

**MACON COUNTY BOARD OF COMMISSIONERS  
SEPTEMBER 10, 2013  
MINUTES**

Chairman Corbin called the meeting to order at 6:01 p.m. All Board Members, the County Manager, Deputy Clerk, Finance Director, County Attorney, members of the news media and interested citizens were present.

**ANNOUNCEMENTS:** The County Manager reminded the board of the upcoming Region A meeting as well as the start of the annual county fair. Commissioner Beale reminded the board that the open house for the new dialysis center would be held on Thursday (September 12) from 2-4 p.m. Commissioner Tate read a “thank you” card from Cindy J. Reed expressing her appreciation for the newly renovated elementary wing in Highlands School. Commissioner Tate also noted that the dedication of the Wright Memorial Garden in Highlands was set for Saturday (September 14) at 11 a.m.

Chairman Corbin recognized State Sen. Jim Davis of Macon County, who was the recipient of the “Friend of the Counties” award at the recent North Carolina Association of County Commissioners (NCACC) annual conference. “We’re proud of the way you’ve represented us,” Chairman Corbin told Sen. Davis. Sen. Davis, a former Macon County Commissioner, expressed his thanks to the NCACC and told the board that “local government is the best government.”

Chairman Corbin also recognized Commissioner Beale, who was the recipient of the Outstanding County Commissioner Award at the NCACC conference. This award is presented annually to a commissioner who has demonstrated special achievements and efforts, primarily during the past 12 months, on behalf of county government throughout the state and/or region, not just within his or her county. Commissioner Beale expressed his thanks for the recognition, and to the County Manager,

whom he called “a great teacher.” At the conference, Commissioner Beale rose to the office of President Elect on the NCACC Board of Directors.

**CERTIFICATE FOR EXCELLENCE IN FINANCIAL REPORTING:**

Chairman Corbin presented the Certificate for Excellence in Financial Reporting to Finance Director Lori Hall. The certificate was awarded to the Macon County Finance Department by the Government Finance Officers Association (GFOA) of the United States and Canada for its comprehensive annual financial report, or CAFR. This is the highest form of recognition in the area of governmental accounting and financial reporting, and marks the 18<sup>th</sup> consecutive year that Macon County has achieved this accomplishment.

**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.

**PUBLIC HEARING ON THE ROAP APPLICATION FOR MACON COUNTY TRANSIT:**

Chairman Corbin opened the hearing at 6:15 p.m. as noticed and explained that no one from the public had signed up to speak. He then recognized Macon County Transit Director Kim Angel, who gave a brief overview of the Rural Operating Assistance Program (ROAP), including the three individual programs covered by the application and the funding amounts for each, which total \$140,615 for Fiscal Year 2013-14. After further discussion, Chairman Corbin closed the public hearing at 6:18 p.m. Upon a request by Mrs. Angel and a subsequent motion by Commissioner Haven, seconded by Commissioner Tate, the board voted unanimously to approve the Certified Statement for the Rural Operating Assistance Program for Macon County for FY 2014, a copy of which is attached **(Attachment 1)** and is hereby made a part of these minutes.

**PUBLIC COMMENT:** **Charlie Cowie** told the board that the number one issue or problem in our county, state and nation today is manufacturing jobs, explaining that he was seeking a proclamation from the board in an effort to collectively put pressure on the states to encourage manufacturing growth. He said this could be encouraged by lower corporate income tax rates for companies who make products in America.

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

- To add consideration of a budget amendment for the Holly Springs Community Building renovation project under Old Business as Item 9D, per the County Manager.
- To add consideration of a proposal for a rough grading plan for the Parker Meadows Recreational Park under Old Business as Item 9E, per the County Manager.
- To add a request by the County Attorney for the board to make a formal decision regarding the refund of revenue stamps as presented at the August 13<sup>th</sup> regular meeting under Old Business as Item 9F.
- To add consideration of a resolution regarding the need for a guardrail along Patton Road under Old Business as Item 9G, per the County Attorney.
- To add discussion of the sale of alcoholic beverages in the Nantahala community under Old Business as Item 9H, per Commissioner Haven.
- To add Budget Amendments #32 and #33 to the Consent Agenda under Item 11B, per the Finance Director.
- To add a brief report on the county manager search under Reports/Presentations as Item 8B, per Chairman Corbin.

**CONSTITUTION WEEK PROCLAMATION:** Upon a motion by Commissioner Tate, seconded by Commissioner Haven, the board voted unanimously to proclaim September 17-23, 2013 as Constitution Week in Macon County. A copy of the proclamation is attached **(Attachment 2)** and is hereby made a part of these minutes.

**UPDATE ON COUNTY MANAGER SEARCH:** Chairman Corbin announced that the county had received 29 applications for the county manager's position. He recommended that (1) the board consider closing the application period for the position on September 24<sup>th</sup> at 5 p.m. and (2) that Human Resources Director/Deputy Clerk to the Board Mike Decker be appointed as the interim county manager effective October 1<sup>st</sup>. He explained that the board anticipated having a new county manager in place by December 1<sup>st</sup> or no later than January 1, 2014. Commissioner Beale suggested moving the closing date to September 17<sup>th</sup>. Following discussion, and upon a motion by Commissioner Haven, seconded by Commissioner Higdon, the board voted unanimously to close the application process on September 17<sup>th</sup> at 5 p.m. and to appoint Mr. Decker as the interim county manager, effective October 1<sup>st</sup>.

**DONATION OF AMBULANCE TO SOUTHWESTERN COMMUNITY COLLEGE:** Following confirmation from the County Attorney that the proper notice had been given, and upon a motion by Commissioner Beale, seconded by Commissioner Haven, the board voted unanimously to adopt a “Resolution of the Macon County Board of Commissioners Making Donation of Ambulance to Southwestern Community College.” The resolution provides for the donation of a 1983 Ford Ambulance to the college’s Public Safety Training Program. A copy of the resolution is attached (Attachment 3) and is hereby made a part of these minutes.

**REVISED AGREEMENT WITH SCALY MOUNTAIN HISTORICAL SOCIETY:** The County Attorney explained that an agreement approved by the board at its August 13, 2013 regular meeting was inadvertently made with the Flats Township Historical Society, but should have been with Scaly Mountain Historical Society. He requested that the board adopt a replacement agreement that would allow the allocated funds to be paid to the proper entity. Upon a motion by Commissioner Tate, seconded by Commissioner Beale, the board voted unanimously to approve the revised “Agreement to Provide Recreation Opportunities” as presented, a copy of which is attached (Attachment 4) and is hereby made a part of these minutes.

**RESOLUTION REGARDING NIKWASI MOUND:** The County Attorney had prepared a resolution for the board’s consideration that would persuade the Town of Franklin to have a conversation with the Eastern Band of the Cherokee Nation as it relates to the future of the Nikwasi Mound. Chairman Corbin stated that the commission was neither taking a stance nor advocating a particular arrangement, but instead was urging cooperation. The County Attorney said he wanted to make it “crystal clear” that this was to be a decision made between the town and the Cherokee, with the county there to facilitate the dialogue. Commissioner Higdon questioned if the county should even be involved. He also questioned the language in the fifth of the eight items in the resolution, saying he felt it implied support for the Cherokee position. After further discussion, the County Attorney suggested adding another paragraph to the list of items that stated Macon County was not endorsing a particular outcome, but was encouraging conversation on this matter. Upon a motion by Commissioner Haven, seconded by Commission Beale, the board voted unanimously to approve a “Resolution Recognizing the Substantial Value of a Positive and Continuing Relationship with the Eastern Band of the Cherokee Nation and Offer to Assist by Participating in Dialogue,” as amended. A copy of the resolution is attached (Attachment 5) and is hereby made a part of these minutes.

**HOLLY SPRINGS COMMUNITY BUILDING RENOVATIONS:** The County Manager explained that an additional \$8,000 was needed to complete the renovations on the Holly Springs Community Building. He asked the board to consider a budget amendment that would take \$8,000 from contingency in order to finish the project. Commissioner Beale made a motion to approve the budget amendment, adding that there was a need for a formal agreement regarding the use of a shared well between the community building and a neighboring property owner. The County Attorney agreed to draw up a document regarding the shared responsibility of the well. Following further discussion, Commissioner Tate seconded the motion, and all favored.

**PARKER MEADOWS RECREATIONAL PARK GRADING PLAN:** The County Manager explained that Michael Lovoy had submitted a proposal for permitting and rough grading plans for the proposed Parker Meadows Recreational Park, and recommended that the board engage Mr. Lovoy to perform this work. Mr. Lovoy outlined for the board the work to be done. Commissioner Haven voiced his concerns with the dollar amount of the proposal, suggesting that the board find out what others would charge. The County Manager pointed out that Mr. Lovoy did a lot of the preliminary work on this project, and that without him there would not have been an application for funding to the Parks and Recreation Trust Fund (PARTF). He went on to note that Mr. Lovoy was reliable, dependable and dedicated, and that he “strongly recommended” that Mr. Lovoy carry through with this project. He said the county could reimburse itself the \$17,000 cost of the work from the PARTF grant once it is awarded, as the county’s project currently sits atop the funding list for the next round and that there has never been a top-rated project that wasn’t funded. Commissioner Higdon questioned if the opportunity for the work should not be offered to local engineers. Commissioner Beale made a motion to take \$21,000 from fund balance and to authorize Mr. Lovoy to perform the work outlined in his proposal, with the funding to include \$4,000 for the required topographic surveying by Sprinkle Surveying necessary for the grading plan, with the motion to include a waiver of the requirement for Requests For Qualifications (RFQs). Commissioner Tate seconded the motion, and lengthy discussion followed. The motion passed 3-2, with Commissioners Beale, Corbin and Tate favoring, and Commissioners Haven and Higdon opposing. A copy of the proposal is attached (Attachment 6) and is hereby made a part of these minutes.

**NOTICE OF DECISION REGARDING DEED STAMP REFUND:** The County Attorney recommended that the board give formal approval to a

“Notice of Decision Pursuant to N.C. Gen. Stat. 105-228.37” regarding the refund of \$600 in deed stamps which the board acted on at the August 12, 2013 regular meeting. Upon a motion by Commissioner Beale, seconded by Commissioner Tate, the board voted unanimously to approve the Notice of Decision as presented (Attachment 7), a copy of which is attached and is hereby made a part of these minutes.

**RESOLUTION REGARDING GUARDRAIL ALONG PATTON ROAD:** The County Attorney explained that he had prepared a resolution for the board’s consideration regarding the need for a guardrail along a section of Patton Road, following discussion at the board’s August 13, 2013 regular meeting. Upon a motion by Commissioner Haven, seconded by Commissioner Beale, the board voted unanimously to approve a “Resolution Requesting that the North Carolina Department of Transportation Install a Guardrail Along a Dangerous Section of Patton Road in Macon County,” a copy of which is attached (Attachment 8) and is hereby made a part of these minutes.

**SALES OF ALCOHOLIC BEVERAGES IN NANTAHALA:** As a follow-up to discussion at the previous meeting, the County Attorney told the board that there may be some issues with the county taking steps to authorize the sale of alcoholic beverages in one particular area of the county, such as Nantahala. However, the county can have a referendum on the matter that would apply to the Nantahala Township only. Commissioner Haven again asked how he should respond to those in the community who are in favor of such sales. Following further discussion, the board took no action.

**CONTRACT WITH NCDOT REGARDING PURCHASE OF NEW TRANSIT VEHICLE:** Transit Director Kim Angel told the board that the state Department of Transportation (DOT) was requiring a supplemental agreement in regard to a vehicle that did not get ordered during the 2012-13 Fiscal Year as planned because DOT did not get in procured in a timely manner. The cost of the vehicle, a lift van, ended up being greater than anticipated. By way of a resolution, Mrs. Angel asked the board to authorize the County Manager to enter into the contract with DOT and to provide the 20 percent match for the cost of the van, and upon a motion by Commissioner Tate, seconded by Commissioner Beale, the board voted unanimously to grant the request as presented. Copies of the agreement (Attachment 9) and the resolution (Attachment 10) are attached and are hereby made a part of these minutes.

**CHANGES TO PUBLIC HEALTH FEE SCHEDULE:** Macon Public Health Center Director Jim Bruckner asked the board to consider the changes

to the fee schedule, the billing guide and the bad debt write off as separate items. Tonya Hodgins, the health center's finance director, reviewed the changes in the billing and collection policy, and upon a motion by Commissioner Higdon, seconded by Commissioner Tate, the board voted unanimously to approve the policy as presented, a copy of which is attached (Attachment 11) and is hereby made a part of these minutes. After hearing details on three changes to the fee schedule, and upon a motion by Commissioner Higdon, seconded by Commissioner Tate, the board voted unanimously to approve the fee schedule in its entirety. A copy of the schedule is attached (Attachment 12) and is hereby made a part of these minutes. Finally, the board approved bad debt write off in the amount of \$10,636 upon a motion by Commissioner Higdon, seconded by Commissioner Tate, and all favored. Mr. Bruckner noted that the Board of Health had approved all three of these items on July 23<sup>rd</sup>. Commissioner Beale asked Mr. Bruckner to provide the board with reports as to the number of new septic tank permits and well approvals issued by the department. The County Manager pointed out that Mr. Bruckner had recently written a number of articles on quality improvement that had been published.

**RESOLUTION REGARDING THE NATIONAL INCIDENT MANAGEMENT**

**SYSTEM:** Emergency Services Director David Key essentially asked the board to “go back in time” to 2006, when the commissioners at that time approved a plan for the county's participation in the National Incident Management System (NIMS) but did not do so by way of a formal resolution. The County Attorney noted that a resolution was needed, not just a record of the vote. Commissioner Tate pointed out the need for the plan to be updated, and Mr. Key said a draft could be ready in 30 days. Upon a motion by Commissioner Tate, seconded by Commissioner Beale, the board voted unanimously to approve the resolution prepared by the County Attorney entitled “Resolution Confirming the Adoption of and Re-Adopting the National Incident Management System (NIMS) as the Basis for all Incident Management in the County of Macon, State of North Carolina.” A copy of the resolution is attached (Attachment 13) and is hereby made a part of these minutes. The board members and Mr. Key also discussed the use of the county's hazardous materials (HAZ MAT) trailer by the Town of Franklin, and the County Attorney was asked to provide an updated interlocal agreement for the board's consideration.

**MATCHING FUNDS FOR AIRPORT GRANT:** The County Manager explained that the Federal Aviation Administration (FAA) was prepared to provide 90 percent of the funding to widen and repave the runway at the Macon County Airport and to update the lighting system. This would require a 10 percent local match from the county, or \$290,556, which

the County Manager suggested could be taken from fund balance. Milles Gregory, the chairman of the Macon County Airport Authority, told the commissioners that this is “the last big project we’ll be doing for awhile.” Mr. Gregory introduced the members of the delegation from the airport, and then gave the board a brief history of recent improvements at the facility. Noting the FAA and state DOT financial support for the airport, Mr. Gregory told the board members, “They believe in you people.” Tommy Jenkins, the county’s Economic Development Director and a member of the authority, said the airport is “the front door to Macon County,” and listed a number of businesses that use the airport regularly. Saying the improvements were a good investment, Mr. Jenkins asked the board to “strongly consider” approving the matching funds. Neil Hoppe, the fixed based operator or FBO at the airport, said that fuel sales at the airport increased 30 percent once the runway was extended to 5,000 feet, and he said the planned improvements would make it even safer for pilots and their passengers. Mr. Gregory closed his remarks to the board by stating, “It’s a no-brainer, folks.” Some of the board members questioned whether the airport would ever have commuter service to larger airports. Mr. Hoppe said it was very unlikely as the airport did not have an instrument approach. As the liaison to the authority, Commissioner Tate complimented the members and spoke to the economic impact of the airport on the county. He then made the motion to approve the matching funds of \$290,536 with the money to come from fund balance, and the motion was seconded by Commissioner Beale. Commissioner Higdon said that while the airport was a great facility, without the financial support of the Board of Commissioners it would be “dead in the water.” He also stated that the commissioners were “dipping into fund balance one thing after another,” and questioned expanding the airport in the current economic climate. The motion passed 3-2, with Commissioners Beale, Corbin and Tate favoring, and Commissioners Haven and Higdon opposing.

**LICENSE AGREEMENT WITH THE TOWN OF FRANKLIN AND THE FRANKLIN R/C FLYERS:** The County Manger provided some background on this matter, explaining that the town still owns the old landfill but that the county has licensed the use of it and has further allowed the use of it as an airfield for model airplane flyers. He told the board there was no reason not to renew the agreement with the flyers, and the County Attorney pointed out that the Town of Franklin has approved the agreement. Upon a motion by Commissioner Beale, seconded by Commissioner Haven, the board voted unanimously to approve the license agreement as presented (Attachment 14), a copy of which is attached and is hereby made a part of these minutes.



**CONSENT AGENDA:** Upon a motion by Commissioner Tate, seconded by Commissioner Beale, the following items on the consent agenda were unanimously approved: **Minutes** – Approved the minutes from the August 13<sup>th</sup> meeting. **Budget amendments** – Individually reviewed and approved the following budget amendments: **#25** for the Health Department regarding new agreement addendums received from the state that reduce the allocations for Maternal Health by \$2454 and in Family Planning by \$947; **#26** for Finance to appropriate \$1,250 of the \$5,000 grant received from the State Employees Credit Union for a summer internship in the Finance Department, as the internship crossed fiscal years; **#27** for Cowee School to appropriate \$13,697 in revenue for carryover from Fiscal Year 2012-13 for the Blue Ridge National Heritage Area Partnership Grant; **#28** for Cowee School to appropriate \$9,689 in fund balance for carry over from Fiscal Year 2012-13 for the Cherokee Preservation Foundation Grant; **#29** for the Sheriff’s Office to appropriate the \$900 fund balance for carryover from Fiscal Year 2013-13 for donations made to the Citizens Academy and \$25 in revenue for a total of \$925. **#32** for Economic Development to appropriate \$10,000 for the Toolbox Implementation Grant awarded from Southwestern Commission for the Franklin Farmer’s Market Permanent Location Feasibility Study; **#33** for Social Services to appropriate funds received for CRC (\$5,000) and Energy Administration (\$26,768) that had not been budgeted. (Revisions with corresponding numbers attached.) **Tax releases** – Approved tax releases in the amount of \$7,383.13. (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:** The board members were provided a list of upcoming and pending appointments for their consideration to be taken up over the remainder of the calendar year, with those openings to be advertised on the county website as soon as possible. No action was taken.

**CLOSED SESSION:** At 8:58 p.m., upon a motion by Commissioner Tate, 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 9:21 p.m., upon a motion by Commissioner Haven, seconded by Commissioner Higdon, the board voted unanimously to come out of closed session and return to open session.

**OFFER OF SETTLEMENT WITH CIVIL DESIGN CONCEPTS:** Upon a motion by Commissioner Beale, seconded by Commission Haven, the board voted unanimously to offer a settlement of the final invoice from Civil Design Concepts for the Macon K-4 Water and Sewer Project (Iotla

Valley Elementary School) in an amount not to exceed 75 percent of the invoice total of \$30,266.

**ADJOURNMENT:** Upon a motion by Commissioner Higdon, seconded by Commissioner Tate, the board voted unanimously to adjourn at 9:23 p.m.

---

Jack Horton, County Manager  
Clerk to the Board

---

Kevin Corbin  
Board Chairman