

**MACON COUNTY BOARD OF COMMISSIONERS
CONTINUED SESSION
AUGUST 26, 2014
MINUTES**

Chairman Corbin reconvened the meeting at 6:00 p.m. in the commission boardroom as recessed from the August 12, 2014 regular meeting. All board members, the County Manager, Deputy Clerk, Finance Director, County Attorney, members of the news media and interested citizens were present.

Chairman Corbin said it was his policy to always allow public comment, and he recognized **Donna Benson**, who spoke on the subject of a noise ordinance. Noting that Commissioner Haven invited her to come and speak to the board, she explained that she lived in Patton Creekside Valley, a mobile home park. Explaining that the neighborhood was “70 percent Hispanic,” Ms. Benson said there was always loud music played at birthday parties and on holidays, usually until 2 a.m., forcing her to call law enforcement. With the use of public address systems, she said the music would vibrate items inside her trailer. “I’m tired of it,” she told the board, adding, “I would like something done.” This led to a lengthy discussion involving the board members, Sheriff Robert Holland and Ms. Benson. Commissioner Tate suggested that the planning board could be tasked with looking into a noise ordinance, and Chairman Corbin polled the board and noted it was the consensus of the members to do just that. No formal vote was taken, and Commissioner Haven stated it was “time for us to do something.”

Beverly Ledford thanked four of the commissioners for their willingness to support a resolution honoring Prentiss Baptist Church for its 100th anniversary on August 24th. She then addressed Commissioner Higdon, voicing her displeasure that he was “using the Lord’s house as a political venue,” and that by not supporting the resolution, “you took away our pleasure.” She explained that Prentiss Baptist has a normal attendance of about 20, but on August 24th,

there were more than 50 people there in anticipation of the recognition of the church by the county. "You degraded our little church," she told him, and Commissioner Higdon said he would reserve his comments for the time on the agenda when the resolution was to be discussed. Chairman Corbin noted this was a "line item" on the agenda, and moved it to the next item of business.

RESOLUTION HONORING PRENTISS BAPTIST CHURCH: The County Manager explained that he had conducted an e-mail poll of the board on August 20th regarding approval of the resolution honoring the 100th Anniversary of Prentiss Baptist Church. He said when he did not receive a full consensus, he put the item on the agenda for this meeting so that it could be discussed in open session. Commissioner Beale made a motion to approve the resolution as presented, and it was seconded by Commissioner Tate. A lengthy discussion followed. Commissioner Higdon opened by stating that all of the board's business should be discussed in public session. As a deacon at Oakdale Baptist Church, he said he was "not opposed" to such resolutions, but that the county had no policy on such items and this was "a whole new thing." He said the board was setting a precedent by going only into Christian churches, adding that he "won't bless a non-Christian body." Commissioner Higdon told Mrs. Ledford that his action was in no way directed at the parishioners at Prentiss Baptist, and then asked the County Attorney about a policy on excluding non-Christian churches from being considered for these types of resolutions. Commissioner Beale responded that Commissioner Higdon's action was "aimed at me," and read an e-mail from Commissioner Higdon as follows: "This is a poorly disguised campaign strategy and I do not support candidates or politicians using a church platform to gain attention. Be prepared to have a public discussion at our next meeting and I know where our vice-chair will be on Sunday. This tactic sickens me." Commissioner Beale said this was not about the separation of church and state but was "strictly politics." Chairman Corbin said resolutions are generally "feel good things" and are considered "pats on the back." The County Attorney told the board that as long as it does not violate the establishment clause of the U.S. Constitution, he saw nothing wrong with recognizing a church for its service to the community. Commissioner Higdon questioned if the board members could sign a resolution as individuals, not as a board, and Commissioner Beale responded that the majority rules. Following further discussion, Commissioner Higdon again raised the issue of a policy regarding such resolutions, with Chairman Corbin responding that they were the "board's prerogative," explaining that it was "the collective opinion of the board." "How do we handle this as an elected governmental body?" Higdon asked, and Commissioner Tate asked for a vote on the motion. Chairman Corbin said "I pulled the plug" on this earlier in the month, stating that the board members can't discuss it by e-mail. He called for a vote on the motion, and it was approved 4-1, with

Commissioner Higdon opposing. A copy of the resolution is attached (Attachment 1) and is hereby made a part of these minutes.

TAX RELEASES: Tax Administrator Richard Lightner gave the board members an overview of the process involving tax releases. The County Attorney suggested providing the commissioners with a key that would allow them to decode the reason that certain taxes were being released when they were reviewing the listings. Mr. Lightner asked the board to review the proposed releases prior to the meeting and call him with any questions, noting that the months of July and August were usually always the largest in terms of the amount of releases. Upon a motion by Commissioner Beale, seconded by Commissioner Tate, the board voted unanimously to approve tax releases in the amount of \$35,839.51.

STATUS REPORT ON COLLECTION OF DELINQUENT TAXES: Mr. Lightner also brought to the board's attention that the delinquent taxes collected by the county due to the direct utilization of the Ridenour & Goss law firm thus far was \$97,109.19, with fees charged to the county of \$7,620.08. Of that amount, \$5,000.80 will be reimbursed to the county, leaving Macon with "out of pocket" expenses of \$2,620. The discussion then turned to the county's property revaluation. Mr. Lightner told the board that the field work should be done by September or October and that the county is still anticipating a \$1.5-billion to \$2-billion loss in property value. "We're on schedule," he said, adding his belief that the county should return to a four-year revaluation schedule.

BUDGET AMENDMENTS: The Finance Director asked the board to consider Budget Amendment #26 and #27. The first one, #26, is to allocate an additional \$827 in fees for the Health Department budget related to conducting health and wellness screenings for the North Carolina Department of Transportation (NCDOT). The second one, #27, is to carry forward \$5,257 in SHIPP funds for the Department of Social Services. Upon a motion by Commissioner Tate, seconded by Commissioner Haven, the board voted unanimously to approve the two budget requests as presented. Copies of Budget Amendment #26 (Attachment 2) and Budget Amendment #27 (Attachment 3) are attached and are hereby made a part of these minutes.

INSURANCE PROCEEDS FOR CHAF PROPERTY: The County Attorney explained that a property located at 116 Allendale Hills Road in Franklin is covered under the CHAF Program. In April, the home was a total loss due to a fire, but the homeowner, Jeanette Price, had insurance, which was paid out. The county holds a 60 percent interest in this property, and due to the situation, the board approved a 60/40 split of the insurance proceeds with Ms. Price in order for her to replace her home, with her using the 40 percent of the proceeds as a down payment on a new home. The County Attorney said he

wanted the board to be aware that steps were taken to secure the county's interests in the property, and asked the board to approve the release of the remaining 60 percent of the funds to Mountain City Homes. Upon a motion by Commissioner Haven, seconded by Commissioner Tate, the board voted unanimously to approve the release of funds as recommended.

UPDATE ON PARKER MEADOWS RECREATIONAL COMPLEX: The County Manager shared that the Parker Meadows Recreational Complex is "starting to take shape," with grading on the project set to be completed in early October. He then provided details regarding the finding of a gravesite that resulted in the "rotation" of some of the planned ball fields. This was followed by a very lengthy discussion involving the use of TRC Environmental Corporation (TRC) to broaden the scope of its archaeological survey work at the complex to determine if additional gravesites existed in site 31MA754. This led to a motion by Commissioner Haven, seconded by Commissioner Beale, authorizing the County Manager to talk with the state archeologist and representatives of the Eastern Band of the Cherokee to continue the work under the monitoring requirements as outlined in the approved Memorandum of Understanding (MOU) rather than using the more extensive data recovery field work, analysis and reporting as employed at the first archaeological phase (31MA752). The motion was approved unanimously. Upon a motion by Commissioner Beale, seconded by Commissioner Tate, the board voted unanimously to move \$47,790 from the project's contingency fund to pay for additional data recovery, analysis and reporting by TRC. Of this amount, the board authorized payment of \$37,555.40 to TRC for work associated with gravesites at the first archaeological site (31MA752). The remaining amount is believed by TRC to be representative of future costs associated with the analysis of findings at site 31MA752. The County Manager also informed the board that he has had discussion with the Eastern Band regarding cost sharing as it relates to the rotation of the ball fields, and that the tribe has taken the matter under advisement.

CLOSED SESSION: At 7:47 p.m., upon a motion by Commissioner Haven, seconded by Commissioner Beale, the board voted unanimously to go into closed session for the purpose of consulting with the attorney under NCGS 143-318.11(a)(3). At 8:02 p.m., upon a motion by Commissioner Tate, seconded by Commissioner Haven, the board voted unanimously to come out of closed session and return to open session. No action was taken.

At 8:02 p.m., upon a motion by Commissioner Tate, seconded by Commissioner Haven, the board voted unanimously to adjourn.

Derek Roland
Ex Officio Clerk to the Board

Kevin Corbin
Board Chairman