

**MACON COUNTY BOARD OF COMMISSIONERS
MARCH 10, 2015
MINUTES**

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

ANNOUNCEMENTS: Those in attendance watched a video from the North Carolina Association of County Commissioners (NCACC) that provided an update on recent NCACC activities.

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

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

PUBLIC COMMENT: **Richard Lightner**, the county's tax administrator, gave the board a brief update on the ongoing revaluation process, explaining that the initial appeals should be wrapped up within the next four weeks. He also told the board that specific information in regard to those appeals is not made public, despite what the board members may hear "on the street." Mr. Lightner answered questions from the board regarding the number of appeals and the process for adjustments, and again noted the need to return to a four-year reappraisal cycle. **Curtis Dowdle** with Southwestern Community College invited the board members to attend the April 8th meeting of the Macon County Fire and Rescue Commission at which Wayne Goodwin, the state Fire Marshal, would be the guest speaker. **Ashley Welch**, the new District Attorney for the state's 30th Judicial District, expressed her thanks to the board for allowing her to have an office in the courthouse. She explained that she had reallocated the resources of the office so that two of her assistant district attorneys are stationed here, and that at least one of them would be in Macon County every day. Mrs. Welch thanked the board for making the transition of the DA's office

from Haywood County to Macon County “so easy,” and praised the County Manager for his effort.

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

- To add discussion at the end of Item 8E (Presentation of the proposed Noise Ordinance) under Reports/Presentations for discussion regarding the next steps or projects for the Macon County Planning Board, per the County Manager.
- To add consideration of funding for a weatherization program under New Business as Item 10G, per the Finance Director, and to add the accompanying Budget Amendment (#135) under the Consent Agenda within Item 11B.
- To hold a brief closed session immediately after Items 9A (Approval of recommended site for landfill expansion) and 9B (Presentation of due diligence findings) have been completed, per the County Attorney.
- To add discussion of a QZAB funding request from Macon County Schools under New Business as Item 10H, per Commissioner Beale.

PRESENTATION TO PAUL CARLSON: Chairman Corbin recognized Paul Carlson, the founding executive director of the Land Trust for the Little Tennessee (LTLT), who served in that capacity for 17 years before stepping down at the end of 2014. Commissioner Beale and Commissioner Higdon presented gifts to Mr. Carlson on behalf of the board. Commissioner Beale called Mr. Carlson “a true visionary,” noting his efforts to preserve miles of streambank along the Little Tennessee as work that will “continue long after everyone in this room is gone,” and later added, “We appreciate what you’ve done.” Mr. Carlson’s role with the LTLT will continue as a part-time “Senior Advisor.”

BUOY LOCATION AND NO-WAKE ZONE ON NANTAHALA LAKE: Daniel Lopp addressed the board regarding the possible relocation of a buoy on Nantahala Lake and making an entire cove on the lake a no-wake zone. Mr. Lopp advocated relocating the buoy near the Lakes End Grill and Marina, and making the cove at this location the no-wake zone, saying it would be the safest place in the community to go swimming. He noted that a public hearing on the no-wake zone will be upcoming. Commissioner Beale recognized Jack Morgan, the county’s Director of Planning, Permitting and Development, who explained that the board of commissioners would need to be willing to move forward with the proposal, and that the process would likely take 12 to 18 months to complete. Upon a motion by Commissioner Beale, seconded by Commissioner

Higdon, the board voted unanimously to authorize Mr. Morgan to move forward with the process of relocating the buoy and the establishment of the no-wake zone in the area discussed.

PROCLAMATION REGARDING COLON CANCER AWARENESS MONTH:

Michelle Brooks asked the board to consider declaring March 2015 as Colon Cancer Awareness Month in Macon County. Ms. Brooks read a letter to the board, pointing out that passage of the proclamation would help the Future Business Leaders of America (FBLA) club at Franklin High School bring greater awareness to the disease. Commissioner Beale said the concert in Franklin on March 7th featuring country artist Wade Hayes raised more than \$14,000, noting that Mr. Hayes is a Stage 4 colon cancer survivor. Those in attendance watched a brief video on the topic featuring the Franklin High FBLA club, and also heard comments from Lynn Wright, the county's assistant information technology director and a colon cancer survivor. Upon a motion by Commissioner Shields, seconded by Commissioner Tate, the board voted unanimously to adopt a proclamation declaring March 2015 as Colon Cancer Awareness Month in Macon County. A copy of the proclamation is attached (Attachment 1) and is hereby made a part of these minutes.

COOPERATIVE EXTENSION PROGRAM IMPACT REPORT: Alan Durden, the county's extension director, presented the board with copies of the 2015 Macon County Cooperative Extension Program Impact Report. Mr. Durden shared a number of the program's accomplishments from the report's executive summary, a copy of which is attached (Attachment 2) and is hereby made a part of these minutes. Mr. Durden thanked the board for its support, and along with Commissioner Beale, pointed out that the extension service in Macon had weathered the program changes that took place statewide better than others. Commissioner Shields had questions about the continuation of the service's archery program if the old Cullasaja School was no longer available, and Mr. Durden responded that the program would continue as extension has its own range.

PRESENTATION OF PROPOSED NUISANCE ORDINANCE: County Planner Matt Mason and Chris Haners, the chairman of the Macon County Planning Board, presented the commissioners with the proposed Macon County Nuisance Ordinance as recommended by the members of the planning board. Mr. Mason said the proposed ordinance "achieved the goals" that the commissioners requested, adding that it was an "evolving document." Mr. Mason thanked the County Attorney for his assistance in the preparation of the ordinance, and specifically directed the board to the ordinance definition of a "loud, unnecessary and disturbing noise," as this type of noise is "intentionally created." He went on to note that any such noise, per the ordinance, must be caused by a person, and then reviewed the list of exemptions to the ordinance.

A discussion ensued regarding holding a public hearing on the proposed ordinance, and upon a motion by Commissioner Shields, seconded by Commissioner Beale, the board voted unanimously to hold a public hearing on the proposed Macon County Nuisance Ordinance on March 31, 2015 at 6 p.m. in the commission boardroom. Discussion then turned to a joint meeting with the members of the planning board, as Jack Morgan pointed out that the planning board needs direction from the commission as to its next task. After discussing a number of possible dates, the commissioners agreed to meet with members of the planning board on March 31st following the public hearing to discuss the board's next assignments.

HIGHLANDS TRACK AND SOFTBALL FIELD RENOVATION: Following some background information from Commissioner Tate, Hank Ross presented a PowerPoint presentation regarding the proposed renovation of the track and softball field at Highlands High School. Mr. Ross, a landscape architect and a former Town of Highlands Commissioner, explained that the school facility was "very much in need of improvements." Mr. Ross said the site has drainage problems, and showed pictures of a track in disrepair and a scoreboard in need of replacement. He said the plan is to "remove everything," and the budget estimates for the improvements total \$259,100. Donations of construction management, design and drawings, landscape construction and sodding, equipment and additional landscaping and signage bring the project total to \$401,100. Mr. Ross told the board that he was requesting \$93,000 in county funding for the project. Commission Tate described the project as a "dire need," noting that the current softball field is not regulation size and that the site is at the entrance to Highlands School. He pointed out the \$150,000 donation from the A.L. Williams, Jr. Family Foundation, adding that the county "ought to be involved." Following further discussion, the board agreed to defer the matter until its March 31st continuation meeting; however, there was a general consensus among the board members to support the project.

QZAB FUNDING: The board members received a letter from Macon County Schools Superintendent Dr. Chris Baldwin requesting that the county apply for QZAB funding in the amount of \$2,732,067, which includes \$1,441,491 for Union Academy and \$1,290,576 for Highlands High School. A copy of the letter is attached **(Attachment 3)** and is hereby made a part of these minutes. Commissioner Beale urged the board to "get moving" on the process due to time constraints, and the County Manager reminded the board of items such as additional funding for county employee health insurance that must be funded in the upcoming budget. This led to a discussion regarding the QZAB process as well as the county budget. The County Attorney suggested that the board consider approval of making application for QZAB funds in an amount not to exceed \$2.8 million, upon which Commissioner Shields made a motion to approve, seconded by Commissioner Beale. This was followed by a

discussion regarding the details of the renovations to the schools, and the Finance Director suggested that the board “aim high” in terms of the funding amount. Commissioner Shields amended his motion to change the total to an amount not to exceed \$3 million, and Commissioner Beale agreed to amend his second to the motion. The board voted unanimously to approve the motion as amended, although Commissioner Shields stated he remains “nervous about the timeline.”

SCHOOLS REQUEST REGARDING USE OF SUPPLEMENTAL FUNDS: Upon a motion by Commissioner Beale, seconded by Commissioner Shields, the board voted unanimously to approve a request from Macon County Schools to use the \$10,239.29 remaining in the system’s supplements budget to give principals and assistant principals a two-percent supplement.

Chairman Corbin declared a recess at 7:57 p.m.

Chairman Corbin called the meeting back to order at 8:10 p.m.

APPROVAL OF RECOMMENDED SITE FOR LANDFILL EXPANSION: Solid Waste Director Chris Stahl requested that the board approve the recommended site – designated as Site A/16/17 in the Alternative Site Analysis – for the expansion of the county’s municipal solid waste landfill, as presented to the board at the February 10, 2015 public hearing. Mr. Stahl noted that this will likely be the last landfill to be built in the county, and told the board there is “no reason not to select the recommended site.” Commissioner Higdon, stating, “We’ve got to do it,” made a motion to approve and select the recommended site as presented. Commissioner Shields seconded the motion, which was unanimously approved. A copy of the Macon County Municipal Solid Waste Landfill Alternative Site Analysis is attached (Attachment 4) and is hereby made a part of these minutes.

PRESENTATION OF DUE DILIGENCE FINDINGS: Following review of the due diligence analyses of the Dalton and Burling properties, Mr. Stahl recommended that the board move forward with the purchase options on those two tracts of land, which represent Site 16 and Site 17, respectively, in the Alternative Site Analysis. He pointed out that the deadline for the due diligence process was March 24th, and presented the board with a “Summary of Due Diligence Findings,” a copy of which is attached (Attachment 5) and is hereby made a part of these minutes. A lengthy discussion followed. Prior to taking action on the recommendation, the County Attorney advised the board of the need to go into closed session in order to preserve the attorney-client privilege. Upon a motion by Commissioner Beale, seconded by Commissioner Tate, the board voted unanimously to go into closed session at 8:28 p.m. as allowed under NCGS 143-318.11(3). Upon a motion by Commissioner Beale, seconded

by Commissioner Tate, the board voted unanimously to come out of closed session and return to open session at 8:39 p.m. Upon a motion by Commissioner Higdon, seconded by Commissioner Shields, the board then voted unanimously to close on the Dalton and Burling properties and to move forward with the proper execution of the documents associated with those purchases.

LEASE WITH DALTONS: The County Attorney presented and recommended to the board a “Resolution of the Macon County Board of County Commissioners Declaring Property to be Surplus and Approving a One-Year Lease and License Agreement of the Same by Macon County to Charles T. Dalton and Wife, Wendy L. Dalton.” By this agreement, the county will lease back to the Daltons for one year the property that it just purchased from them for expansion of the landfill. A copy of the resolution is attached (Attachment 6) and is hereby made a part of these minutes.

DESIGNATION OF APPLICANT’S AGENT: The County Attorney reviewed the resolution regarding “Designation of Applicant’s Agent,” which, for the purposes of a grant for the Regional Hazard Mitigation Plan, designates Emergency Services Director Warren Cabe as the “primary agent” and the County Manager as the “secondary agent.” Upon a motion by Commissioner Tate, seconded by Commissioner Beale, the board voted unanimously to approve the resolution as presented, a copy of which is attached (Attachment 7) and is hereby made a part of these minutes.

RENEWAL OF LEASE WITH DRAWBRIDGE SECURE NETWORK SOLUTIONS: Economic Development Director Tommy Jenkins requested that the board renew a lease with Drawbridge Secure Network Solutions for one year for 900 square feet of space in the county’s Business Development Center at a new monthly rent of \$175.50. Mr. Jenkins pointed out that this would be the firm’s third and final year in the facility. Upon a motion by Commissioner Tate, seconded by Commissioner Higdon, the board voted unanimously to approve a “Resolution of the Macon County Board of County Commissioners Declaring Property to be Surplus and Approving a One-Year Lease of the Same by Macon County to Drawbridge Secure Network Solutions, LLC.” A copy of the resolution (Attachment 8) and the lease (Attachment 9) are attached and are hereby made a part of these minutes.

AUDIT CONTRACT FOR FISCAL YEAR 2014-15: The Finance Director recommended that the board approve a “Contract to Audit Accounts” from Martin Starnes & Associates for the 2014-15 fiscal year at a total cost of \$63,250. Upon a motion by Commissioner Beale, seconded by Commissioner Shields, the board voted unanimously to approve the contract as presented, a copy of which is attached (Attachment 10) and is hereby made a part of these

minutes. Commissioner Tate questioned getting bids for the audit, and the Finance Director noted that the county is not required to bid for this service.

ATTORNEY ACCESS PROCEDURE FOR COURTHOUSE FOURTH FLOOR:

The County Attorney told the board that Superior Court Judge Bill Coward had contacted him regarding security concerns for attorneys leaving the courtroom on the fourth floor of the courthouse following cases with a contentious outcome, and who sometimes found themselves sharing a ride in the elevator with the party they had just won a case against in court. The idea of granting security badges to those attorneys so that they could use the fourth floor stairwell was discussed with Clerk of Superior Court Vic Perry and county Information Technology Director Andy Muncey. The County Attorney then drafted a set of rules and procedures regarding access to the stairwell, and he said that all of the parties involved agreed to those rules and procedures. Upon a motion by Commissioner Higdon, seconded by Commissioner Tate, the board voted unanimously to approve the “Rules and Procedures for Duly Licensed Attorneys to use Stairwell Access to and from the 4th Floor of the Macon County Courthouse.” A copy of the document is attached (Attachment 11) and is hereby made a part of these minutes.

MACON COUNTY SHERIFF’S DEPARTMENT MUTUAL AID AGREEMENT:

The County Attorney explained that he had drafted a document that would allow Sheriff Robert Holland to enter into an agreement with “sister agencies” to call upon and receive temporary assistance from those agencies as needed. However, the board must pass a resolution authorizing the sheriff to enter into this form of an agreement. Following some questions regarding possible Workers Compensation issues, and upon a motion by Commissioner Beale, seconded by Commissioner Tate, the board voted unanimously to approve a “Resolution Adopting a Policy for Mutual Assistance with Other Law Enforcement Agencies,” a copy of which is attached (Attachment 12) and is hereby made a part of these minutes.

ADDITIONAL WEATHERIZATION GRANT FUNDS: The Finance Director explained that additional grant funds in the amount of \$109,705 for the county Housing Department’s Weatherization program had become available and requested that the board receive the funds and amend the contract to reflect a new total amount of \$266,322. Upon a motion by Commissioner Beale, seconded by Commissioner Higdon, the board voted unanimously to approve the request as presented, with the proper budget amendment to be approved as part of the upcoming Consent Agenda.

CONSENT AGENDA: Upon a motion by Commissioner Tate, seconded by Commissioner Beale, the following items on the consent agenda were approved unanimously: **Minutes** – Approved the minutes from the February 10, 2015

regular meeting. **Budget amendments** – Approved the following budget amendments: #127 for Macon County Public Health to allocate Medicaid cost settlement revenue in the amount of \$146,608; #128 for Macon County Public Health to allocate \$6,993 in funding from the Community Foundation of WNC to help pay for Community Transformation Grant staffing; #135 for the Housing Department to appropriate additional grant funds in the amount of \$109,705 for the weatherization program (Revisions with corresponding numbers attached). **Tax releases** – Approved tax releases in the amount of \$6,070.75 (A computer printout of releases is on file in the Tax Department and the County Manager’s office). **Monthly ad valorem tax collection report** – No action necessary.

APPOINTMENTS: Chairman Corbin informed the board of the resignation of Harvey Fouts from the Macon County Heritage Center board, effective March 15, 2015. Commissioner Beale thanked Mr. Fouts for his dedicated service and said that some names will be submitted for the board’s consideration.

RECESS: At 9 p.m., following some announcements from Commissioner Beale regarding some upcoming NCACC regional meetings, and upon a motion by Commissioner Higdon, seconded by Commissioner Tate, the board voted unanimously to recess the meeting until Tuesday, March 31, 2015 at 6 p.m. in the commission boardroom on the third floor of the Macon County Courthouse, 5 West Main Street, Franklin, NC.

Derek Roland
Ex Officio Clerk to the Board

Kevin Corbin
Board Chairman