

MACON COUNTY BOARD OF COMMISSIONERS
AUGUST 13, 2013
MINUTES

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

ANNOUNCEMENTS: Commissioner Beale announced that the open house for the new dialysis center will be held on Thursday, September 12, 2013 from 2-4 p.m. The Deputy Clerk updated the board on the status of the search for the next county manager, noting that 17 applications had been received as of this date. The board members discussed setting aside time later in the month to review applications, but took no action. It was also noted that a reception would be held for the County Manager on September 27 from 2-4 p.m.

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

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

HEARING ON REFUND REQUEST – LACOSTA DEVELOPMENT CORP. AND ROBERT W. ROME: Chairman Corbin asked the County Attorney to conduct the hearing, and he in turn recognized Richard Melvin, the attorney representing LaCosta Development Corp. and Robert W. Rome. Mr. Melvin referred the board members to the request filed pursuant to North Carolina General Statute 105-228.37, explaining that due to a clerical error in the attorney’s office, the incorrect sales price was placed on documents. This resulted in an overpayment of \$600 in revenue stamps placed on the deeds, and Mr. Melvin requested a refund in that amount. The County Attorney reviewed the steps that must be taken in this process, adding that if the board felt that the refund was due, he would prepare the appropriate memo to the state Department of Revenue. Upon a motion by Commissioner Higdon, seconded by Commissioner Haven, the board voted unanimously to grant the refund as requested.

PUBLIC COMMENT: **Bill Van Horn**, speaking on behalf of the Appalachian Trail Conservancy (ATC), provided the board with a handout regarding the recent approval of a new telecommunications tower to be located in the Rainbow Springs area. Mr. Van Horn said that the ATC would like the opportunity to comment on any proposed cell tower within

four miles of the Appalachian Trail. He asked that towers be camouflaged in order to lessen the visual impact from the trail. He also said that the one-quarter-mile radius for notification in the county's ordinance appears restrictive and asked the board to consider reaching out further. **Bob Koppers**, the vice-chair of the advisory board for the Macon County Heritage Center at Cowee School, told the board he had a three-fold purpose, with the first item being to express the advisory board's gratitude for the support the county has given in preparing the school for use as a heritage center. He then gave the board an update on the group's long-term vision and progress at the former school. Finally, he discussed plans for and invited the board members to attend the first annual Cowee School celebration, to be held August 17th, that includes a dinner and a concert by bluegrass group Balsam Range.

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

- To hold a closed session for the purpose of consulting with the attorney as Item 13, per the County Attorney, who noted that no action was anticipated.
- To add discussion of the need for a guardrail along Patton Road under New Business as Item 10H, per Commissioner Haven.
- To add discussion regarding the sale of alcoholic beverages in Nantahala under New Business as Item 10I, per Commissioner Haven.
- To add consideration of a lease for space at the county's Small Business Center to Flash Domain, LLC as part of Item 10C, per the County Attorney.

PRESENTATION REGARDING NIKWASI MOUND: Principal Chief Michell Hicks of the Eastern Band of Cherokee spoke to the board regarding the Nikwasi Mound, located in Franklin. Stating that "the mound belongs to the Cherokee people and it needs to be back in our title," Chief Hicks asked the commissioners for their help in making this a reality. Noting there were jurisdictional issues between the county and the Town of Franklin, Chief Hicks said, "I humbly ask for you guys to give consideration to help us, because it's time for that mound to come back under the name of the Cherokee." He said the tribe would consider a trade, taking into consideration the value of the property, and would consider a memorandum of agreement or understanding, promising that the Cherokee would take good care of the mound. Chairman Corbin explained that as the mound is owned by the town, the commission's role would be advisory in nature, saying that, "We can certainly express our opinion to the town board." Chief Hicks said that a formal letter of

request had been submitted to the town, and asked the commissioners for guidance regarding his next steps. Commissioner Beale said that the county “learned a lot” about the Cherokee heritage during the expansion of the county airport. “We can have a stronger relationship with the Eastern Band,” he said, adding that the mound would be a great place to start. Chairman Corbin offered that the board could support the request, and the County Attorney suggested doing so via a resolution. Following further discussion, the board agreed by unanimous consent to have the County Attorney draw up a proposed resolution for the board to consider. Commissioner Haven suggested discussing the issue with the town aldermen.

SCALY MOUNTAIN HISTORICAL SOCIETY: John Bankston, the president of the Scaly Mountain Historical Society, told the board that the 250-member organization maintains one of the only remaining one-room schoolhouses in the county, which serves as the only recreational facility in Flats Township. He told the board that the group has a list of some \$21,000 worth of needed improvements, but was asking that the county provide \$4,000 in funding to assist with restoring the playground and to replace the basketball backstop. In addition, he asked the board to consider an annual “stipend” of \$3,000 to offset the cost of maintenance and insurance. Commissioner Beale pointed out that the county had provided the historical society with a total of \$55,000 since 2006, and Mr. Bankston said he recognized that and offered thanks for the funds. During discussion, Commissioner Tate said that he had no problem with helping fund the request, and asked the board to consider an appropriation of \$5,000 to the society. The County Attorney pointed out the need for an agreement between the county and the society. Upon a motion by Commissioner Tate, seconded by Commissioner Beale, the board voted unanimously to appropriate \$5,000 to the Scaly Mountain Historical Society, pending a signed agreement, with the funds to come from contingency.

TRANSFER OF SURPLUS AMBULANCE: The County Attorney informed the board that because the county had not posted notice of intent to donate the 1983 Ford four-wheel-drive ambulance to the Southwestern Community College Public Safety Training Center, this item would have to be postponed until the September regular meeting. However, he said the board could declare the ambulance as surplus, and upon a motion by Commissioner Haven, seconded by Commissioner Tate, the board voted unanimously to declare the vehicle surplus.

MEMORANDUM OF AGREEMENT WITH THE NORTH CAROLINA SEDIMENTATION CONTROL COMMISSION: County Planner Matt

Mason explained that the proposed Memorandum of Agreement with the state's Sedimentation Control Commission had been updated to reflect the local government's responsibilities. Otherwise, he said that everything else remains the same. Following a series of questions from Commissioner Higdon, and upon a motion by Commissioner Beale, seconded by Commissioner Tate, the board voted unanimously to approve the Memorandum of Agreement as presented, a copy of which is attached (Attachment 1) and is hereby made a part of these minutes.

TRANSIT FARES, COST SHARE RATES AND CONTRACT RATES: Macon Transit Director Kim Angel presented proposed new rate structures for the Franklin, Highlands and Nantahala areas. In a memo to the board, Mrs. Angel wrote, "Based on previous years' operating costs and projected current year operating costs, and the fact that we have not raised rates for passengers since 2010, it is necessary to increase fare and cost share rates for transit services." She noted that the anticipated effective date for the increases would be October 1. Commissioner Beale expressed concerns with the amount of some of the increases, for example, a round trip fare from the Nantahala area to Andrews/Murphy going from \$5 to \$15. Saying that this gives me "a little heartburn," Commissioner Beale said the increases would negatively affect those who need the transportation the worst. Mrs. Angel explained that nearly all of those who utilize the service qualify for lower fares under one of the programs that Transit offers, adding that she needs to charge rates that will support the overall system. Upon a motion by Commissioner Higdon, seconded by Commissioner Haven, the board voted 4-1 to approve the Macon County Transit Fees/Cost Share Rates for the Franklin, Highlands and Nantahala areas, with Commissioner Beale opposing. Copies of the new rates are attached (Attachments 2, 3 and 4) and are hereby made a part of these minutes.

RESOLUTION REGARDING LOCALLY COORDINATED TRANSPORTATION PLAN: Mrs. Angel presented a proposed resolution regarding a locally coordinated transportation plan. She explained that the plan is a needs assessment for all transit systems and is required by the Federal Transit Administration in order to apply for any capital and operating grants. The regional plan was developed by the Southwestern Commission, and Mrs. Angel pointed out that each governing board is asked to approve only the portion applicable to their entity. Following discussion, and upon a motion by Commissioner Tate, seconded by Commissioner Beale, the board voted 5-0 to approve a "Resolution Adopting an Updated Locally Coordinated Public Transportation and Human Services Plan for Macon County, North Carolina," a copy of

which is attached (Attachment 5) and is hereby made a part of these minutes.

RESOLUTION AND CONTRACT REGARDING CALL CENTER FOR VETERANS TRANSPORTATION:

Mrs. Angel presented the board with a proposed resolution and contract concerning the Southwestern NC One Call One Click Center for Veterans Transportation. In a memo to the board, she highlighted a number of aspects of the project. She explained that this is a four-county initiative (Cherokee County, Clay County, Swain Public Transit and Macon County) with Macon acting as the lead agency. Eighty percent of the funding will come from the Federal Transit Administration and the remaining 20 percent from local funds, to be divided among the four counties. As part of the project, a central 800 number will be developed for use by veterans, veterans' agencies and the general public, allowing an individual to call one number to access transportation systems in Region A for information and scheduling. A copy of Mrs. Angel's memo is attached (Attachment 6) and is hereby made a part of these minutes. Upon a motion by Commissioner Higdon, seconded by Commissioner Beale, the board voted unanimously to approve a "Resolution Authorizing Macon County to Enter into an Agreement with the North Carolina Department of Transportation (Attachment 7), a copy of which is attached and is hereby made a part of these minutes.

EXTENSION OF LEASE AGREEMENTS WITH FOREX AND HARMONY HOUSE FOODS:

Following a brief presentation by Economic Development Director Tommy Jenkins, and upon a motion by Commissioner Higdon, seconded by Commissioner Beale, the board voted unanimously to adopt a resolution declaring property in the county's Small Business Center to be surplus and to approve a one-year lease of that space to ForEx Currency Trade Advisors, LLC. The lease commences August 1, 2013 and will expire July 31, 2014, with a monthly rent of \$333.33, including utilities. A copy of the resolution (Attachment 8) and the lease (Attachment 9) are attached and are hereby made a part of these minutes. Upon a motion by Commissioner Beale, seconded by Commissioner Haven, the board voted unanimously to adopt a resolution declaring property in the county's Small Business Center to be surplus and to approve a one-year lease of that space to Harmony House Foods. The lease commences September 1, 2013 and will expire August 31, 2014, with a monthly rent of \$1,840. A copy of the resolution (Attachment 10) and the lease (Attachment 11) are attached and are hereby made a part of these minutes.

LEASE AGREEMENT WITH FLASH DOMAIN, LLC: Mr. Jenkins presented a proposed lease agreement for 3,800 square feet of space in the Small Business Center with Flash Domain, LLC, a small technology company that provides data storage and cloud applications. He said the business currently has two full-time employees. Upon a motion by Commissioner Haven, seconded by Commissioner Higdon, the board voted unanimously to adopt a resolution declaring property in the county's Small Business Center to be surplus and to approve a one-year lease of that space to Flash Domain, LLC. The lease commences on September 1, 2013 and will expire August 31, 2014, with a monthly rent of \$150. A copy of the resolution (Attachment 12) and the lease (Attachment 13) are attached and are hereby made a part of these minutes.

Chairman Corbin declared a recess at 7:32 p.m.

Chairman Corbin called the meeting back to order at 7:40 p.m.

CONTRACT WITH HGACBUY: Todd Seagle, the county's 911 Communications Supervisor, briefed the board on a competitive bidding group purchasing program called the Houston-Galveston Area Council, known as HGACBuy. Mr. Seagle noted that HGACBuy does all of the requests for proposals and bidding for products, making the purchasing process quicker and more efficient. The Finance Director said she had no objections to the use of the program. The County Attorney said that this process was very similar to purchasing under state contract and met the requirements of a particular state statute (143-129(e)(3)). Following further discussion, and upon a motion by Commissioner Higdon, seconded by Commissioner Tate, the board voted unanimously to approve a "Resolution of the Macon County Board of County Commissioners Authorizing Entry into Interlocal Contract for Cooperative Purchasing with Houston-Galveston Area Council," a copy of which is attached (Attachment 14) and is hereby made a part of these minutes.

CHANGE ORDERS ON HIGHLANDS SCHOOL RENOVATION: Terry Bell presented the board with the details of a change order on the Highlands School renovation project. The total amount of the change order is \$46,630, and Mr. Bell pointed out that the single largest item involved the heating and piping system, and that the majority of the changes were related to code issues. He also pointed out that \$21,770 would be left in the project's contingency line item. Upon a motion by Commissioner Beale, seconded by Commissioner Tate, the board voted unanimously to approve Change Order Number 1 on the Highlands School renovation as presented, and at the request of the Finance Director, to also approve

Budget Amendment #20, which transfers \$46,630 from contingency to construction for the change order. Commissioner Tate also volunteered to assist with resolving one of the items in the change order by having his business tie in the downspouts. Copies of the change order (Attachment 15) and Budget Amendment #20 (Attachment 16) are attached and are hereby made a part of these minutes.

AGREEMENT WITH NATIONAL UTILITIES REFUND: The County Attorney explained that he had made some changes to the proposed agreement with National Utilities Refund, which will provide audits of the county's utility and telephone expenses to determine if some savings can be achieved, with the firm getting a percentage of those savings. He told the board that the county is under no obligation to pay National Utilities Refund any money unless it finds those savings. Upon a motion by Commissioner Higdon, seconded by Commissioner Tate, the board voted unanimously to approve the agreement as presented, a copy of which is attached (Attachment 17) and is hereby made a part of these minutes.

AMBULANCE BIDS: Emergency Services Director David Key said that bids for two new ambulances were opened on August 12th, resulting in one bid from Custom Truck & Body Works at a unit cost of \$100,483 or \$200,966 for both. He noted this was the same price the county received on two new ambulances last year. However, the county could not "piggyback" on its own bid and therefore went through the bid process again. Following some discussion relative to the performance of the newest ambulances, and upon a motion by Commissioner Tate, seconded by Commissioner Haven, the board voted unanimously to accept the bid as presented.

GUARDRAILS ON PATTON ROAD: Commissioner Haven provided photographs of a segment of Patton Road that had been brought to his attention in terms of the need for safety improvements. Without a guardrail, he said that a vehicle leaving the roadway would likely end up in Cartoogechaye Creek. Commissioner Beale pointed out that this issue had been brought to the attention of the state Department of Transportation (DOT) before, but that funds were not available to address it. Upon a motion by Commissioner Haven, seconded by Commissioner Beale, the board voted unanimously to contact the DOT District Engineer to request assistance in addressing these safety concerns.

SALE OF ALCOHOLIC BEVERAGES IN NANTAHALA: Commissioner Haven said that he had been approached regarding the possibility of the sale of alcoholic beverages in the Nantahala area, and asked for direction

in how to respond. Following discussion by the board and the County Attorney, the County Attorney agreed to review the state's ABC laws and suggested that the board take the matter under advisement.

CONSENT AGENDA: Upon a motion by Commissioner Haven, seconded by Commissioner Higdon, the following items on the consent agenda were unanimously approved: **Minutes** – Approved the minutes from the July 9th and July 30th meetings. **Budget amendments** – Individually reviewed and approved the following budget amendments: **#15** for the Department of Social Services to transfer \$53,167 in funding for foster care and adoption expense from fund balance; **#16** for Solid Waste to appropriate the 2013 Community Waste Reduction and Recycling Grant in the amount of \$9,480.99 and to appropriate the 20 percent county match from the Solid Waste fund balance; **#17** for Solid Waste to carry forward the \$779 balance of the fluorescent lamp recycling grant; **#18** for the Health Department to roll unexpended grant money totaling \$14,834 to the current fiscal year; **#19** to roll the \$18,658 balance from the Holly Springs Community Building project that was approved in Fiscal Year 2011-12 to the Fiscal Year 2013-14 budget. (Revisions with corresponding numbers attached.) **Tax releases** – Approved tax releases in the amount of \$9,963.14. (A computer printout of releases is on file in the Tax Department and the County Manager's office.) **Settlement for current taxes for Fiscal Year 2012-13** – Accepted a settlement report from Tax Collections Supervisor Margaret Perry for current taxes (general and motor vehicle) for Fiscal Year 2012-2013. (A copy of the report is on file in the Deputy Clerk's office.) **Report on sale of surplus property utilizing GovDeals:** Accepted a report on the sale of \$19,887 worth of surplus property auctioned on GovDeals during Fiscal Year 2012-13, plus an additional amount of \$5,960.01 in surplus items auctioned so far in the current fiscal year. **Monthly ad valorem tax collection report** – No action necessary.

APPOINTMENTS: Technical Review Committee: Following a recommendation from County Planner Matt Mason, and upon a motion by Commissioner Beale, seconded by Commissioner Haven, the board voted unanimously to appoint the Technical Review Committee for the Macon County Subdivision Ordinance as follows:

- Members – Matt Mason, Subdivision Administrator; Derek Roland, Planning Board Member; Jimmy Teem, Fire Marshal's Office; Kyle Jennings, Environmental Health and Bobby Bishop, Planning, Permitting and Development.
- Alternates – Chris Hanners, Planning Board Member; Todd Seagle, Fire Marshal's Office; Justin Mintz, Environmental Health and Jack Morgan, Planning, Permitting and Development.

CLOSED SESSION: The County Attorney said that after consultation with Chairman Corbin, there was no longer the need for a closed session.

ADJOURN: With no other business, and upon a motion by Commissioner Higdon, seconded by Commissioner Haven, the board voted unanimously to adjourn the meeting at 8:13 p.m.

Jack Horton, County Manager
Clerk to the Board

Kevin Corbin
Board Chairman