules (exception Medicaid or other third party agent can be billed with the consumer's permission).

Eligibility:

- No residency or financial requirements

BREAST AND CERVICAL CANCER CONTROL PROGRAM (BCCCP)

Provides pap smears, breast exams and screening mammograms, assists women with abnormal breast examinations/mammograms, or abnormal cervical screenings to obtain additional diagnostic examinations.

Eligibility:

- Must be a resident of Macon County;
- uninsured or underinsured;
- without Medicare Part B or Medicaid;

- between ages 40 - 64 for breast screening services and 18 - 64 for cervical screening services;
- have a household income at or below 250% of the federal poverty level.
- No charge for those who qualify for the program; family size shall be determined as follows:
Consumer, spouse of consumer and all children under 18 years of age, including step-children who live in the home.
- Proof of income must be provided.

CHILD HEALTH

Well child exams conducted by (appropriate provider); exam includes medical, social, development, nutritional history, lab work, and physical exam. MCPH accepts self-pay; most Private Insurances; Health Choice; Medicaid

Eligibility:

- Residents of Macon County; Birth thru 20 years;
- Discounts are used for incomes between 101 – 250% of Federal Poverty. Consumers whose income exceeds 250% of Federal Poverty are charged using the departments Schedule of Fees. Consumers whose income is at or below 100% of Federal Poverty are not charged for Child Health services.

EMPLOYEE HEALTH

Provides acute episodic medical care and chronic disease management services. This program is not intended to replace an individual's primary care provider.

Eligibility:

- All employees must participate in the county's "Health Risk Assessment"
- New employees in the waiting period for their health insurance to start
- Employees and retirees and their dependents on the county health insurance plan
- Select part-time employees as determined by the county manager.

WORKSITE WELLNESS

Employee health services are available for all employers in Macon County. Employee health services are available on a per program basis or under an annual contract arrangement. Individual program fees will vary and are based on salary expense to prepare and deliver the program; current mileage rates if travel is required; as well as any materials, laboratory, or medical supplies costs. An administrative supplement of 10% is added for each individual program. Comprehensive worksite wellness programs are available under contract for organizations and companies with at least 50 employees. This program, also known as the LIFE program, provides employee health screenings followed by customized programs and consultation services to address the health needs of the employees. Fees for the LIFE program range from \$30 to \$50 per employee per year depending upon the cost to provide the services, the number of programs provided, as well as the organization's ability to provide in-kind assistance.

IMMUNIZATIONS

Provide all required and recommended vaccines that are available for infants, school aged children and college bound individuals. Also provide a wide range of vaccines for adults to include foreign travel vaccinations. MCPH accepts most Private Insurances, Health Choice, Medicaid, and Medicare. In some instances charges do not apply (e.g. state supplied vaccine). Sliding fee scale does not apply to immunizations.

Eligibility:

- No residency or financial requirements for immunizations.

CARE COORDINATION FOR CHILDREN (CC4C)

Case management assists families in identification of and access to services for children with special needs that will allow them the maximum opportunity to reach their development potential.

Eligibility:

- Macon County children birth to age three who are at risk for developmental delay or disability, long term illness and/or social, emotional disorders and children ages birth to five who have been diagnosed with developmental delay or disability, long term illness and/or social, emotional disorder may be eligible for the program.

FAMILY PLANNING

Clinic designed to assist women in planning their childbearing schedule; detailed history, lab work, physical exam, counseling and education given by (appropriate provider). MCPH accepts self-pay; most Private Insurances; Medicaid or potentially Medicaid eligible.

Eligibility:

- This can be a “confidential service”
- Schedule of Discounts is used for incomes between 101 – 250% of Federal Poverty. Consumers whose income exceeds 250% of Federal Poverty are charged using the departments Schedule of Fees. Consumers whose income is at or below 100% of Federal Poverty are not charged for Family Planning services.
- Services are provided without regard to residence requirements and without a referral by a physician (42 U.S.C. 300 et seq./42 CFR 59.5 (b) (5)).
- Proof of income must be provided. (Exception: for those requesting “Confidential Services” that do not have proof of income or by producing proof of income may put their confidentiality at risk, they may write a statement of declaration of income.) Where legally obligated or authorized to receive third party reimbursement including public or private sources all reasonable efforts must be made to obtain said payment without application of any discounts. Family Income should be accessed before determining whether co-payments or additional fees are charged. Families with income at or below 250% of Federal Poverty should not pay more in co-payments or additional fees than what they otherwise pay when a Schedule of Discounts is applied. (42 U.S.C. 300 et seq./42 CFR 59.5 (a) (9)).
- A Family Planning consumer will never be refused a Family Planning service, or asked to meet with the Health Director due to a delinquent account; however they may be referred to Debt set-off.
- Income information reported on the Family Planning financial eligibility screening can be used through other programs rather than re-verification of income or relying on the consumer declaration.
- Pregnancy tests will be charged based on the qualifying Schedule of Discounts.

MISCELLANEOUS/GENERAL SERVICES/ADULT HEALTH

Include: daycare, DOT, foster care, employment or other specialty physical exams; laboratory services, women’s health

Eligibility:

- 18 years and older (exception, laboratory services)
- Residents of Macon County (exception, colposcopies, pregnancy tests, laboratory services)
- These services are not eligible for sliding fee scale payment. Services will be paid for prior to any service being rendered. Any additional fees associated with a visit will be added to the consumers account and paid in full at checkout.

MATERNAL HEALTH

Prenatal care is medical care recommended for women during pregnancy. The aim of good prenatal care is to detect any potential problems early, to prevent them if possible (through recommendations on adequate nutrition, exercise, vitamin intake etc), and to direct the woman to appropriate specialists, hospitals, etc. if necessary. Visits are monthly during the first two trimesters (from week one to week 28 of pregnancy), every two weeks from 28 to week 36 of pregnancy and weekly after week 36 (until the day of delivery that could be between week 38 and 40 weeks). MCPH accepts self-pay; most Private Insurances; Medicaid or potentially Medicaid eligible.

Eligibility:

- Residents of Macon - eligibility policy and residency requirements attached
- Maternal Health consumers will be required to have proof of residency
- Proof of income is required.
- Schedule of Discounts is used for incomes between 101 – 250% of Federal Poverty. Consumers whose income exceeds 250% of Federal Poverty are charged using the departments Schedule of Fees. Consumers whose income is at or below 100% of Federal Poverty are not charged for Maternal Health services.

OB CARE COORDINATION MANAGEMENT (OBCM)

Case manager assists pregnant women in receiving needed prenatal care and pregnancy related services.

Eligibility:

- Residents of Macon County

Primary Care

Provides primary care services for Macon County residents between the ages of 21- 64. Consumers are required to complete an application to determine eligibility prior to receiving services. Third party insurance will be billed appropriately. Self-pay consumers may qualify for sliding fee scale discount based on their family size and household income with the maximum discount of 60%. Sliding fee discount is based on 250% of federal poverty.

Eligibility:

- Resident of Macon County between the ages of 21- 64

WOMEN, INFANTS, AND CHILDREN NUTRITION PROGRAM (WIC)

Supplemental nutrition and education program to provide specific nutritional foods and education services to improve health status of target groups.

Eligibility: WIC is available to pregnant, breastfeeding, and postpartum women, infants, and children up to age 5 who meet the follow criteria:

- ~~Be a resident of Macon County;~~
- Be at medical and/or nutritional risk;
- Have a family income less than 185% of the US Federal Poverty Level;
- Medicaid, AFDC, or food stamps automatically meet the income eligibility requirement

CHILDRENS DENTAL PROGRAM

The Macon County Children's Dental Clinic (Molar Roller) provides comprehensive general dental services to children from birth to 20 years of age. Self-pay consumers may qualify for sliding fee scale based on their family size and household income. Sliding fee discount is based on 250% of Federal Poverty with a maximum discount of 75%.

Eligibility:

- Resident of Macon County and/or individuals served by a participating MCO.

ADULT DENTAL PROGRAM

The Macon County Adult Dental Clinic provides comprehensive general dental services to adults 21 years of age and above. Self-pay consumers may qualify for a sliding fee discount based on family size and household income. Sliding fee discount is determined on 200% of federal poverty with a maximum discount of 50%.

Eligibility:

- Residents of Macon County and/or individuals served by a participating MCO.
- Charges not eligible for sliding fee scale discount include: Services not covered by Medicaid or Health Choice and those covered by insurances which MCPH is not a participating provider.
- Fees for adult dental services will be collected before the service is rendered.

COMMUNITY EDUCATION AND TRAINING

Health education/health training programs/services are provided to individuals and/or groups.

Eligibility:

- No Restrictions/Requirements

EXAMPLES

- **Cardiopulmonary resuscitation (CPR)**

- **Automated external defibrillators(AED)**
- **First Aid Training:**

EXPLANATION:

Various components of American Red Cross Standard First Aid and/or CPR/AED for lay responders are offered on-site at Macon County Public Health Classes are offered for a fee Pre-registration and pre-payment are required. Fees for the specific educational components are based on current American Red Cross pricing.

NUTRITION SERVICES:**DSME Services:**

Macon County Public Health offers Diabetes Self-Management Education/Training services accredited by the American Diabetes Association The registered dietitians are credentialed and certified providers with some third party payors.. For consumers with third party insurance, , a physician referral and medical diagnosis of diabetes is required in order for the insurance to be billed and costs covered accordingly. Self-pay consumers may qualify for a sliding fee discount based on family size and household income. Sliding fee discount is determined on 250% of federal poverty with a maximum discount of 20% in which the consumer is responsible for payment to the health center prior to service being rendered.

Diabetes Prevention Program (DPP)

Macon County Public Health offers Diabetes Prevention Program accredited by The Center for Disease Control and Prevention. Because there is no established billing code for this program accepted by third party payors and to encourage participation, a small program fee will be established for each participant. Consumers may qualify for sliding fee scale discount based on their family size and household income with the sliding fee discount is based on 250% of federal poverty. Medicaid or Medicaid eligible consumers may be eligible for a Center for Disease Control and Prevention (CDC) sponsored scholarship and therefore are not charged a fee for the program, but are eligible for the incentives.

Eligibility

- Declaration of Income

MNT Services:

Macon County Public Health offers Medical Nutrition Therapy services. The registered dietitians are credentialed and certified providers with some third party payers. For consumers with third party insurance, a physician referral and a covered medical diagnosis is required in order for the insurance to be billed and costs covered accordingly. Self-pay consumers may qualify for a sliding fee discount based on family size and household income. Sliding fee discount is determined on 250% of federal poverty with a maximum discount of 20% in which the consumer is responsible for payment to the health center prior to service being rendered to consumer.

ENVIRONMENTAL HEALTH

Unlike other health department fees, Environmental Health fees are determined at the will of the Boards of Health and County Commissioners. Environmental Health fees from other counties are taken into consideration. Exception, water testing fees are determined based on actual costs for supplies/test kits. Fees for Environmental Health Services are collected at time of application.

REFUND POLICY: Attached

ANIMAL SERVICES

Unlike other health department fees, Animal Service fees are determined at the will of the Boards of Health and County Commissioners. Animal Service fees from other counties are taken into consideration. Fees for Animal Services are due at time of Service.

Guidelines for Determining Elements of the Sliding Fee Scale

Eligibility screening is required on all new consumers or when family size and/or income changes occur, or at 12 month intervals. A consumer's percentage of pay is documented on the Financial Eligibility Application in the consumer's medical record and in HIS. Consumer income information reported can be used to determine eligibility for other sliding fee based programs (i.e. Adult Health, Child Health, Prenatal, Family Planning and Dental).

Definition for Family Size and Countable Gross Income for the following clinics:

Primary Care, Nutrition Services, Child Health, Maternal Health, Family Planning and Dental

A family is defined as a group of related or non-related individuals who are living together as one economic unit. Individuals are considered members of a single family or economic unit when their production of income and consumption of goods are related.

An economic unit must have its own source of income.

Example: consumer with no income must be considered part of a larger economic unit that provides support to the household. Groups of individuals living in the same house with other individuals may be considered a separate economic unit. For example, if two sisters and their children live in the same house and both work and support their own children, they would be considered a separate household.

EXCEPTIONS TO ECONOMIC UNIT

- A. Un-emancipated minors and others requesting confidential services will be considered a family unit of one, and fees will be assessed based on their own income.
- B. A foster child assigned by DSS shall always be considered a family of one.

Determination of Gross Income:

The dollar amounts represent gross annual income; they refer to total cash receipts before taxes from all sources.

Household income sources include: Salaries and wages, earnings from self-employment (deduct business expenses, except depreciation); interest income, all investment and rental income; public assistance, unemployment benefits, worker's compensation, alimony, military allotments; Social Security benefits, VA benefits; retirement and pension pay; insurance or annuity plans; gaming proceeds and any other income not represented here that contributes to the household consumption of goods. This list is not all inclusive.

Documents acceptable for income verifications:

Current pay stub (noting the pay timeframe i.e.: weekly, bi-weekly etc.)

Signed statement from employer indicating gross earnings for a specified pay period, statement must include the business name, address and phone number and must be legible.

W-2 Forms

Unemployment letter/notice

Award letter from Social Security Office, VA or Railroad Retirement Board

1099's received from IRS

For Self-employment: Accounting records or income tax return for the most recent calendar year, entire tax return must be provided in order to allow deductions for business expenses.

CPT	Description	Current Fee	Proposed Fee
80177	Levetiracetam	-	\$ 38.00
83497	HIAA Hydroxyindolacetic acid, 5 Qualitative	-	\$10 per unit
88305	Level IV Pathology Read	-	\$30 per unit
88342	Immunohistochemistry per specimen, initial single antibody stain	-	\$110 per unit
90688	Quadravalent Influenza Vaccine	\$ 16.00	\$ 18.00
90686	Quadravalent Influenza Vaccine Preservative Free	\$ 16.00	\$ 21.00
90662	High Dose Influenza	\$ 36.00	\$ 46.00
Q2039	Medicare Flu Vaccine Adult - Not otherwise Classified	\$16.00	\$18.00
17110	Destruction (eg, laser surgery, electrosurgery, cryosurger, chemosurgery, surgical curettement), of benign lesions other than skin tags or cutaneous vascular proliferative lesions; up to 14 lesions	-	\$ 79.00
	Approved by BOH 8/28/2018		

MACON COUNTY BOARD OF COMMISSIONERS

AGENDA ITEM

MEETING DATE: September 11, 2018

DEPARTMENT/AGENCY: Sheriff's Department

SUBJECT MATTER: Grant award for purchase of in-car cameras and body cameras

COMMENTS/RECOMMENDATION:

Please see the attached document entitled "Scope of Work and Annual Budget" as well as a proposed Budget Amendment (#46) to address this item. The County Manager and Sheriff Holland can provide additional details at the meeting.

Attachments _____ Yes _____ No

Agenda Item

**Attachment A
Scope of Work and Annual Budget**

Before it will be possible to finalize this award and make any disbursement, you are required to provide to the Agency a description for how the organization will spend the amount of funding allocated for the specific purpose as stated in the grant contract. This will include a scope of work, information related to any potential sub-grants and an annual budget for the grant funds. Please attach additional sheets as necessary.

1. Organization:	
Organization Name:	Macon County
Tax Identification #:	56-6000930
Organization Fiscal Year End:	6/30/2019

2. Scope of Work:
<p>Recipient shall detail below how the organization will spend the amount of funding allocated for the specific purpose as stated in the grant contract. The description should include services to be provided, objectives to be achieved, and expected results. The description should also include anticipated timing of those services, objectives and expected results.</p> <p>The funds will be used to purchase in-car cameras as well as body cameras for the Macon County Sheriff's Department. We will begin purchasing this equipment as soon as the funds are received. This is an endeavor we have been trying to accomplish over the last couple of years and we appreciate the assistance of the State Legislature.</p>

3. Sub-grants:			
a. Does the Recipient anticipate that it will subgrant or pass down any funds to another organization?	<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/> No
If yes, answer the following:			
b. Name of Sub-recipient	c. Program Name	d. Amount to Sub-recipient	

Below are general expenditure descriptions that can serve as a **guide** for preparing the organization's annual budget related to the grant award. Please add or delete expenditure captions for clarity if needed. The annual budget must be signed by an authorizing official.

The following annual budget is for the time period beginning (July 1, 2018 and ending (August 31, 2019).

EXPENDITURE DESCRIPTION

AMOUNT

Employee Expenses (e.g. program related staffing).	\$
Utilities Expenses (e.g. utilities, telephone, data, lease related expenses)	\$
Subcontracts (e.g. construction, services)	\$
Goods (e.g. supplies and equipment) Expenses	\$65,000
Administration Expenses (e.g. overhead & project management)	\$
Other Expenses (e.g. related charges not assigned above and described by recipient)	\$
Total Beginning Balance of the Project Fund	\$65,000

With regard to the information contained herein, I certify that the annual budget has been approved by the Recipient's Chief Fiscal Officer, CEO or Board Chair.

Signature _____ Date _____

Printed Name _____ Title _____

MACON COUNTY BOARD OF COMMISSIONERS

AGENDA ITEM

MEETING DATE: September 11, 2018

DEPARTMENT/AGENCY: Governing Board

SUBJECT MATTER: Resolution of support for Senate Bill 711

COMMENTS/RECOMMENDATION:

Commissioner Gillespie has requested time for discussion and consideration of a resolution of support for Senate Bill 711, legislation that he says is aimed at protecting farmers from nuisance lawsuits. By way of background information, attached is a copy of an e-mail from Commissioner Gillespie on this subject, along with a copy of Senate Bill 711 and a draft resolution for the board's consideration.

Attachments 3 Yes No

Agenda Item 11E

Mike Decker

From: Derek Roland <droland@maconnc.org>
Sent: Thursday, September 06, 2018 9:28 AM
To: Mike Decker
Subject: FW: S711
Attachments: S711v8.pdf; RESOLUTION.docx

From: Derek Roland [<mailto:droland@maconnc.org>]
Sent: Wednesday, September 05, 2018 9:53 AM
To: Mike Decker (mdecker@maconnc.org)
Subject: FW: S711

From: Karl Gillespie [<mailto:karl@karlgillespie.com>]
Sent: Wednesday, September 05, 2018 8:56 AM
To: droland@maconnc.org; Jimmy Tate (jamesptate@aol.com)
Subject: S711

Derek & Jimmy,

Attached is S711 as passed into law and the resolution supporting it. Chester has looked over both.

This bill was passed to help protect farmers from nuisance lawsuits. While Macon County does not have a commercial hog operation, we do have many family farms. To my knowledge Polk County is the western most count that has pass this.

From ncfarmfamilies.com

Who is suing North Carolina hog farmers? Michael Kaeske, a successful trial lawyer from Texas, is leading the lawsuits against Smithfield Foods. His partners in the lawsuit include another Texas firm, Baron and Budd, and Wallace & Graham, a North Carolina law firm. They represent more than 500 plaintiffs in eastern North Carolina who live near hog farms associated with Murphy-Brown.

How could the lawsuits impact the economy? Hog farming is one of the pillars of eastern North Carolina's economy, supporting more than 46,000 jobs and contributing \$11 billion annually to the economy. Negative verdicts in the nuisance lawsuits can directly affect thousands of farm families and workers – hogs have been or will be removed from the farms involved in the first three cases. These verdicts also impact businesses that sell farm equipment and crops to feed mills, as well as local businesses where farmers are customers – such as convenience stores, supermarkets, restaurants and other businesses.

How did the lawsuits start? Five years ago, a group of lawyers from out of state came to eastern North Carolina and started recruiting clients with a pitch that went something like this: *'Sign here, we'll file the lawsuits, we'll pay the bills, and if we win you'll get part of the money.'* Some of the original attorneys were thrown off the case amid complaints of unethical behavior, but the cases resumed under Wallace & Graham.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

SESSION LAW 2018-113
SENATE BILL 711

AN ACT TO MAKE VARIOUS CHANGES TO THE AGRICULTURAL LAWS.

Whereas, frivolous nuisance lawsuits threaten the very existence of farming in North Carolina; and

Whereas, in response to the long-standing threat to agriculture, in 1979 the General Assembly enacted the State's first effort to statutorily protect the ability of farms and forestry operations to continue to operate as surrounding development encroached; and

Whereas, following the 1979 enactment, at least three succeeding General Assemblies in 1992, 2013, and 2017 tried to perfect a statutory framework that broadly fosters a cooperative relationship between farms and forestry operations and their neighbors across North Carolina; and

Whereas, recently a federal trial court incorrectly and narrowly interpreted the North Carolina Right to Farm Act in a way that contradicts the intent of the General Assembly and effectively renders the Act toothless in offering meaningful protection to long-established North Carolina farms and forestry operations; and

Whereas, regrettably, the General Assembly is again forced to make plain its intent that existing farms and forestry operations in North Carolina that are operating in good faith be shielded from nuisance lawsuits filed long after the operations become established; Now, therefore,

The General Assembly of North Carolina enacts:

FRUIT AND VEGETABLE HANDLERS REGISTRATION ACT

SECTION 1.(a) Article 44 of Chapter 106 of the General Statutes is repealed.

SECTION 1.(b) Chapter 106 of the General Statutes is amended by adding a new Article to read:

"Article 44A.

"Fruit and Vegetable Handlers Registration Act.

"§ 106-501.1. Definitions.

The following definitions shall apply when used under this Article:

- (1) "Commissioner" means the Commissioner of Agriculture of the State of North Carolina.
- (2) "Consignment" means any transfer of fruits and vegetables by a seller to the custody of another person who acts as the agent for the seller for the purpose of selling such fruits and vegetables.
- (3) "Department" means the Department of Agriculture and Consumer Services.
- (4) "Farmer" means any person who produces fruits or vegetables or both.
- (5) "Handler" means any person in the business of buying, receiving, selling, exchanging, negotiating, processing for resale, or soliciting the sale, resale, exchange, or transfer of any fruits and vegetables purchased from a North Carolina farmer, received on consignment from a North Carolina farmer, or received to be handled on net return basis from a North Carolina farmer.



- (6) "Net return basis" means a purchase for sale of fruits and vegetables from a farmer or shipper at an unfixeD or unstateD price at the time the fruits and vegetables are shipped from the point of origin, and it shall include all purchases made "at the market price," "at net worth," and on similar terms, which indicate that the buyer is the final arbiter of the price to be paid.
- (7) "Processing" means any act or operation that freezes, dehydrates, cans, or otherwise changes the physical form or characteristic of fruits and vegetables.

"§ 106-501.2. Registration required.

(a) Prior to conducting business in North Carolina, a handler shall register with the Department, free of cost, by providing to the Department the following information:

- (1) The handler's name.
- (2) The handler's principal place of business.
- (3) The type of fruits and vegetables handled by the handler.
- (4) The annual volume, in dollar amount, of fruits and vegetables handled by the handler in North Carolina.

(b) A handler shall update the Department within 60 calendar days of any change in information required under subdivision (a)(1), (a)(2), or (a)(3) of this section.

(c) A handler shall update the Department of the annual volume required under subdivision (a)(4) of this section by February 1st of each year.

(d) Information collected under this Article shall be held confidential by the Department and not subject to public records disclosure.

"§ 106-501.3. Exemptions to registration.

This Article shall not apply to:

- (1) A farmer or group of farmers in the sale of fruits and vegetables produced by the farmer or group of farmers.
- (2) A handler who pays at the time of purchase with United States cash currency or a cash equivalent, such as a money order, cashier's check, wire transfer, electronic funds transfer, or PIN-based debit transaction, or a credit card.
- (3) A restaurant.
- (4) A retailer that sells fruits and vegetables to end-use consumers through retail establishments or food stands operated by the company, its affiliates, or subsidiaries.

"§ 106-501.4. Authority of the Board of Agriculture.

The Board of Agriculture may adopt rules to implement this Article.

"§ 106-501.5. Civil penalties.

(a) The Commissioner may assess a civil penalty of not more than one hundred dollars (\$100.00) per violation against any person or business entity who violates a provision of this Article or any rule adopted thereunder. In determining the amount of the penalty, the Commissioner shall consider the degree and extent of harm caused by the violation. The clear proceeds of civil penalties assessed pursuant to this section shall be remitted to the Civil Penalty and Forfeiture Fund in accordance with G.S. 115C-457.2.

(b) Civil penalties for failure to register or provide updated information under this Article shall only be issued after a 15-calendar-day notice has been provided to the handler and the handler fails to remedy the deficiency within the 15 days.

"§ 106-501.6. Injunctions.

In addition to the remedies provided in this Article and notwithstanding the existence of any adequate remedy at law, the Commissioner is authorized to apply to any court of competent jurisdiction, and such court shall have jurisdiction upon hearing and for cause shown to grant, for a temporary or permanent injunction, or both, restraining any person from violating or continuing to violate any of the provisions of this Article or any rule promulgated thereunder. Such injunction shall be issued without bond."

SECTION 1.(c) This section becomes effective January 1, 2019, and applies to handlers conducting business in the State on or after that date.

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES
CONFIDENTIALITY CHANGE**

SECTION 2. G.S. 106-24.1 reads as rewritten:

"§ 106-24.1. Confidentiality of information collected and published.

All information published by the Department of Agriculture and Consumer Services pursuant to this Part shall be classified so as to prevent the identification of information received from individual farm operators. All information generated by any federal agency received pursuant to this ~~Part~~ Chapter that is confidential under federal law shall be held confidential by the Department and its ~~employees-employees~~, unless confidentiality is waived by the federal agency. All information collected by the Department from farm owners or animal owners, including, but not limited to, certificates of veterinary inspection, animal medical records, laboratory reports received or generated from samples submitted for analysis, or other records that may be used to identify a person or private business entity subject to regulation by the Department shall not be disclosed without the permission of the owner unless the State Veterinarian determines that disclosure is necessary to prevent the spread of an animal disease or to protect the public health, or the disclosure is necessary in the implementation of these animal health programs."

EXEMPT GOT TO BE NC AGRICULTURE MERCHANDISE FROM UMSTEAD ACT

SECTION 3. G.S. 66-58 reads as rewritten:

"§ 66-58. Sale of merchandise or services by governmental units.

(a) Except as may be provided in this section, it shall be unlawful for any unit, department or agency of the State government, or any division or subdivision of the unit, department or agency, or any individual employee or employees of the unit, department or agency in his, or her, or their capacity as employee or employees thereof, to engage directly or indirectly in the sale of goods, wares or merchandise in competition with citizens of the State, or to engage in the operation of restaurants, cafeterias or other eating places in any building owned by or leased in the name of the State, or to maintain service establishments for the rendering of services to the public ordinarily and customarily rendered by private enterprises, or to provide transportation services, or to contract with any person, firm or corporation for the operation or rendering of the businesses or services on behalf of the unit, department or agency, or to purchase for or sell to any person, firm or corporation any article of merchandise in competition with private enterprise. The leasing or subleasing of space in any building owned, leased or operated by any unit, department or agency or division or subdivision thereof of the State for the purpose of operating or rendering of any of the businesses or services herein referred to is hereby prohibited.

(b) The provisions of subsection (a) of this section shall not apply to:

...

(13b) The Department of Agriculture and Consumer Services with regard to its lessees at farmers' markets operated by the Department.

(13c) The Western North Carolina Agricultural Center.

(13d) Agricultural centers or livestock facilities operated by the Department of Agriculture and Consumer Services.

(13e) The Department of Agriculture and Consumer Services with regard to its Got to Be NC Agriculture promotion.

...."

**ALLOW DISTRIBUTION OF VERIFIED PROPAGULES BY INDUSTRIAL HEMP
COMMISSION**

SECTION 4. G.S. 106-568.51 reads as rewritten:

"§ 106-568.51. Definitions.

The following definitions apply in this Article:

- (1) ~~Certified seed. — Industrial hemp seed that has been certified as having a delta-9 tetrahydrocannabinol concentration less than that adopted by federal law in the Controlled Substances Act, 21 U.S.C. § 801 et seq.~~
- (2) Commercial use. — The use of industrial hemp as a raw ingredient in the production of hemp products.
- (3) Commission. — The North Carolina Industrial Hemp Commission created by this Article.
- (4) Department. — The North Carolina Department of Agriculture.
- (5) Grower. — Any person licensed to grow industrial hemp by the Commission pursuant to this Article.
- (6) Hemp products. — All products made from industrial hemp, including, but not limited to, cloth, cordage, fiber, food, fuel, paint, paper, particleboard, plastics, seed, seed meal and seed oil for consumption, and ~~certified seed~~verified propagules for cultivation if the seeds originate from industrial hemp varieties.
- (7) Industrial hemp. — All parts and varieties of the plant *Cannabis sativa* (L.), cultivated or possessed by a grower licensed by the Commission, whether growing or not, that contain a delta-9 tetrahydrocannabinol concentration of not more than three-tenths of one percent (0.3%) on a dry weight basis.
- (7a) Industrial hemp research program. — The research program established pursuant to G.S. 106-568.53(1).
- (7b) State land grant university. — North Carolina State University and North Carolina A&T State University.
- (8) Tetrahydrocannabinol or THC. — The natural or synthetic equivalents of the substances contained in the plant, or in the resinous extractives of, cannabis, or any synthetic substances, compounds, salts, or derivatives of the plant or chemicals and their isomers with similar chemical structure and pharmacological activity.
- (9) Verified propagule. — A seed or clone from an industrial hemp plant from which THC concentration samples have been tested by a qualified laboratory and confirmed as having a delta-9 tetrahydrocannabinol concentration less than that adopted by federal law in the Controlled Substances Act, 21 U.S.C. § 801, et seq."

TECHNICAL CORRECTIONS TO FORESTRY STATUTES

SECTION 5.(a) G.S. 106-980(b) reads as rewritten:

"(b) Three or more persons, who associate themselves by an agreement in writing for the purpose, may become a private limited dividend corporation to finance and carry out projects for the protection and development of forests and for such other related purposes as the ~~Secretary~~ Commissioner shall approve, subject to all the duties, restrictions and liabilities, and possessing all the rights, powers, and privileges, of corporations organized under the general corporation laws of the State of North Carolina, except where such provisions are in conflict with this Article."

SECTION 5.(b) G.S. 106-981 reads as rewritten:

"§ 106-981. Manner of organizing.

A corporation formed under this Article shall be organized and incorporated in the manner provided for organization of corporations under the general corporation laws of the State of North Carolina, except where such provisions are in conflict with this Article. The certificate of organization of any such corporation shall contain a statement that it is organized under the

provisions of this Article and that it consents to be and shall be at all times subject to the rules and supervision of the ~~Secretary, Commissioner~~, and shall set forth as or among its purposes the protection and development of forests and the purchase, acquisition, sale, conveyance and other dealing in the same and the products therefrom, subject to the rules from time to time imposed by the ~~Secretary, Commissioner~~."

SECTION 5.(c) G.S. 106-982 reads as rewritten:

"§ 106-982. Directors.

There shall not be less than three directors, one of whom shall always be a person designated by the ~~Secretary, Commissioner~~, which one need not be a stockholder."

SECTION 5.(d) G.S. 106-1003 reads as rewritten:

"§ 106-1003. Deposit of receipts with State treasury.

All moneys paid to the ~~Secretary, Commissioner~~ for services rendered under the provisions of this Article shall be deposited into the State treasury to the credit of the Department."

SECTION 5.(e) G.S. 106-1012(2) reads as rewritten:

"(2) "Approved practices" mean those silvicultural practices approved by the ~~Secretary, Commissioner~~ for the purpose of commercially growing timber through the establishment of forest stands, of insuring the proper regeneration of forest stands to commercial production levels following the harvest of mature timber, or of insuring maximum growth potential of forest stands to commercial production levels. Such practices shall include those required to accomplish site preparation, natural and artificial forestation, noncommercial removal of residual stands for silvicultural purposes, cultivation of established young growth of desirable trees for silvicultural purposes, and improvement of immature forest stands for silvicultural purposes. In each case, approved practices will be determined by the needs of the individual forest stand. These practices shall include existing practices and such practices as are developed in the future to insure both maximum forest productivity and environmental protection."

DIRECT DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES TO ADDRESS MISLABELING OF PLANT-BASED PRODUCTS AS "MILK"

SECTION 6.(a) It is declared to be the policy of the State of North Carolina that it is necessary to take steps to assure the continued viability of dairy farming and to assure consumers of an adequate, local supply of pure and wholesome milk. The dairy industry is an essential agricultural activity and dairy farms, and associated suppliers, marketers, processors, and retailers, are an integral component of the region's economy. The North Carolina General Assembly finds that the United States Food and Drug Administration has not provided consistent guidance to the Department of Agriculture and Consumer Services, dairy farms, associated suppliers, marketers, processors, retailers, and consumers as to the application of the established standard of identity of milk as defined in 21 C.F.R. § 131.110. The North Carolina General Assembly seeks to be a national leader in the preservation of the dairy industry while balancing the need to maintain interstate commerce.

SECTION 6.(b) The following definitions apply to this section:

- (1) "Department" means the Department of Agriculture and Consumer Services.
- (2) "FDA" means the United States Food and Drug Administration.
- (3) "Milk" means the lacteal secretion, practically free from colostrum, obtained by the complete milking of one or more healthy hooved mammals. Hooved mammals include, but are not limited to, the members of the Order Cetartiodactyla, such as: Family Bovidae (cattle, water buffalo, sheep, goats, yaks, etc.), Family Camelidae (llamas, alpacas, camels, etc.), Family Cervidae (deer, reindeer, moose, etc.), and Family Equidae (horses, donkeys, etc.).

SECTION 6.(c) In accordance with the established standard of identity for milk defined in 21 C.F.R. § 131.110 and the Pasteurized Milk Ordinance, the Department shall immediately develop an enforcement plan to enforce FDA's standard of identity for milk as adopted in the North Carolina Administrative Code to prohibit the sale of plant-based products mislabeled as milk.

SECTION 6.(d) No later than 90 days after the effective date of this subsection, the Department shall begin to implement its enforcement plan, which shall include, but is not limited to, notification of the Department's intent to embargo all mislabeled products offered for sale in this State. All plant-based products displayed for sale in this State shall be labeled in accordance with FDA's standard of identity for milk and the Pasteurized Milk Ordinance no later than six months after the effective date of this section.

SECTION 6.(e) Subsection (d) of this section is effective upon the enactment into law of a mandatory labeling requirement to prohibit the sale of plant-based products mislabeled as milk that is consistent with this section by any 11 of the group of states composed of Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and West Virginia. The remainder of this section is effective when it becomes law.

SECTION 6.(f) Nothing in this section shall be construed to limit the Department's authority to enforce its laws and regulations.

SET QUORUM FOR AGRICULTURE AND FORESTRY AWARENESS STUDY COMMISSION

SECTION 7. G.S. 120-150 reads as rewritten:

"§ 120-150. Creation; appointment of members.

There is created an Agriculture and Forestry Awareness Study Commission. Members of the Commission shall be citizens of North Carolina who are interested in the vitality of the agriculture and forestry sectors of the State's economy. Members shall be as follows:

- (1) Three appointed by the Governor.
- (2) Three appointed by the President Pro Tempore of the Senate.
- (3) Three appointed by the Speaker of the House.
- (4) The chairs of the House Agriculture Committee.
- (5) The chairs of the Senate Committee on Agriculture, Environment, and Natural Resources.
- (6) The Commissioner of Agriculture or the Commissioner's designee.
- (7) A member of the Board of Agriculture designated by the chair of the Board of Agriculture.
- (8) The President of the North Carolina Farm Bureau Federation, Inc., or the President's designee.
- (9) The President of the North Carolina State Grange or the President's designee.
- (10) The Secretary of Environmental Quality or the Secretary's designee.
- (11) The President of the North Carolina Forestry Association, Inc., or the President's designee.

Members shall be appointed for two-year terms beginning October 1 of each odd-numbered year. The Chairs of the House Agriculture Committee and the Chairs of the Senate Committee on Agriculture, Environment, and Natural Resources shall serve as cochairs. The President Pro Tempore of the Senate and the Speaker of the House of Representatives may each appoint an additional member of the Senate and House, respectively, to serve as cochair. If appointed, these cochairs shall be voting members of the Commission. A quorum of the Commission is nine members."

AGRICULTURE AND FORESTRY AWARENESS STUDY COMMISSION STUDIES

SECTION 8.(a) The Agriculture and Forestry Awareness Study Commission shall study all of the following matters:

- (1) Requiring the holders of unused rights-of-way and utility easements to offer the easements to the underlying property owners for fair market value.
- (2) The advisability of excluding property enrolled in present use value taxation from rural fire protection district and county service district taxes.

SECTION 8.(b) The Agriculture and Forestry Awareness Study Commission shall complete the studies required by subsection (a) of this section and report its findings and recommendations, including any legislative proposals, to the General Assembly by January 1, 2019.

MANDATORY RECORD NOTICE OF PROXIMITY TO FARMLANDS

SECTION 9. G.S. 106-741 reads as rewritten:

"§ 106-741. Record notice of proximity to farmlands.

(a) ~~Any county that has a computerized land records system may require that such~~All counties shall require that land records include some form of notice reasonably calculated to alert a person researching the title of a particular tract that such tract is located within one-half mile of a poultry, swine, or dairy qualifying farm or within 600 feet of any other qualifying farm or within one-half mile of a voluntary agricultural district.

(b) In no event shall the county or any of its officers, employees, or agents be held liable in damages for any misfeasance, malfeasance, or nonfeasance occurring in good faith in connection with the duties or obligations imposed by any ordinance adopted under subsection (a).

(c) In no event shall any cause of action arise out of the failure of a person researching the title of a particular tract to report to any person the proximity of the tract to a qualifying farm or voluntary agricultural district as defined in this Article.

(d) In no event shall any cause of action arise out of the failure of a person licensed under Chapters 93A or 93E of the General Statutes for failure to report to any person the proximity of a tract to a qualifying farm or voluntary agricultural district as defined in this Article."

AMEND NORTH CAROLINA RIGHT TO FARM LAW

SECTION 10.(a) G.S. 106-701 reads as rewritten:

"§ 106-701. ~~When agricultural and forestry operation, etc., not constituted nuisance by changed conditions in or about the locality outside of the operation.~~Right to farm defense; nuisance actions.

(a) ~~No agricultural or forestry operation or any of its appurtenances shall be or become a nuisance, private or public, by any changed conditions in or about the locality outside of the operation after the operation has been in operation for more than one year, when such operation was not a nuisance at the time the operation began.~~No nuisance action may be filed against an agricultural or forestry operation unless all of the following apply:

- (1) The plaintiff is a legal possessor of the real property affected by the conditions alleged to be a nuisance.
- (2) The real property affected by the conditions alleged to be a nuisance is located within one half-mile of the source of the activity or structure alleged to be a nuisance.
- (3) The action is filed within one year of the establishment of the agricultural or forestry operation or within one year of the operation undergoing a fundamental change.

(a1) ~~The provisions of subsection (a) of this section shall not apply when the plaintiff demonstrates that the agricultural or forestry operation has undergone a fundamental change. A~~

For the purposes of subsection (a) of this section, a fundamental change to the operation does not include any of the following:

- (1) A change in ownership or size.
- (2) An interruption of farming for a period of no more than three years.
- (3) Participation in a government-sponsored agricultural program.
- (4) Employment of new technology.
- (5) A change in the type of agricultural or forestry product produced.

~~(a2) The provisions of subsection (a) of this section shall not apply whenever a nuisance results from the negligent or improper operation of any agricultural or forestry operation or its appurtenances.~~

(b) For the purposes of this Article, "agricultural operation" includes, without limitation, any facility for the production for commercial purposes of crops, livestock, poultry, livestock products, or poultry products.

(b1) For the purposes of this Article, "forestry operation" shall mean those activities involved in the growing, managing, and harvesting of trees.

(c) The provisions of subsection (a) shall not affect or defeat the right of any person, firm, or corporation to recover damages for any injuries or damages sustained by him on account of any pollution of, or change in condition of, the waters of any stream or on the account of any overflow of lands of any such person, firm, or corporation.

(d) Any and all ordinances of any unit of local government now in effect or hereafter adopted that would make the operation of any such agricultural or forestry operation or its appurtenances a nuisance or providing for abatement thereof as a nuisance in the circumstance set forth in this section are and shall be null and void; ~~provided, however, that the provisions of this subsection shall not apply whenever a nuisance results from the negligent or improper operation of any such agricultural or forestry operation or any of its appurtenances. Provided further, void. Provided, however,~~ that the provisions shall not apply whenever a nuisance results from an agricultural or forestry operation located within the corporate limits of any city at the time of enactment hereof.

(e) This section shall not be construed to invalidate any contracts heretofore made but insofar as contracts are concerned, it is only applicable to contracts and agreements to be made in the future.

(f) In a nuisance action against an agricultural or forestry operation, the court shall award costs and expenses, including reasonable attorneys' fees, to:

- (1) The agricultural or forestry operation when the court finds the operation was not a nuisance and the nuisance action was frivolous or malicious; or
- (2) The plaintiff when the court finds the agricultural or forestry operation was a nuisance and the operation asserted an affirmative defense in the nuisance action that was frivolous and malicious."

SECTION 10.(b) G.S. 106-702 reads as rewritten:

"§ 106-702. Limitations on private nuisance actions against agricultural and forestry operations.

(a) The compensatory damages that may be awarded to a plaintiff for a private nuisance action where the alleged nuisance emanated from an agricultural or forestry operation shall be as follows:

- (1) If the nuisance is a permanent nuisance, compensatory damages shall be measured by the reduction in the fair market value of the plaintiff's property caused by the nuisance, but not to exceed the fair market value of the property.
- (2) If the nuisance is a temporary nuisance, compensatory damages shall be limited to the diminution of the fair rental value of the plaintiff's property caused by the nuisance.

(a1) A plaintiff may not recover punitive damages for a private nuisance action where the alleged nuisance emanated from an agricultural or forestry operation that has not been subject to a criminal conviction or a civil enforcement action taken by a State or federal environmental regulatory agency pursuant to a notice of violation for the conduct alleged to be the source of the nuisance within the three years prior to the first act on which the nuisance action is based.

(b) If any plaintiff or plaintiff's successor in interest brings a subsequent private nuisance action against any agricultural or forestry operation, the combined recovery from all such actions shall not exceed the fair market value of his or her property. This limitation applies regardless of whether the subsequent action or actions were brought against a different defendant than the preceding action or actions.

(c) This Article shall apply to any private nuisance claim brought against any party based on that party's contractual or business relationship with an agricultural or forestry operation.

(d) This Article does not apply to any cause of action brought against an agricultural or forestry operation for negligence, trespass, personal injury, strict liability, or other cause of action for tort liability other than nuisance, nor does this Article prohibit or limit any request for injunctive relief ~~or punitive damages that are~~ that is otherwise available."

SECTION 10.(c) This section is effective when it becomes law and applies to causes of action commenced on or after that date.

AMEND SOIL AND WATER CONSERVATION DISTRICT SUPERVISOR CONTINUING EDUCATION REQUIREMENTS

SECTION 12. G.S. 139-7.2 reads as rewritten:

"§ 139-7.2. Training of elective and appointive district supervisors.

(a) All district supervisors, whether elected or appointed, shall complete a minimum of six clock hours of training ~~annually-per term of service.~~

(b) The training shall include soil, water, and natural resources conservation and the duties and responsibilities of district supervisors.

(c) The training may be provided by the School of Government at the University of North Carolina at Chapel Hill, or other qualified sources as approved by the Soil and Water.

PROVIDE UNIFORMITY TO ASSESSMENT OF FARM MACHINERY

SECTION 14.(a) G.S. 105-317.1 reads as rewritten:

"§ 105-317.1. Appraisal of personal property; elements to be considered.

(a) Appraisal Elements. – Whenever any personal property is appraised it shall be the duty of the persons making appraisals to consider the following as to each item (or lot of similar items):

- (1) The replacement cost of the property;
- (2) The sale price of similar property;
- (3) The age of the property;
- (4) The physical condition of the property;
- (5) The productivity of the property;
- (6) The remaining life of the property;
- (7) The effect of obsolescence on the property;
- (8) The economic utility of the property, that is, its usability and adaptability for industrial, commercial, or other purposes; and
- (9) Any other factor that may affect the value of the property.

(b) Business Property. – In determining the true value of taxable tangible personal property held and used in connection with the mercantile, manufacturing, producing, processing, or other business enterprise of any taxpayer, the persons making the appraisal shall consider any information as reflected by the taxpayer's records and as reported by the taxpayer to the North Carolina Department of Revenue and to the Internal Revenue Service for income tax purposes,

taking into account the accuracy of the taxpayer's records, the taxpayer's method of accounting, and the level of trade at which the taxpayer does business.

(b1) Farm Equipment. – In determining the true value of taxable farm equipment, the person making the appraisal may use any of the appraisal methods listed in subsection (a) of this section and must consider relevant taxpayer information as required under subsection (b) of this section. The Department must publish a depreciation schedule for farm equipment to assist counties that use the cost approach to appraise this equipment. The Department must make the schedule available electronically on its Web site. A county that uses a cost approach method to appraise this equipment must use the depreciation schedule published pursuant to this subsection.

(c) Appeal Process. – A taxpayer who owns personal property taxable in the county may appeal the value, situs, or taxability of the property within 30 days after the date of the initial notice of value. If the assessor does not give separate written notice of the value to the taxpayer at the taxpayer's last known address, then the tax bill serves as notice of the value of the personal property. The notice must contain a statement that the taxpayer may appeal the value, situs, or taxability of the property within 30 days after the date of the notice. Upon receipt of a timely appeal, the assessor must arrange a conference with the taxpayer to afford the taxpayer the opportunity to present any evidence or argument regarding the value, situs, or taxability of the property. Within 30 days after the conference, the assessor must give written notice to the taxpayer of the assessor's final decision. Written notice of the decision is not required if the taxpayer signs an agreement accepting the value, situs, or taxability of the property. If an agreement is not reached, the taxpayer has 30 days from the date of the notice of the assessor's final decision to request review of that decision by the board of equalization and review or, if that board is not in session, by the board of county commissioners. Unless the request for review is given at the conference, it must be made in writing to the assessor. Upon receipt of a timely request for review, the provisions of G.S. 105-322 or G.S. 105-325, as appropriate, must be followed."

SECTION 14.(b) This section is effective for taxes imposed for taxable years beginning on or after July 1, 2019.

CLARIFY CEMETERY PROPERTY TAX EXEMPTION

SECTION 15. G.S. 105-278.2(a) reads as rewritten:

"(a) Real property set apart for burial purposes shall be exempted from taxation unless it is owned and held for purposes of (i) sale or rental or (ii) sale of burial rights therein. No application is required under G.S. 105-282.1 for property exempt under this subsection. A county cannot deny the exemption provided under this subsection to a taxpayer that lacks a survey or plat detailing the exempt property."

LAW ENFORCEMENT MUTUAL AID AND VETERINARIAN COMITY FOR WORLD EQUESTRIAN GAMES

SECTION 15.1.(a) Article 10 of Chapter 153A of the General Statutes is amended by adding a new section to read:

"§ 153A-212.5. Mutual aid assistance by out-of-state law enforcement officers for international equestrian event.

(a) Any law enforcement agency may request and enter into intergovernmental law enforcement mutual aid agreements with out-of-state law enforcement agencies or out-of-state law enforcement officers to aid in enforcing the laws of North Carolina within the jurisdiction of the requesting law enforcement agency for maintaining security and safety for an international equestrian event.

(b) Any intergovernmental law enforcement mutual aid agreement entered into under this section shall be in writing and may be comprised of any of the following:

- (1) Allowing out-of-state law enforcement officers to work temporarily with officers of the requesting law enforcement agency, including in an undercover capacity.
- (2) Furnishing, lending, or exchanging supplies, equipment, facilities, personnel, and services as may be needed.
- (3) Reciprocal law enforcement mutual aid and assistance between law enforcement agencies.

(c) Any intergovernmental law enforcement mutual aid agreement entered into under this section shall address all of the following:

- (1) Standards of conduct for the out-of-state law enforcement officers, including the requesting law enforcement agencies' policies regarding the use of force.
- (2) Training requirements, as prescribed by the requesting law enforcement agency.
- (3) Reimbursement of costs and expenses for supplies, equipment, facilities, personnel, services, and similar items if furnished, lent, or exchanged as part of the intergovernmental law enforcement mutual aid agreement.
- (4) Protocols for processing claims made against or by the out-of-state law enforcement officer.
- (5) Approval of the governing body, if the law enforcement agency is a sheriff or municipal police force.

(d) While working with the requesting law enforcement agency under the authority of this section, an out-of-state law enforcement officer shall have the same jurisdiction, powers, rights, privileges, and immunities, including those relating to the defense of civil actions and payment of judgments, as the officers of the requesting law enforcement agency. While on duty with the requesting law enforcement agency, the out-of-state law enforcement officer shall be subject to the lawful operational commands of the requesting law enforcement agency.

(e) Notwithstanding the provisions of Chapter 17C and Chapter 17E of the General Statutes, out-of-state law enforcement officers certified and sworn in the officers' home jurisdiction and subject to the provisions of an intergovernmental law enforcement mutual aid agreement under this section shall be deemed to have met the certification requirements of this State for the purposes of being sworn as a law enforcement officer with the requesting law enforcement agency.

(f) Notwithstanding the provisions of G.S. 128-1 and G.S. 128-1.1(c1), out-of-state law enforcement officers shall be authorized to hold dual offices when one of the appointive offices held is that of a out-of-state law enforcement officer and the other appointive office is that of a law enforcement officer for a law enforcement agency authorized to enter into an intergovernmental law enforcement mutual aid agreement under this section.

(g) This section in no way reduces the jurisdiction or authority of State law enforcement officers.

(h) As used in this section, the following definitions apply:

- (1) Law enforcement agency. – Any of the following:
 - a. The Highway Patrol, as established by Article 4 of Chapter 20 of the General Statutes.
 - b. A sheriff serving a county sharing a border with another state and which county is the site of an equestrian event with worldwide participants.
 - c. A municipal police department for a municipality located, in whole or part, in a county sharing a border with another state and which municipality is the site of an equestrian event with worldwide participants.

- (2) Out-of-state law enforcement agency. – An employer which is a governmental agency outside of this State that meets all of the following criteria:
- a. Is assigned primary duties and responsibilities for prevention and detection of crime or the general enforcement of the criminal laws of the home jurisdiction or serving civil processes.
 - b. Has employees who possess the power of arrest by virtue of an oath administered under the authority of the home jurisdiction.
- (3) Out-of-state law enforcement officer. – A full-time paid employee of a governmental employer who meets all of the following criteria:
- a. Is actively serving in a position with assigned primary duties and responsibilities for prevention and detection of crime or the general enforcement of the criminal laws of the officer's home jurisdiction or serving civil processes.
 - b. Possesses the power of arrest by virtue of an oath administered under the authority of the home jurisdiction.
 - c. Is in good standing and has no pending civil, criminal, or departmental action that would disqualify the officer if the officer were certified by this State."

SECTION 15.1.(b) Article 11 of Chapter 90 of the General Statutes is amended by adding a new section to read:

"§ 90-187.3A. Comity for out-of-state veterinarians and international veterinarians for international equestrian event.

(a) Any nonresident veterinarian validly licensed in another state, territory, or district of the United States or a foreign country may submit to the Board an application for a licensure to practice veterinary medicine in this State.

(b) The Board shall issue, without written examination, a license to practice veterinary medicine in this State to a nonresident veterinarian validly licensed in another state, territory, or district of the United States or a foreign country who submits an application for licensure. The Board shall not charge the fee authorized in G.S. 90-186(6)e. for the issuance of a license under this section."

SECTION 15.1.(c) This section is effective when it becomes law and expires October 1, 2018.

ALLOW THE DISPENSING OF RAW MILK AND RAW MILK PRODUCTS TO INDEPENDENT OR PARTIAL OWNERS OF LACTATING ANIMALS FOR PERSONAL USE OR CONSUMPTION

SECTION 15.2.(a) G.S. 106-266.35 reads as rewritten:

"§ 106-266.35. Sale or dispensing of milk.

(a) Except as provided in subsection (d) of this section:

(1) Only milk that is Grade "A" pasteurized milk may be sold or dispensed directly to consumers for human consumption.

(2) Raw milk and raw milk products shall be sold or dispensed only to a permitted milk hauler or to a processing facility at which the processing of milk is permitted, graded, or regulated by a local, State, or federal agency.

(b) The Board of Agriculture may adopt rules to provide exceptions for dispensing raw milk and raw milk products for nonhuman consumption. Any raw milk or raw milk product dispensed as animal feed shall include on its label the statement "NOT FOR HUMAN CONSUMPTION" in letters at least one-half inch in height. Any raw milk or raw milk product dispensed as animal feed shall also include on its label the statement "IT IS NOT LEGAL TO SELL RAW MILK FOR HUMAN CONSUMPTION IN NORTH CAROLINA." "~~Sale~~"This

labeling requirement does not apply to raw milk or raw milk products dispensed for personal use or consumption to the independent or partial owner of a cow, goat, or other lactating animal.

(c) As used in this section, the term "sale" or "sold" shall mean means any transaction that involves the transfer or dispensing of milk and milk products or the right to acquire milk and milk products through barter or contractual arrangement or in exchange for any other form of compensation including, but not limited to, the sale of shares or interest in a cow, goat, or other lactating animal or herd, compensation. The term "sale" or "sold" does not include the transfer or dispensing of raw milk or raw milk products to, or the right to acquire raw milk or raw milk products by, the independent or partial owner of a cow, goat, or other lactating animal.

(d) Nothing in this section shall prohibit the dispensing of raw milk or raw milk products for personal use or consumption to, or the acquisition of raw milk or raw milk products for personal use or consumption by, an independent or partial owner of a cow, goat, or other lactating animal."

SECTION 15.2.(b) This section becomes effective October 1, 2018.

SEVERABILITY CLAUSE AND EFFECTIVE DATE

SECTION 16.(a) If any provision of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and, to this end, the provisions of this act are declared to be severable.

SECTION 16.(b) Except as otherwise provided, this act is effective when it becomes law.

In the General Assembly read three times and ratified this the 15th day of June, 2018.

s/ Philip E. Berger
President Pro Tempore of the Senate

s/ Tim Moore
Speaker of the House of Representatives

VETO Roy Cooper
Governor

Became law notwithstanding the objections of the Governor at 11:13 a.m. this 27th day of June, 2018.

s/ James White
House Principal Clerk

RESOLUTION

WHEREAS, agriculture and agribusiness is the number one industry in North Carolina contributing \$85 billion to our State's economy; and

WHEREAS, we enjoy a food supply that is abundant, affordable and among the world's safest, thanks in large part to the efficiency and productivity of North Carolina's farmers; and

WHEREAS, our farmers provide the food, fuel and fiber for our state and our country; and

WHEREAS, agriculture touches the life of everyone, whether it be in our daily meals or the clothes we wear; and

WHEREAS, farming supports other community businesses and the local economy; and

WHEREAS, it is estimated that we are going to need to increase food production by at least 70 percent by 2050 to meet the growing world food demands; and

WHEREAS, we are losing farmland at an alarming rate and it is getting progressively more difficult to recruit and retain farmers willing to work our state's land; and

WHEREAS, we need to support our agricultural industry and our farmers, and encourage a safe and abundant food supply.

NOW, THEREFORE, BE IT RESOLVED, that we, the _____, do hereby support the passage of SB711, the NC Farm Act of 2018.

MACON COUNTY BOARD OF COMMISSIONERS

AGENDA ITEM

MEETING DATE: September 11, 2018

DEPARTMENT/AGENCY: Governing Board

SUBJECT MATTER: Consent Agenda

DEPARTMENT HEAD COMMENTS/RECOMMENDATION:

- A. **Finance** – Consideration of budget amendments #38 through #45, per Attachment 12A.
- B. **Tax releases** – Consideration of tax releases for August 2018 in the amount of \$9,075.88, per Attachment 12B.
- C. **Ad valorem tax collection report** – Attachment 12C (this item does not require board approval).

COUNTY MANAGER'S COMMENTS/RECOMMENDATION:

Attachments X Yes No

Agenda Item 12 (A) (B) and (C)

MACON COUNTY BUDGET AMENDMENT

August 23, 2018

AMENDMENT # 38

FROM: FINANCE

DEPARTMENT: SOCIAL SERVICES
EXPLANATION: Foster Care donation, daycare subsidy allowance

	DESCRIPTION	INCREASE	DECREASE
11-5314-5675-19	FOSTER CARE - GENERAL	\$ 500	
11-3561-4389-25	FOSTER CARE - GENERAL	\$ 500	
11-5314-5675-30	DAYCARE SUBSIDY	\$5,000	
11-3561-4389-30	DAYCARE SUBSIDY	\$5,000	

REQUESTED BY DEPARTMENT HEAD *[Signature]*

RECOMMENDED BY FINANCE OFFICER *[Signature]*

APPROVED BY COUNTY MANAGER _____

ACTION BY BOARD OF COMMISSIONERS *9/11/18 meeting*

APPROVED AND ENTERED ON MINUTES DATED _____

CLERK _____

MACON COUNTY BUDGET AMENDMENT
 AMENDMENT # _____

39

FROM: M. CHRIS STAHL

DEPARTMENT: SOLID WASTE

EXPLANATION: INSURANCE SETTLEMENT FROM A VEHICLE ACCIDENT AT
 THE HIGHLANDS ROAD CONVENIENCE CENTER. FENCE
 REPLACEMENT

ACCOUNT	DESCRIPTION	INCREASE	DECREASE
60 3839 485000	INSURANCE SETTLEMENT	5368.	
60 4715 556011	OPERATING	5368.	

REQUESTED BY DEPARTMENT HEAD *M. Chris Stahl*

RECOMMENDED BY FINANCE OFFICER *Heunsee*

APPROVED BY COUNTY MANAGER _____

ACTION BY BOARD OF COMMISSIONERS *9/11/18 meeting*

APPROVED AND ENTERED ON MINUTES DATED _____

CLERK _____

MACON COUNTY BUDGET AMENDMENT
 AMENDMENT # _____

FROM: M. CHRIS STAHL *40*

DEPARTMENT: SOLID WASTE
 EXPLANATION: FY 18-19, INSURANCE SETTLEMENT FROM HIGHLANDS RD CENTER
 VEHICLE ACCIDENT

ACCOUNT	DESCRIPTION	INCREASE	DECREASE
60 4715 556011	OPERATING	275	
60 3839 485000	INSURANCE SETTLEMENT	275	

REQUESTED BY DEPARTMENT HEAD *M. Chris Stahl*
 RECOMMENDED BY FINANCE OFFICER *Samuel*
 APPROVED BY COUNTY MANAGER _____
 ACTION BY BOARD OF COMMISSIONERS *9/11/18 meeting*
 APPROVED AND ENTERED ON MINUTES DATED _____
 CLERK _____

**MACON COUNTY BUDGET AMENDMENT
AMENDMENT # _____**

FROM: FINANCE *A1*

DEPARTMENT: TRANSIT

EXPLANATION: Appropriate insurance settlement funds received for Transit van

ACCOUNT	DESCRIPTION	INCREASE	DECREASE
11-3839-4850-00	Insurance Settlement	\$ 1,814.00	
11-4935-5565-03	Vehicle Repairs & Mainfance	\$ 1,814.00	

REQUESTED BY DEPARTMENT HEAD: Kim Angel

RECOMMENDED BY FINANCE OFFICER: *[Signature]*

APPROVED BY COUNTY MANAGER: _____

ACTION BY BOARD OF COMMISSIONERS: 9/11/18 meeting

APPROVED AND ENTERED ON MUNIS DATED: _____

CLERK: _____

MACON COUNTY BUDGET AMENDMENT
AMENDMENT # _____

42

DEPARTMENT: HEALTH

EXPLANATION: Need to roll unexpended grant money to current FY.

ACCOUNT	DESCRIPTION	INCREASE	DECREASE
115125-558901	Travel	90	
113511-426001	Tobacco Grant	90	

REQUESTED BY DEPARTMENT HEAD _____
[Signature]

RECOMMENDED BY FINANCE OFFICER _____
[Signature]

APPROVED BY COUNTY MANAGER _____

ACTION BY BOARD OF COMMISSIONERS _____
9/11/18 meeting

APPROVED AND ENTERED ON MINUTES DATED _____

CLERK _____

MACON COUNTY BUDGET AMENDMENT
AMENDMENT # _____

F419

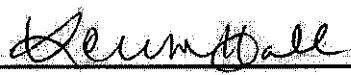
43

DEPARTMENT: HEALTH

EXPLANATION: Need to roll unexpended grant money to current FY.

ACCOUNT	DESCRIPTION	INCREASE	DECREASE
115128-565025	Lifestyle Change Strategies	725	
115128-565026	Community Clinic Linkage	345	
115128-565027	Health System Interventions	43	
115128-565028	Environmental Strategies	33	
113511-438560	1422 Grant Revenue Account	1146	

REQUESTED BY DEPARTMENT HEAD 

RECOMMENDED BY FINANCE OFFICER 

APPROVED BY COUNTY MANAGER _____

ACTION BY BOARD OF COMMISSIONERS 9/11/18 meeting

APPROVED AND ENTERED ON MINUTES DATED _____

CLERK _____

44

DEPARTMENT: HEALTH

Need to roll unexpended Evergreen Foundation Grant Money to current FY.

ACCOUNT	DESCRIPTION	INCREASE	DECREASE
113840-417900	Fund Balance Appropriated	\$ 8,767.00	
115168-565007	Evergreen Foundation Grant	\$ 8,767.00	

REQUESTED BY DEPARTMENT HEAD *[Signature]*

RECOMMENDED BY FINANCE OFFICER *[Signature]*

APPROVED BY COUNTY MANAGER _____

ACTION BY BOARD OF COMMISSIONERS 9/10/18 meeting

APPROVED AND ENTERED ON MINUTES DATED _____

CLERK _____

MACON COUNTY BUDGET AMENDMENT

45

AMENDMENT #

DEPARTMENT

Special Appropriations

EXPLANATION

Carryforward unexpended funds to new FY.

ACCOUNT		DESCRIPTION	INCREASE	DECREASE
119200	575071	CULLASAJA COMMUNITY ASSOCIATION	11,622	
113840	417900	FUND BALANCE APPROPRIATED	11,622	

REQUESTED BY DEPARTMENT HEAD

RECOMMENDED BY FINANCE OFFICER *[Signature]*

APPROVED BY COUNTY MANAGER

ACTION BY BOARD OF COMMISSIONERS *9/11/18 meeting*

APPROVED & ENTERED ON MINUTES DATED

CLERK

**Macon County Tax Office
5 West Main Street
Franklin, NC 28734**



**Phone: (828) 349-2149
Fax: (828) 349-2564
tmedowell@maconnc.org**

TO: MACON COUNTY COMMISSIONERS

**FROM: Macon County Tax Office
Teresa McDowell, Tax Collections Supervisor**

DATE: September 5, 2018

RE: Releases

Attached please find the report of releases for real estate that require your approval in order to continue with the process of releasing these amounts from the tax accounts. Please feel free to contact me if you should have any questions regarding these releases. The report of releases formatted in alphabetical order is attached.

AMOUNT OF RELEASES FOR AUGUST, 2018: \$9,075.88

Tax Collections
09/04/18

Detail Transactions by Group

RTC020303
Page 1

Group Number REL*18*08

Abatement

Effective Date 08/01/18

Seq Nbr	Date	Account Number	Taxbill Number	Tax Code	Transaction Amount	Levy Amount	Penalty Amount	Addl Chgs	Interest Amount	Discont Amount	Trn Cde	Check Number	Trans Rev Descriptn
8	08/15/18	93003	18A6517772925	G01 F09	208.17- 38.35-	208.17- 38.35-	0.00 0.00		0.00 0.00				
***		BALDWIN, SHIRLEY			246.52-	246.52-	0.00	0.00	0.00	0.00	R	CLERICA	
12	08/17/18	96058	18A96058.01	G01	1029.55-	1029.55-	0.00		0.00				
***		BRADSHAW KEITH J			1029.55-	1029.55-	0.00	0.00	0.00	0.00	R	CLERICA	
29	08/28/18	118133	18A6592994491	G01 F02	275.38- 60.36-	275.38- 60.36-	0.00 0.00		0.00 0.00				
***		BURKETT, HARTING T TR			335.74-	335.74-	0.00	0.00	0.00	0.00	R	CLERICA	
19	08/23/18	40399	18A40399.11	G01 F08 L01	7.77- 2.45- 95.00-	7.77- 2.45-	0.00 0.00 0.00		0.00 0.00 0.00				
***		CLARK, EDDIE			105.22-	10.22-	0.00	95.00-	0.00	0.00	R	CLERICA	
20	08/23/18	40399	17A40399.11	G01 F08 L01	7.49- 2.37- 95.00-	7.49- 2.37-	0.00 0.00 0.00		0.00 0.00 0.00				
***		CLARK, EDDIE			104.86-	9.86-	0.00	95.00-	0.00	0.00	R	CLERICA	
21	08/23/18	40399	16A40399.11	G01 F08 L01	8.89- 2.81- 95.00-	8.89- 2.81-	0.00 0.00 0.00		0.00 0.00 0.00				
***		CLARK, EDDIE			106.70-	11.70-	0.00	95.00-	0.00	0.00	R	CLERICA	
22	08/23/18	40399	15A40399.11	G01 F08 L01	9.54- 3.02- 72.00-	9.54- 3.02-	0.00 0.00 0.00		0.00 0.00 0.00				
***		CLARK, EDDIE			84.56-	12.56-	0.00	72.00-	0.00	0.00	R	CLERICA	
23	08/23/18	40399	14A40399.11	G01 F08 L01	8.00- 2.41- 72.00-	8.00- 2.41-	0.00 0.00 0.00		0.00 0.00 0.00				
***		CLARK, EDDIE			82.41-	10.41-	0.00	72.00-	0.00	0.00	R	CLERICA	
18	08/23/18	18458	18A6583689565	G01 F01	209.71- 32.75-	209.71- 32.75-	0.00 0.00		0.00 0.00				
***		COOK, LOUISE M			242.46-	242.46-	0.00	0.00	0.00	0.00	R	CLERICA	
4	08/02/18	141402	18A6593753486	G01	100.09-	100.09-	0.00		0.00				

Tax Collections
09/04/18

Detail Transactions by Group

RTC020303
Page 2

Group Number REL*18*08

Abatement

Effective Date 08/01/18

Seq Nbr	Date	Account Number	Taxbill Number	Tax Code	Transaction Amount	Levy Amount	Penalty Amount	Addl Chgs	Interest Amount	Discnt Amount	Trn Cde	Check Number	Trans Rev Descriptn
***			DUNCAN, FINLEY J.		122.03-	122.03-	0.00	0.00	0.00	0.00	R	CLERICA	
25	08/24/18	142165	18A142165.05	G01 F10	181.52- 5.62-	181.52- 5.62-	0.00 0.00		0.00 0.00				
***			E-Z-GO A DIVISION OF TEXTRON		187.14-	187.14-	0.00	0.00	0.00	0.00	R	CLERICA	
27	08/27/18	21499	18A6594074511	G01 F01 L02	1352.65- 211.23- 95.00-	1352.65- 211.23-	0.00 0.00 0.00	95.00-	0.00 0.00 0.00				
***			FRANKLIN CHAMBER OF COMMERCE		1658.88-	1563.88-	0.00	95.00-	0.00	0.00	R	CLERICA	
1	08/01/18	60263	18A7408595540	G01 F06	367.07- 51.11-	367.07- 51.11-	0.00 0.00		0.00 0.00				
***			HARMON, JACK C		418.18-	418.18-	0.00	0.00	0.00	0.00	R	CLERICA	
11	08/17/18	42094	18A42094.14	G01 F10 H01	174.58- 5.40- 82.00-	174.58- 5.40- 82.00-	0.00 0.00 0.00		0.00 0.00 0.00				
***			HIGHLANDS COUNTRY CLUB, INC		261.90-	261.90-	0.00	0.00	0.00	0.00	R	CLERICA	
13	08/20/18	95987	16A95987.05	G01 F10	111.95- 3.46-	111.95- 3.46-	0.00 0.00		0.00 0.00				
***			HIGHLANDS MEDICAL		115.41-	115.41-	0.00	0.00	0.00	0.00	R	CLERICA	
14	08/20/18	95987	17A95987.05	G01 F10	123.10- 3.80-	111.91- 3.45-	11.19- 0.35-		0.00 0.00				
***			HIGHLANDS MEDICAL		126.90-	115.36-	11.54-	0.00	0.00	0.00	R	CLERICA	
15	08/20/18	95987	18A95987.05	G01 F10	123.10- 3.80-	111.91- 3.45-	11.19- 0.35-		0.00 0.00				
***			HIGHLANDS MEDICAL		126.90-	115.36-	11.54-	0.00	0.00	0.00	R	CLERICA	
31	08/31/18	138950	18A7540427232	G01 F10 H01	834.98- 25.84- 392.37-	834.98- 25.84- 392.37-	0.00 0.00 0.00		0.00 0.00 0.00				
***			HIGHLANDS PERFORMING ARTS CTR		1253.19-	1253.19-	0.00	0.00	0.00	0.00	R	CLERICA	
26	08/24/18	119264	18A119264.08	G01 F05	5.20- 1.01-	5.20- 1.01-	0.00 0.00		0.00 0.00				
***			JOHNSON, NANCY SUE		6.21-	6.21-	0.00	0.00	0.00	0.00	R	CLERICA	

6	08/08/18	133547	18A7506707173	001	109.27-	109.27-	0.00	0.00
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Tax Collections
09/04/18

Detail Transactions by Group

RTC020303
Page 3

Group Number REL*18*08

Abatement

Effective Date 08/01/18

Seq Nbr	Date	Account Number	Taxbill Number	Tax Code	Transaction Amount	Levy Amount	Penalty Amount	Addl Chgs	Interest Amount	Discont Amount	Trn Cde	Check Number	Trans Rev Descriptn
				F01	17.06-	17.06-	0.00		0.00				
***		KOVAC, TERESA GAIL			126.33-	126.33-	0.00	0.00	0.00	0.00	R	CLERICA	
7	08/09/18	97365	18A97365.12	G01	3.87-	3.87-	0.00		0.00				
				F01	0.60-	0.60-	0.00		0.00				
				L01	95.00-		0.00	95.00-	0.00				
***		MCDANIEL, WAYNE			99.47-	4.47-	0.00	95.00-	0.00	0.00	R	CLERICA	
2	08/01/18	139157	18A139157.01	L02	95.00-		0.00	95.00-	0.00				
***		MEDVED, CATHY			95.00-	0.00	0.00	95.00-	0.00	0.00	R	CLERICA	
5	08/08/18	7472	18A7419279136	G01	168.20-	168.20-	0.00		0.00				
				F06	23.42-	23.42-	0.00		0.00				
***		MILLER, RICHARD & ALICE			191.62-	191.62-	0.00	0.00	0.00	0.00	R	CLERICA	
28	08/28/18	6310	18A6590109520	G01	172.09-	172.09-	0.00		0.00				
				F03	32.05-	32.05-	0.00		0.00				
***		NEWMAN, CARL E JR			204.14-	204.14-	0.00	0.00	0.00	0.00	R	CLERICA	
30	08/31/18	139660	18A7540419987	G01	756.14-	756.14-	0.00		0.00				
				F10	23.40-	23.40-	0.00		0.00				
				H01	355.32-	355.32-	0.00		0.00				
***		PERFORMING ARTS CENTER, INC.			1134.86-	1134.86-	0.00	0.00	0.00	0.00	R	CLERICA	
9	08/16/18	15583	18A6555779039	G01	333.81-	333.81-	0.00		0.00				
				F07	96.51-	96.51-	0.00		0.00				
***		RADECKI, JOSEPH J JR & MELISSA			430.32-	430.32-	0.00	0.00	0.00	0.00	R	CLERICA	
16	08/21/18	66628	18A66628.07	G01	15.36-	15.36-	0.00		0.00				
				F03	2.86-	2.86-	0.00		0.00				
***		STANLEY, ROBERT HUGH II			18.22-	18.22-	0.00	0.00	0.00	0.00	R	CLERICA	
17	08/21/18	104410	18A104410.06	G01	14.96-	14.96-	0.00		0.00				
				F06	2.08-	2.08-	0.00		0.00				
***		SUMNER, ROGER			17.04-	17.04-	0.00	0.00	0.00	0.00	R	CLERICA	
3	08/01/18	17064	18A17064.01	G01	12.28-	12.28-	0.00		0.00				
				F02	2.69-	2.69-	0.00		0.00				
***		NICE, DOUGLAS C & AUDREY L			14.97-	14.97-	0.00	0.00	0.00	0.00	R	CLERICA	

Tax Collections
09/04/18

Detail Transactions by Group

RTC020303
Page 4

Group Number REL*18*08

Abatement

Effective Date 08/01/18

Seq Nbr	Date	Account Number	Taxbill Number	Tax Code	Transaction Amount	Levy Amount	Penalty Amount	Addl Chgs	Interest Amount	Discont Amount	Trn Cde	Check Number	Trans Rev Descriptn
				F01	4.05-	4.05-	0.00		0.00				
***		WNC LONGTERM CARE INC			30.01-	30.01-	0.00	0.00	0.00	0.00	R	CLERICA	
24	08/23/18	54415	18A54415.07	G01	3.49-	3.49-	0.00		0.00				
				F03	0.65-	0.65-	0.00		0.00				
				L01	95.00-		0.00	95.00-	0.00				
***		WOOD, GLENDA DIANNE			99.14-	4.14-	0.00	95.00-	0.00	0.00	R	CLERICA	

Tax Code Totals

F01*18- FR FIRE	265.69-	265.69-	0.00	0.00	0.00	0.00
F02*18- CL CH FR	84.99-	84.99-	0.00	0.00	0.00	0.00
F03*18- OTTO FR	35.56-	35.56-	0.00	0.00	0.00	0.00
F05*18- WM FIRE	1.01-	1.01-	0.00	0.00	0.00	0.00
F06*18- SCALY FR	76.61-	76.61-	0.00	0.00	0.00	0.00
F07*18- BT FIRE	96.51-	96.51-	0.00	0.00	0.00	0.00
F08*14- COWEE FR	2.41-	2.41-	0.00	0.00	0.00	0.00
F08*15- COWEE FR	3.02-	3.02-	0.00	0.00	0.00	0.00
F08*16- COWEE FR	2.81-	2.81-	0.00	0.00	0.00	0.00
F08*17- COWEE FR	2.37-	2.37-	0.00	0.00	0.00	0.00
F08*18- COWEE FR	2.45-	2.45-	0.00	0.00	0.00	0.00
F09*18- NANT FR	38.35-	38.35-	0.00	0.00	0.00	0.00
F10*16- HLDS FR	3.46-	3.46-	0.00	0.00	0.00	0.00
F10*17- HLDS FR	3.80-	3.45-	0.35-	0.00	0.00	0.00
F10*18- HLDS FR	64.06-	63.71-	0.35-	0.00	0.00	0.00
G01*14- GEN TAX	8.00-	8.00-	0.00	0.00	0.00	0.00
G01*15- GEN TAX	9.54-	9.54-	0.00	0.00	0.00	0.00
G01*16- GEN TAX	120.84-	120.84-	0.00	0.00	0.00	0.00
G01*17- GEN TAX	130.59-	119.40-	11.19-	0.00	0.00	0.00
G01*18- GEN TAX	6485.12-	6473.93-	11.19-	0.00	0.00	0.00
H01*18- HLD CITY	829.69-	829.69-	0.00	0.00	0.00	0.00
L01*14- RES FEE	72.00-	0.00	0.00	72.00-	0.00	0.00
L01*15- RES FEE	72.00-	0.00	0.00	72.00-	0.00	0.00
L01*16- RES FEE	95.00-	0.00	0.00	95.00-	0.00	0.00
L01*17- RES FEE	95.00-	0.00	0.00	95.00-	0.00	0.00
L01*18- RES FEE	285.00-	0.00	0.00	285.00-	0.00	0.00
L02*18- COM FEE	190.00-	0.00	0.00	190.00-	0.00	0.00

Total for Group REL*18*08 **9075.88-** 8243.80- 23.08-809.00- 0.00 0.00

***** Totals By Tax Cycle *****
Cycle Current Delinquent

A 8455.04- 620.84-

MACON COUNTY MONTHLY
AD VALOREM TAX COLLECTIONS REPORT

Aug-18

Month to Date	Beginning Balance	Levy Added	Less Releases	Less Write-Offs	Equals Adj Levy	Gross Payments	Less Refunds	Misc Dr/Cr	Net Payments	Outstanding Balance
General Tax	23803042.02	0	-17976.49	-15.19	23785050.34	-6266482.63	6119.05	679.01	-6259684.57	17525365.77
Fire Districts	2865801.4	0	-2834.1	-2.53	2862964.77	-647284.6	0	100.9	-647183.7	2215781.07
Landfill User Fee	2295660.82	32680	-475	-3.03	2327862.79	-526920.45	0	190	-526730.45	1801132.34
Totals	28964504.24	32680	-21285.59	-20.75	28975877.9	-7440687.68	6119.05	969.91	-7433598.72	21542279.18

Year to Date	Beginning Balance	Levy Added	Less Releases	Less Write-Offs	Equals Adj Levy	Gross Payments	Less Refunds	Misc Dr/Cr	Net Payments	Outstanding Balance	Collection Percentage
General Tax	0	26551977	-17976.49	-1164	26532836.99	-9018393.51	9524.5	1397.79	-9007471.22	17525365.77	33.95
Fire Districts	0	3156365.5	-2834.1	-176.29	3153355.15	-937709.76	0	135.68	-937574.08	2215781.07	29.73
Landfill User Fee	0	2553410	-475	-4.06	2552930.94	-752083.6	0	285	-751798.6	1801132.34	29.45
Totals	0	32261753	-21285.59	-1344.35	32239123.08	-10708186.87	9524.5	1818.47	-10696843.9	21542279.18	33.18

33.95% COLLECTED ON 2018 COUNTY GENERAL TAXES, LATE LISTING
PENALTY, DISCOVERIES AND DEFERRED TAXES AS OF 8/31/2018 AS
COMPARED TO 32.33% COLLECTED ON 2017 TAXES AS OF 8/31/2017



**MACON COUNTY
PLANNING PERMITTING & DEVELOPMENT**

1834 Lakeside Dr.
Franklin, N.C. 28734 Phone: 828-349-2072

**NOTICE OF VIOLATIONS
OF THE FLOOD ORDINANCE OF MACON COUNTY**

Date: 7/19/2018

RE: SFHA Activity
Property Identification
#6578268146

William F. Thomas
514 Americas Way, #6075
Box Elder SD 57719

Return Receipt #
7005 0390 0005 3212 7385

Mr. Thomas,

On 7/19/2018 personnel of this office inspected your property located at 82 Woodchuck Ln pin#6578268146. This inspection was in response to a complaint received by the Macon County Planning Department stating that fill dirt and gravel for new driveway had been placed in the **Special Flood Hazard Area** as determined by FEMA (see enclosed).

Upon visiting site personnel from this office determined that fill and gravel have been added to **SFHA** (see enclosed).

Here is a link to Macon County's Flood Ordinance

<http://www.maconnc.org/images/planning/Ordinances/Macon%20County%20Flood%20Ordinance-as%20amended.pdf>

If you do not have access to this online please come by Macon County's Planning Department located at 1834 Lakeside Dr. Franklin, NC and one will be provided for you.

Article 3. Section C. of this ordinance establishes that a permit shall be obtained before any activity can commence. Permit Applications can be obtained from this office.

Article 3. Section D. requires compliance with this ordinance.

Article 3. Section H. establishes penalties for violations of this ordinance.

Article 5. Section A.(17) prohibits placement of fill in any SFHA in Macon County

Article 5. Section F. specifically states that no fill shall be placed in the Floodway or Non-Encroachment Area

Mr. Thomas it appears that you are in violation of the Flood Ordinance of Macon County by:

- 1) Failing to obtain a permit before undertaking fill activity. (At which time you would have been notified fill was not allowed in the SFHA)
- 2) Placing fill in an area prohibited by this ordinance

In order to be in compliance of this ordinance you will need to:

- 1) Remove all fill dirt and gravel that has been placed on the referenced property that is within the SFHA within 30 days of the date on this letter. Failure to comply will result in penalties as set forth in Section H of Macon County's Flood Ordinance.

Please be advised that if you fail to take prompt corrective action to remedy these violations, any action necessary to ensure compliance with this ordinance will be taken by Macon County.

Sincerely,

Joe Allen
Assistant Planner, Macon County
(828) 349-2518
jalien@maconnc.org

MACON COUNTY

County Home Page (<http://www.maconnc.org/>) | Macon County Tax (<http://gis2.maconnc.org/lightmap/default.aspx>) | Mobile (<http://gis2.maconnc.org/lightmap/>) (<http://www.maconnc.org/index.html>)



Layers Search Results

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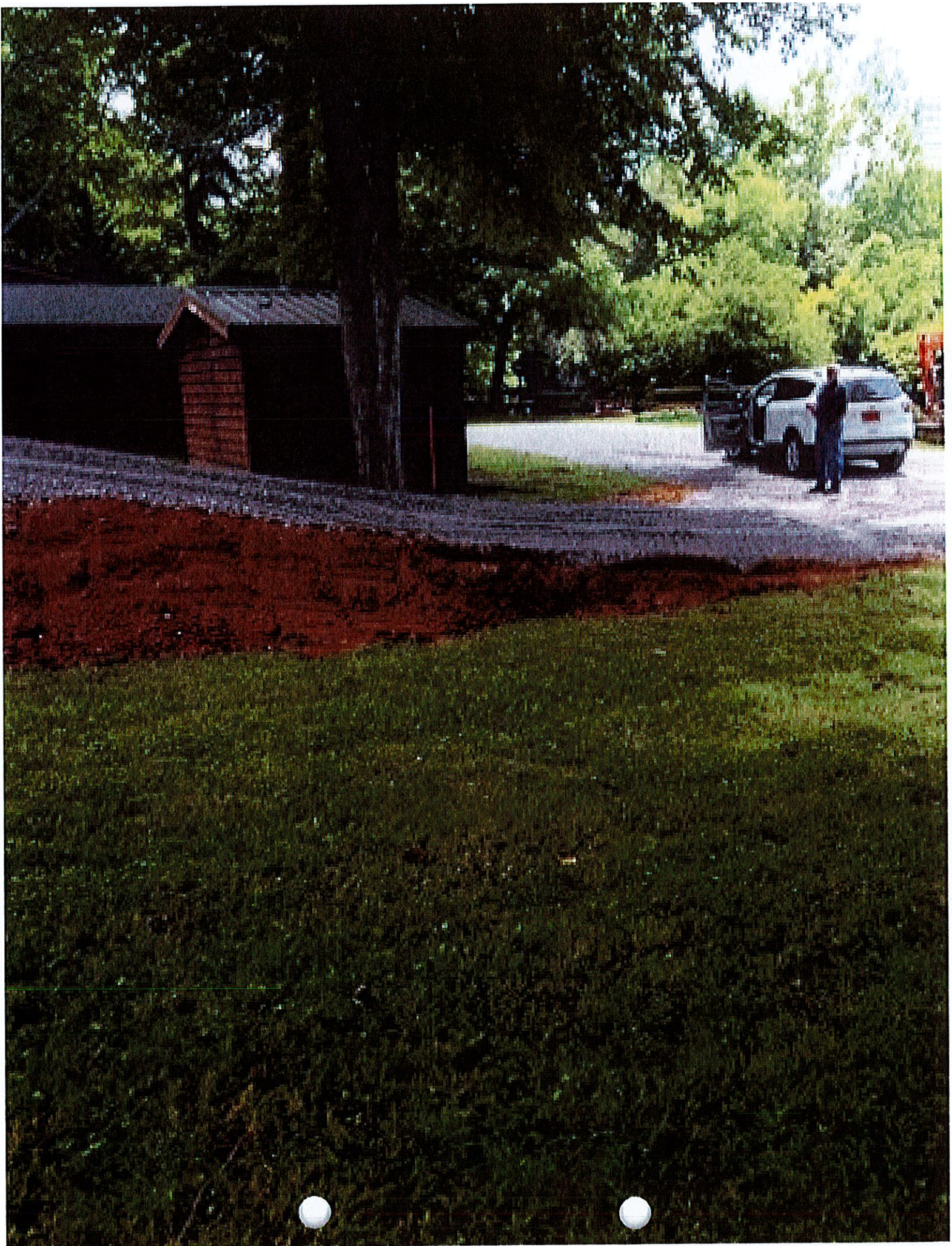
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Mr. Jack Morgan, Floodplain Administer

Mr. Derek Roland, Clerk Macon County Board of Commissioners

July 27, 2018

Dear Sirs:

Please consider this letter as our request for an appeal of the decision of July 19, 2018 requiring the removal of all fill dirt used in the construction of a new driveway on our property.

Please advise us on our next steps in this process.

Thank You.

Sincerely;

A handwritten signature in black ink, appearing to read 'W. Thomas', with a long horizontal line extending to the right.

William Thomas

Macon County Board Of Commissioners

Franklin, NC 28734

Dear Commissioners:

We have been issued a citation for the violation of adding fill dirt for the construction of a driveway in the flood plain. We hereby request an exemption to the ordinance based on the following allowances for exemptions listed in section E article 4 of the requirements.

Under Article 4A there would be no danger to other persons or property from the construction of the driveway. There are no residences down stream from the construction. The property is adjacent to State of North Carolina public greenbelt land.

Article 4B. The only danger to life and property from this development is to the owners.

Article 4C. The proposed driveway in no way increases the possibility of flood damage to our property. The direction of the river flow would impact the owners (our) house and garage before coming into contact with the driveway. No other properties are in danger from the proposed development other than our own.

Article 4D. This is not applicable.

Article 4E. This is not applicable.

Article 4F. There is no other location not subject to flooding on the property and no other practical location for placement of the driveway. The reason for the construction of the driveway is to provide a safe access and egress from the property in times of flooding. The only current access to the property is in an area that is first to flood and is highly susceptible to flooding in cases of even small amounts of water. The proposed driveway would be much slower and less likely to flood and would allow time for occupants to safely leave the property. In addition as a private driveway vehicles could be located strategically on the driveway for quick exit. This is not possible with the current property access because it is part of a shared roadway with 3 other houses upstream from our property.

Article 4G. This is not applicable.

Article 4H. The proposed use of the driveway is not a detriment to the comprehensive floodplain management plan.

Article 4I. The proposed driveway would provide improved access and safety for emergency responders such as EMS or the Cowee Fire District in the event of a flood. Using the current access to the property occupants could potentially have to be removed by boat, a much less safe method for emergency personnel.

Article 4J. This is not applicable.

Article 4K. There would be no additional costs to Governmental services because of this development in the event of a flood.

Article 6. The owners would be amenable to certain conditions, such as culverts if needed, to satisfy the Board for this exemption

Article 9A. This modification will not violate other regulations.

Article 9C. This exception is the minimum that can be done to address the concerns listed in Article 4

Article 9E. The necessity of the driveway is to correct a dangerous situation not caused by the owner and should be a benefit to public safety.

Thank You.

A handwritten signature in black ink, appearing to read 'W & K Thomas', with a long horizontal flourish extending to the right.

William and Kay Thomas

82 Woodchuck Lane

Franklin, NC 28734

or local law may also be revoked.

- (17) Make periodic inspections throughout the Special Flood Hazard Areas within the jurisdiction of the community. The Floodplain Administrator and each member of his or her inspections department shall have a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action.
- (18) Follow through with corrective procedures of Article 4, Section D.
- (19) Review, provide input, and make recommendations regarding requests for exceptions.
- (20) Maintain a current map repository to include, but not limited to, the FIS Report, FIRM and other official flood maps and studies adopted in accordance with Article 3, Section B of this ordinance, including any revisions thereto including Letters of Map Change, issued by FEMA. Notify State and FEMA of mapping needs.
- (21) Coordinate revisions to FIS reports and FIRMs, including Letters of Map Revision Based on Fill (LOMR-F) and Letters of Map Revision (LOMR).

SECTION D. CORRECTIVE PROCEDURES.

- (1) **Violations to be Corrected:** When the Floodplain Administrator finds violations of applicable State and local laws, it shall be his or her duty to notify the owner or occupant of the building of the violation. The owner or occupant shall immediately remedy each of the violations of law cited in such notification.
- (2) **Actions in Event of Failure to Take Corrective Action:** If the owner of a building or property shall fail to take prompt corrective action, the Floodplain Administrator shall give the owner written notice, by certified or registered mail to the owner's last known address or by personal service, stating:
 - (a) that the building or property is in violation of the floodplain management regulations;
 - (b) that a hearing will be held before the Floodplain Administrator at a designated place and time, not later than ten (10) days after the date of the notice, at which time the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and
 - (c) that following the hearing, the Floodplain Administrator may issue an order to alter, vacate, or demolish the building; or to remove fill as applicable.
- (3) **Order to Take Corrective Action:** If, upon a hearing held pursuant to the notice prescribed above, the Floodplain Administrator shall find that the building or development is in violation of the Flood Damage Prevention Ordinance, they shall issue an order in writing to the owner, requiring the owner to remedy the violation within a specified time period, not less than sixty (60) calendar days, nor more than 180 calendar days. Where the Floodplain Administrator finds that there is imminent danger to life or other property, they may order that corrective action be taken in such lesser period as may be feasible.
- (4) **Appeal:** Any owner who has received an order to take corrective action may appeal the order to the Local Governing Board by giving notice of appeal in writing to the Floodplain Administrator and the clerk within ten (10) days following issuance of the final order. In the absence of an appeal, the order of the Floodplain Administrator shall be final. The local governing body shall hear an appeal within a reasonable time and may affirm, modify and affirm, or revoke the order.
- (5) **Failure to Comply with Order:** If the owner of a building or property fails to comply with an order to take corrective action for which no appeal has been made or fails to comply with an order of the governing body following an appeal, the owner shall be guilty of a misdemeanor and shall be punished at the discretion of the court.

SECTION E. PROCEDURES FOR DETERMINING EXCEPTIONS TO THE REQUIREMENTS.

- (1) The Local Governing Board, hereinafter referred to as the "appeal board", shall hear and decide requests for exceptions to the requirements of this ordinance.

- (2) Any person aggrieved by the decision of the appeal board may appeal such decision to the Court, as provided in Chapter 7A of the North Carolina General Statutes.
- (3) Exceptions to the requirements may be issued for:
 - (a) the repair or rehabilitation of historic structures upon the determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and that the exception is the minimum necessary to preserve the historic character and design of the structure;
 - (b) functionally dependent facilities if determined to meet the definition as stated in Article 2 of this ordinance, provided provisions of Article 4, Section E(9)(b), (c), and (e) have been satisfied, and such facilities are protected by methods that minimize flood damages during the base flood and create no additional threats to public safety; or
 - (c) any other type of development, provided it meets the requirements of this Section.
- (4) In passing upon requests for exceptions, the appeal board shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and:
 - (a) the danger that materials may be swept onto other lands to the injury of others;
 - (b) the danger to life and property due to flooding or erosion damage;
 - (c) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - (d) the importance of the services provided by the proposed facility to the community;
 - (e) the necessity to the facility of a waterfront location as defined under Article 2 of this ordinance as a functionally dependent facility, where applicable;
 - (f) the availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
 - (g) the compatibility of the proposed use with existing and anticipated development;
 - (h) the relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 - (i) the safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (j) the expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
 - (k) the costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.
- (5) A written report addressing each of the above factors shall be submitted with the application for an exception.
- (6) Upon consideration of the factors listed above and the purposes of this ordinance, the appeal board may attach such conditions to the allowance of exceptions as it deems necessary to further the purposes and objectives of this ordinance.
- (7) Any applicant to whom an exception is allowed shall be given written notice specifying the difference between the Base Flood Elevation (BFE) and the elevation to which the structure is to be built and that such construction below the Base Flood Elevation increases risks to life and property, and that the issuance of an exception to construct a structure below the Base Flood Elevation will result in increased premium rates for flood insurance up to \$25 per \$100 of insurance coverage. Such notification shall be maintained with a record of all such exceptions, including justification for their issuance.

- (8) The Floodplain Administrator shall maintain the records of all appeal actions and report any actions to the Federal Emergency Management Agency and the State of North Carolina upon request.
- (9) Conditions for Exceptions:
 - (a) Exceptions shall not be issued when the modification will make the structure in violation of other Federal, State, or local laws, regulations, or ordinances.
 - (b) Exceptions shall not be allowed within any designated floodway or non-encroachment area.
 - (c) Exceptions shall only be issued upon a determination that the modification is the minimum necessary, considering the flood hazard, to afford relief.
 - (d) Exceptions shall only be issued prior to development permit approval.
 - (e) Exceptions shall only be issued upon:
 - (i) a showing of good and sufficient cause;
 - (ii) a determination that failure to grant the exceptions would result in unusual hardship to the owner of the property that was not caused, in whole or in major part, by the property owner; and
 - (iii) a determination that the granting of an exception will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

ARTICLE 5. PROVISIONS FOR FLOOD HAZARD REDUCTION.

SECTION A. GENERAL STANDARDS.

In all Special Flood Hazard Areas the following provisions are required:

- (1) All new construction and substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse, and lateral movement of the structure.
- (2) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- (3) All new construction and substantial improvements shall be constructed by methods and practices that minimize flood damages.
- (4) Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding to the Regulatory Flood Protection Elevation. These include, but are not limited to, HVAC equipment, water softener units, bath/kitchen fixtures, ductwork, electric/gas meter panels/boxes, utility/cable boxes, hot water heaters, and electric outlets/switches.
- (5) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
- (6) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into flood waters.
- (7) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
- (8) Any alteration, repair, reconstruction, or improvements to a structure, which is in compliance with the provisions of this ordinance, shall meet the requirements of "new construction" as contained in this ordinance.



MACON COUNTY

County Home Page (<http://www.maconnc.org/>) | Macon County Tax (<http://gis2.maconnc.org/lightmap/default.aspx>) | Mobile (<http://gis2.maconnc.org/lightmap/>) (<http://www.maconnc.org/index.html>)



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