

**MACON COUNTY BOARD OF COMMISSIONERS
OCTOBER 8, 2013
MINUTES**

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

ANNOUNCEMENTS: The Board Members, staff and audience watched a brief video from the North Carolina Association of County Commissioners (NCACC). There were no announcements.

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

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

PUBLIC COMMENT: No one signed up to speak during the public comment period.

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 a presentation by Jane Kimsey, the director of the county's Department of Social Services (DSS), regarding the federal government shutdown and its effect on DSS under Reports/Presentations as the new Item 8A, per the Interim County Manager.
- To add a presentation by Jim Bruckner, the director of Macon County Public Health, regarding the federal government shutdown and its effect on the health center under Reports/Presentations as the new Item 8B, per the Interim County Manager.

- To add consideration of the county’s responsibility to provide office space for the new resident Superior Court Judge under New Business as the new Item 10A, per the Interim County Manager.
- To add consideration of agreement on the final payment to Patrick Bradshaw/Civil Design Concepts under Old Business as Item 9C, per the Interim County Manager.

IMPACT OF FEDERAL GOVERNMENT SHUTDOWN ON SOCIAL SERVICES:

DSS Director Jane Kimsey provided the board with an analysis of the known as well as the potential impacts of the federal government’s October 1 shutdown on the Department of Social Services, a copy of which is attached (Attachment 1) and is hereby made a part of these minutes. She explained that the Work First Cash Assistance applications cannot be processed due to the TANF Block Grant not being authorized, and that Child Protective Services positions within the department that receive funding through TANF are currently unfunded mandates. She also pointed out that Adult Protective Services is now an unfunded mandate due to the Social Services Block Grant not being authorized. She questioned whether the county was willing to fund these programs, as there is no assurance of reimbursement of federal funds in the impacted areas even if the federal budget is approved retroactively. In the meantime, she said her department will continue to provide the mandated services at a daily cost of approximately \$2,600. Following questions from the board, Ms. Kimsey said she was developing a contingency plan in the event of a prolonged shutdown and would meet with the Social Services Board next week. No action was taken.

IMPACT OF FEDERAL GOVERNMENT SHUTDOWN ON PUBLIC HEALTH:

Health Center Director Jim Bruckner also provided the board with a list of the impacts on public health programs and services, making a distinction between those that are mandated and those that are considered “essential.” A copy of his memo is attached (Attachment 2) and is hereby made a part of these minutes. He also spoke of plans to meet with the Board of Health later in the month to discuss options and that he would report back to the Board of Commissioners by the end of October, pending some agreement being reached at the federal level. He estimated the daily cost of providing unfunded yet mandated services in his department at \$2,096, while hoping that those costs would be reimbursed. Chairman Corbin stated that “the dysfunction in Washington continues to amaze me.”

PROCLAMATION REGARDING MENTAL ILLNESS AWARENESS WEEK:

Commissioner Beale read the proclamation for “Mental Illness Awareness Week October 7-13, 2013” into the record. Upon a motion by

Commissioner Beale, seconded by Commissioner Haven, the board voted unanimously to approve the proclamation as presented, a copy of which is attached (Attachment 3) and is hereby made a part of these minutes. Ann Nandrea, who presented the proclamation on behalf of the National Alliance on Mental Illness (NAMI), also recognized Commissioner Beale as the recipient of the 2013 John Baggett Award, which was presented at the NAMI North Carolina conference held in Raleigh. The award, which is named after the state organization's first executive director, is given annually to recognize the local community effort of a non-member on behalf of people living with mental illness and their families. Mrs. Nandrea told the board, "Simply said, when it comes to the impact of mental illness on individuals and families, he (Beale) gets it."

PROCLAMATION REGARDING NOVEMBER AS PANCREATIC CANCER AWARENESS MONTH:

Chairman Corbin read portions of the proclamation for Pancreatic Cancer Awareness Month into the record, noting that November 15th was specifically designated as Pancreatic Cancer Awareness Day in Macon County. Following comments from the Chairman and Commissioner Beale, and upon a motion by Commissioner Haven, seconded by Commissioner Higdon, the board voted unanimously to approve the proclamation as presented, a copy of which is attached (Attachment 4) and is hereby made a part of these minutes.

COMMUNITY FUNDING POOL RECOMMENDATIONS:

Karen Wallace, a member of the Community Funding Pool Task Force, presented recommendations regarding the disbursement of the \$50,000 available from the pool. She said the task force received 17 requests totaling \$114,588. From those, 12 agencies were selected, with a total recommendation for funding from the task force of \$61,671.63. She pointed out that two agencies, KIDS Place and REACH of Macon County, were recommended for full funding at \$10,000 each due to the value of their services to the community, and asked that the board consider an increase in the amount allocated annually to the pool. Commissioner Beale thanked the task force for its work, stating that it "takes a lot of pressure off this board." Upon a motion by Commissioner Beale, seconded by Commissioner Tate, the board voted unanimously to accept the task force recommendations for Fiscal Year 2013-14 as presented and to distribute the \$50,000 as outlined, a copy of which is attached (Attachment 5) and is hereby made a part of these minutes.

MEMORIAL GARDEN AT MACON COUNTY PUBLIC LIBRARY:

Karen Wallace, the librarian for the Macon County Public Library, presented a request to allow an unused portion of the library grounds to be

landscaped and used as a memorial garden for Virginia Ramsey Brunner. Ms. Wallace explained that Ms. Brunner's sister, Nancy Ramsey, had provided a donation that would fund the development of the garden, and that ongoing maintenance of the area would be covered under the library's existing contract with Carolina Nature Scapes. A sketch of the proposed garden was provided for the board's review. Because the garden would be a permanent change to the grounds, the board's approval was needed, and Commissioner Beale, the liaison to the Library Board, described it as a great addition in an area that is not being used. Upon a motion by Commissioner Beale, seconded by Commissioner Haven, the board voted unanimously to approve the design as presented, along with a "thank you" to Ms. Brunner for her donation.

RENEWAL OF GOVERNOR'S HIGHWAY SAFETY PROGRAM GRANT: Sheriff Robert Holland presented a request for the board to renew the contract for the Governor's Highway Safety Program (GHSP) grant and to allocate the required matching funds of \$19,328. Sheriff Holland gave the board a statistical-based report from the initial year of the four-year grant. Following questions and comments from the board and additional remarks by the sheriff and Lt. Ken Lane, an upon a motion by Commissioner Haven, seconded by Commissioner Beale, the board voted unanimously to adopt the Local Governmental Resolution for the North Carolina Governor's Highway Safety Program (Attachment 6), a copy of which is attached and is hereby made a part of these minutes. Also attached (Attachment 7) is a copy of a memo to the board from Sheriff Holland, which is also hereby made a part of these minutes.

RECORDS RETENTION SCHEDULE AMENDMENTS: The Interim County Manager explained that the state's Government Records Section had recently published four records retention schedule amendments affecting counties that the board would need to adopt. These amendments apply to the Board of Elections, County Management, Register of Deeds and Tax Administration. He noted that the board had approved an overall records retention schedule for the county in May of this year. Upon a motion by Commissioner Higdon, seconded by Commissioner Tate, the board voted unanimously to approve the amendments as presented, copies of which are attached (Attachment 8) and are hereby made a part of these minutes.

FINAL PAYMENT TO PATRICK BRADSHAW/CIVIL DESIGN CONCEPTS: Following discussion and an explanation by the County Attorney, and based upon a recommendation by former County Manager Jack Horton, upon a motion by Commissioner Beale, seconded by Commissioner Haven, the board voted 4-1 (with Commissioner Higdon

opposing) to approve a final payment of \$25,000 to Patrick Bradshaw/Civil Design Concepts for his services on the Iotla Valley Elementary School water and sewer project. The motion included approval of an appropriate budget amendment that would reflect the final payment amount.

OFFICE SPACE FOR THE NEW RESIDENT SUPERIOR COURT JUDGE:

The County Attorney explained that under state statute (NCGS 7A-302), the county is required to provide office space for the resident Superior Court judge in the county. He further noted that there is no available space within the courthouse, and that outgoing Judge James U. “Jud” Downs intends to continue to occupy the space the county had provided for him at his cost. With that in mind, the new judge, Bill Coward, had contacted Franklin attorney Richard S. Jones, Jr. regarding space in his office building, and from that conversation, the County Attorney had drafted a proposed lease agreement between the county and Mr. Jones for office space for Judge Coward. The County Attorney said the proposed lease calls for a one-year term with nine one-year renewal options at a rent of \$600 per month, with a built-in inflator that adjusts based on the Consumer Price Index. Upon a motion by Commissioner Haven, seconded by Commissioner Tate, the board voted unanimously to approve the lease agreement as presented (Attachment 9), a copy of which is attached and is hereby made a part of these minutes, with the understanding that next year’s budget would need to be adjusted to reflect the increased cost of the lease. Judge Coward, who was in attendance at the meeting, told the board that he had been sworn in to office the previous day.

RESOLUTION REGARDING MENTAL HEALTH LME GOVERNANCE:

Commissioner Beale said that recent legislation has brought about significant changes for the mental health Local Management Entity (LME). For example, the new 23-county Smoky Mountain LME is governed by a 21-member board that has only one seat for a county commissioner. However, counties are expected to provide funding but with no authority or oversight. As the state is looking to the counties to adopt resolutions to approve this new system, he said that the seven counties in Region A have agreed by consensus to request a delay in implementation. Based on that, Commissioner Beale made a motion to request that the board adopt “A Resolution Urging the NC Department of Health and Human Services, the NC General Assembly and the Governor to Delay, Revisit and Revise the Requirements Concerning the Governance and Appointment of Elected County Officials as Board Members to the Smoky Mountain LME/MCO Board of Directors.” Commissioner Tate seconded the motion, and all favored. A copy of the

resolution is attached (Attachment 10) and is hereby made a part of these minutes.

CHANGE ORDER NUMBER 2 ON HIGHLANDS SCHOOL RENOVATION

PROJECT: Terry Bell reviewed the three individual items that comprised the change order, which totaled \$6,047 and added no additional time to the contract, leaving a substantial completion date of October 26, 2013. Commissioner Tate praised Mr. Bell for his management of the project, and made the motion to approve the change order as presented. The motion was seconded by Commissioner Beale and all favored. A copy of the change order is attached (Attachment 11) and is hereby made a part of these minutes.

AMENDMENT TO LITTLE TENNESSEE RIVER GREENWAY

ORDINANCE: The County Attorney informed the board that its recent action to allow a project to remove invasive plant species along the Little Tennessee River Greenway could not legally be done without an amendment to the greenway ordinance, as the ordinance prevents the cutting of vegetation and/or the use of pesticides or herbicides. He went on to explain that he had drawn up an amendment to the ordinance that allows cutting or removal or the use of pesticides and herbicides so long as there is written authorization from the county, and if such work is performed in compliance with any existing conservation easements. Upon a motion by Commissioner Haven, seconded by Commissioner Higdon, the board voted unanimously to approve An Ordinance Amending “An Ordinance Regulating the Use of the Little Tennessee River Greenway, as Amended.” A copy of the ordinance is attached (Attachment 12) and is hereby made a part of these minutes.

INTERLOCAL AGREEMENT WITH THE TOWN OF FRANKLIN REGARDING HAZARDOUS MATERIALS TRAILER:

Emergency Services Director David Key explained the use of the county-owned hazardous materials (HAZ MAT) trailer to the board, stating that the Town of Franklin has individuals who are better trained relative to responding to hazardous materials emergencies. Under the agreement, the town would use, maintain and store the trailer and would respond to any such emergencies outside the Franklin Fire District. Mr. Key pointed out that the town Board of Aldermen gave its approval to the agreement at a meeting on Monday (October 7th), and he recommended that the commissioners do so as well. The County Attorney said that he helped to prepare the agreement and has no problems with it. Upon a motion by Commissioner Higdon, seconded by Commissioner Beale, the board voted unanimously to approve the interlocal agreement as presented, a

copy of which is attached (Attachment 13) and is hereby made a part of these minutes.

PROPOSALS FOR RADIO COMMUNICATIONS CONSULTING SERVICES:

Commissioner Tate said that following the last county fire commission meeting, the need arose to address inadequate emergency communications within the county. He suggested an option to have an unbiased consultant review the system and determine steps to improve it. Mr. Key pointed out that the system was designed some 30 years ago and is “not getting the job done.” He said the county had sought proposals and had received three, although one was disqualified. Of the remaining two, one was from Federal Engineering at a cost of \$26,370 and the other was from Mission Critical Partners at \$35,357, with Mr. Key recommending that the county accept the low bid as presented. Sheriff Holland described some of the communication difficulties that his officers experience, especially in the Nantahala and Highlands areas. Mr. Key said the firm could have some recommendations for the county by March of 2014, but warned that the solution would likely be very pricey. There was also discussion regarding two communications towers that had yet to be put into service and were awaiting permits, along with additional discussion regarding possible costs. Upon a motion by Commissioner Tate, seconded by Commissioner Beale, the board voted unanimously to award the job to Federal Engineering at a cost of \$26,370, pending review of the contract by the County Attorney.

Chairman Corbin declared a recess at 7:55 p.m.

Chairman Corbin called the meeting back to order at 8:12 p.m.

INTERLOCAL AGREEMENT WITH THE TOWN OF HIGHLANDS REGARDING RECREATION:

The Finance Director asked the board to consider the annual interlocal agreement with the Town of Highlands in the amount of \$495,000 in order to support recreation opportunities, facilities and services in cooperation with the town. She noted that terms were the same as in past years, with the town invoicing the county on a quarterly basis. Upon a motion by Commissioner Tate, seconded by Commissioner Beale, the board voted unanimously to approve the interlocal agreement as presented, a copy of which is attached (Attachment 14) and is hereby made a part of these minutes.

AUTHORIZATION FOR CANCELLATION OF CHAF DEED OF TRUST:

The County Attorney briefed the board on a legal situation involving a deed of trust issued in connection with some CHAF grant funds that were used by county residents to purchase replacement housing as a

result of flooding and slides. Now, there is a need to cancel that deed of trust, but it cannot be done due to grant requirements that stipulate that flood insurance must be in effect on the replacement housing, even though it is not located in or near a floodplain area. The County Attorney explained that he was seeking the board's authority to cancel the deed of trust on behalf of the county once he has verified that the proper flood insurance policy is in effect in order to ensure compliance with the grant guidelines, and upon a motion by Commissioner Beale, seconded by Commissioner Haven, the board voted unanimously to grant that authority.

CONSENT AGENDA: Upon a motion by Commissioner Beale, seconded by Commissioner Tate, the following items on the consent agenda were unanimously approved: **Minutes** – Approved the minutes from the September 10th meeting. **Budget amendments** – Approved the following budget amendments: **#39** for the Department of Social Services to carry forward \$4,694 in SHIPP grant funds; **#40** for the Housing Department to transfer \$60,000 from the General Fund in order to move budgeted funds into line items within Fund 51; **#41** for the Housing Department to appropriate \$19,847 from fund balance to Fund 51 for salary-related purposes. (Revisions with corresponding numbers attached.) **Tax releases** – Approved tax releases in the amount of \$3,928.19. (A computer printout of releases is on file in the Tax Department and the County Manager's office.) Also approved was a list of motor vehicle bills that have been written off in the amount of \$99,763.68. These bills are through Fiscal Year 2007 and have been submitted to the collections agency and debt set-off, as all means of collections have been exhausted at this point, and the tax office is attempting to "clean up" the accounts due to the State Division of Motor Vehicles now collecting the taxes along with registration fees. **Tax refund** – Approved a tax refund in the amount of \$295.32 to Pamela Dills Fortune stemming from a 2012 tax bill where a mobile home and outbuilding were on the incorrect parcel. **Changes to Macon County Public Health Fee Schedule** – Approved changes relating to the cost of a Pevnar vaccine and to changes at the state level regarding pap smear tests. **Monthly ad valorem tax collection report** – No action necessary.

APPOINTMENTS: (1) Recreation Commission – Upon a motion by Commissioner Tate, seconded by Commissioner Beale, the board voted unanimously to appoint Josh Ward and Josh Cantrell to the Recreation Commission for terms of three years, with those terms to expire October 8, 2016. **Joint Community Advisory Committee for the Adult Care Homes and Nursing Homes of Macon County** – Upon a motion by Commissioner Beale, seconded by Commissioner Haven, the board voted

unanimously to reappoint Helen Burnette and Jane Kimsey to this committee, each for terms of three years. The board took no action regarding the reappointment of Andy Cloer to this committee.

CLOSED SESSION: At 8:24 p.m., upon a motion by Commissioner Beale, seconded by Commissioner Tate, the board voted unanimously to go into closed session for the purpose of consulting with the attorney under NCGS 143-318.11(a)(3) and to discuss personnel matters under NCGS 143-318.11(a)(6). At 9:14 p.m., upon a motion by Commissioner Higdon, seconded by Commissioner Beale, the board voted unanimously to come out of closed session and return to open session.

RECESS: Upon a motion by Commissioner Beale, seconded by Commissioner Haven, the board voted unanimously to recess until October 15, 2013 at 6 p.m. in the commission boardroom on the third floor of the Macon County Courthouse located at 5 West Main Street in Franklin, North Carolina.

Mike Decker, Interim County Manager
Deputy Clerk to the Board

Kevin Corbin
Board Chairman