

**MACON COUNTY BOARD OF COMMISSIONERS
DECEMBER 9, 2014
MINUTES**

Chairman Corbin called the meeting to order at 6:02 p.m. and welcomed those in attendance. He also extended a welcome to Gary Shields as his first regular meeting as a county commissioner. All Board Members, the County Manager, Deputy Clerk, Finance Director, County Attorney, members of the news media and interested citizens were present.

ANNOUNCEMENTS: **Austin Posey** apologized to the board “for my actions over a year ago” involving a breaking and entering and vandalism at the old Cowee School. Mr. Posey, who is 19, told the board that he would finish 17 months of supervised probation in January and that he had performed 100 hours of community service. Those in attendance then watched a video from the North Carolina Association of County Commissioners (NCACC). The County Manager informed the board that the Fiscal Year 2015-16 Community Services Block Grant application from Macon Program for Progress (MPP) was available for the board members to review within the next 30 days. Commissioner Beale updated the board on the status of several transportation projects, including the approval of and funding for a truck turnaround to be located on the Highlands Road (NC 28) prior to the entrance to the Cullasaja Gorge.

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: **Jim Gray**, representing the Ruffed Grouse Society, urged the commissioners to stand by the resolution that they passed on July 8th of this year asking the US Forest Service not to establish any new wilderness areas in Macon County, saying that this was a courageous action. He said

others are spreading “a misleading vision” and urged the board to “stand strong in the face of these misguided pressures to rescind your decision” and to communicate a message of balanced use and wildlife habitat enhancement to the US Forest Service and to Congressman Mark Meadows. **Bill Van Horn**, representing the Franklin Appalachian Trail Community Committee, said that the committee is asking the board to reconsider the recent resolution opposing the designation of additional wilderness areas within the Nantahala National Forest in Macon County. Mr. Van Horn noted that 47 miles of the Appalachian Trail run through the county, and that the wilderness designation offers the highest level of protection for public lands. He asked the board to allow the US Forest Service planning process to come forward with a recommendation as to any new areas that might be federally designated as wilderness. At this point, Chairman Corbin reiterated the county’s support for the Appalachian Trail and said that Commissioner Shields would serve as the board’s liaison to the trail’s committee. **Brent Martin** told the board that he works for the Wilderness Society and that he is a grouse hunter, and he felt that there are better ways to handle this situation “than to create divisive resolutions.” He asked the board to rescind its resolution, stating that it is time for the various groups to learn to work together. Mr. Martin said that with 1.1-million acres of National Forest, only 6 percent of it is designated as protected wilderness, adding there is “plenty of public land here to go around.” In closing, he told the board, “I feel like we should all be working together.” Chairman Corbin said that the board, by way of the resolution, simply expressed an opinion, and that a move to rescind it would require a motion from one of the members, adding that it was not on tonight’s agenda. This was followed by additional comments from Mr. Gray and from Mr. Van Horn. Commissioner Beale described this matter as “a long discussion” and that it will be going on for two more years. From an economic standpoint, he noted that the “payment in lieu of taxes” generated by logging on National Forest land had meant revenue of \$1.5-million to Macon County over the past 10 years.

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

- To add authorization for Sprinkle Surveying, PA to begin work on the “as built” plats for the Parker Meadows Recreational Complex as Item 10B.11 under New Business, per the County Manager.

UPDATE ON PROPERTY REVALUATION: Tax Administrator Richard Lightner presented a PowerPoint presentation on the 2015 Reassessment. Prior to his presentation, Mr. Lightner told the board members that the choice to delay the county’s revaluation “was a good decision,” and told them that their telephones

“would be ringing a lot” once property owners were notified of their new values. During his presentation, Mr. Lightner explained the statutory authority that requires counties to establish market values, and gave an overview of the appraisal process. He also outlined the three approaches to value, and provided a definition of market value while also describing what market value is not. He reviewed the factors that affect market value, noted the increase in the parcel count (which stands at nearly 45,000), and went over a number of statistics involving real estate transactions. Mr. Lightner explained that the current value of all property stands at \$9,348,950,012, but following the revaluation, that number will fall to \$7,965,328,213 in 2015, or an overall decrease in value of 14.8 percent, resulting in an estimated revenue neutral tax rate of 33 cents per \$100 of valuation. He then shared several examples of properties and their 2007 values and taxes compared to what the values and taxes would be in 2015 using the revenue neutral rate. In closing, he stressed the following points: (1) Reassessments are volatile and established procedures must be followed; (2) the established appeal process outlined by the Machinery Act must be adhered to; (3) equality between similar properties must be one of the top priorities; (4) properties will not increase at the same percentage countywide and (5) location is still very much a factor. As to the next steps, Mr. Lightner told the board that values will be finalized by December of 2014, with notices mailed to property owners in January of 2015. Information regarding appeals will accompany the notice of value, and the county’s Board of Equalization will start to hear those appeals in April of 2015. By doing the reappraisal “in-house,” he told commissioners that the county saved \$1,083,150 for the 2015 version, with total savings of \$4,330,000 since 1999. Mr. Lightner then answered questions from those in attendance and from the board members, and noted he would be making the same presentation at a public meeting the next evening at the county’s community building. No action was necessary.

RESOLUTION REGARDING THE TIME FOR GENERAL REAPPRAISAL OF REAL PROPERTY: The County Attorney explained that Tax Administrator Richard Lightner was recommending that the county switch to a four-year cycle for property reappraisals as opposed to the current eight-year cycle. The County Attorney prepared a resolution that would accomplish that measure and presented it for the board’s consideration. Upon a motion by Commissioner Tate, seconded by Commissioner Beale, the board voted unanimously to approve a “Resolution Regarding the Time for General Reappraisal of Real Property,” a copy of which is attached **(Attachment 1)** and is hereby made a part of these minutes.

Chairman Corbin declared a recess at 7:42 p.m.

Chairman Corbin called the meeting back to order at 7:55 p.m.

UPDATE ON NOISE ORDINANCE: Macon County Planner Matt Mason and Planning Board Chairman Chris Hanners appeared before the commissioners seeking “guidance” on the development of a noise ordinance for the county. Mr. Mason said that a majority of the planning board members want “some type of noise ordinance,” and that some of the main points of discussion have centered around what time of day such an ordinance would be applied, which county office would enforce it, and ways to deal with “intentional” noise. Chairman Corbin stated that he was “not for adding regulations,” and wanted the planning board to be very careful in crafting the regulations, adding that he favored a “nuisance” ordinance, not a noise ordinance, to which Commissioner Higdon agreed. This was followed by a lengthy discussion that included Sheriff Robert Holland. Chairman Corbin asked if there was a consensus among the commissioners to have the planning board prepare an ordinance that addresses so called “malicious” noises, and the board agreed to request the planning board to take that approach in developing the document. Mr. Mason said this has been a big issue for the last eight years, and that some county residents are at their wits end regarding ongoing issues with noise from neighboring properties. He noted that any ordinance would not apply within the town limits of Franklin or Highlands, or within the extra-territorial jurisdictions of those towns. Commissioner Beale said he was “anxious to see what you bring back to us.”

2015 MEETING SCHEDULE: Upon a motion by Commissioner Beale, seconded by Commissioner Shields, the board voted unanimously to adopt a “Resolution Establishing New Schedule Of Regular Meetings Of The Macon County Board of County Commissioners,” a copy of which is attached (Attachment 2) and is hereby made a part of these minutes. The board will continue to hold its regular meetings on the second Tuesday of each month beginning at 6 p.m. in the commission boardroom on the third floor of the Macon County Courthouse.

STATUS OF SBI INVESTIGATION: The County Attorney gave a brief update on the ongoing State Bureau of Investigation (SBI) investigation regarding the county’s Board of Elections Office. He explained that the results of SBI investigations do not have to be made public, and that newly-elected District Attorney Ashley Welch reminded him that these inquiries can take up to three years. Otherwise, the County Attorney said that the process is ongoing and that the District Attorney said that she would communicate with the County Attorney when appropriate. He advised the board to “let the work of the SBI take its course.”

BOARD ASSIGNMENTS: Chairman Corbin explained that, following the recent election, it was time for him to designate the individual board member’s

committee assignments for the 2015-16 term. Essentially, he said that he had given Commissioner Shields the assignments that were held by former Commissioner Haven, with a few exceptions. Commissioner Shields will now become the liaison to the county planning board, taking Commissioner Tate's spot. Commissioner Tate will now become one of the two liaisons to the county's Economic Development Commission (EDC), taking over former Commissioner Haven's spot there. Also, Chairman Corbin removed himself as one of the two liaisons to the county's school system, and announced that Commissioner Shields will join Commissioner Beale in that role. All of the other board assignments remained the same. A copy of the updated list is attached (Attachment 3) and is hereby made a part of these minutes.

PARKER MEADOWS RECREATIONAL COMPLEX:

- (1) Upon a motion by Commissioner Beale, seconded by Commissioner Shields, the board voted unanimously to accept a bid from Hedden Bros. Well Drilling in the amount of \$25,475 to fit the newly-drilled well on the property at a cost of \$11,475 and to retrofit the existing well at the site at a cost of \$14,000. A copy of the recommendation letter from Larry A. Lackey, Jr. with CEtech Associates is attached (Attachment 4) and is hereby made a part of these minutes. The motion included authorization for the County Manager to execute the contract.
- (2) Upon a motion by Commissioner Tate, seconded by Commissioner Beale, the board voted unanimously to accept a bid from Lou Gasperin Plumbing in the amount of \$34,258 for the irrigation system. A copy of the recommendation letter from Larry A. Lackey, Jr. with CEtech Associates is attached (Attachment 5) and is hereby made a part of these minutes. The bid was the lowest of the three received and the motion included authorization for the County Manager to execute the contract.
- (3) Following an explanation by the County Attorney, and upon a motion by Commissioner Tate, seconded by Commissioner Shields, the board voted unanimously to approve a right-of-way agreement with Duke Energy, a copy of which is attached (Attachment 6) and is hereby made a part of these minutes. The County Attorney pointed out that the agreement will require approval from Macon Bank as well.
- (4) Following an explanation by the County Manager, and upon a motion by Commissioner Tate, seconded by Commissioner Beale, the board voted unanimously to approve an additional amount of \$30,404.40 to be awarded to Penland Contracting Company in order to have the firm enlarge the dugouts by an additional six feet in length. The County Manager told the board that the 8' X 18' dugouts were substandard and compromised the potential of the complex if left "as is," and that the expansion will "allow us to have the best possible product." A copy of the letter outlining the request for the change order from Larry A. Lackey, Jr.

with CEtech Associates is attached (Attachment 7) and is hereby made a part of these minutes.

- (5) Upon a motion by Commissioner Tate, seconded by Commissioner Shields, the board voted unanimously to approve Change Order Number 002 with Warth Construction, Inc. in the amount of \$16,001.28 in order to enlarge eight dugouts by six feet in length and eight feet in width. A copy of the change order is attached (Attachment 8) and is hereby made a part of these minutes.
- (6) Upon a motion by Commissioner Beale, seconded by Commissioner Shields, the board voted unanimously to (1) approve \$5,851.25 in additional surveying services to Sprinkle Surveying stemming from restaking of the ball fields due to the burial site; (2) to approve \$11,950 for CEtech Associates stemming from modifications to the entire site construction drawings due to the burial site; and (3) \$7,980 to Ritter Architecture stemming from the structural design of four retaining walls and eight new concrete dugouts due to the rotation of the ball fields. Per the Finance Director, funding for these items will be covered in Budget Amendment #91 (to be addressed later in the agenda) by moving money from the project contingency fund into the professional services line item.
- (7) The County Manager presented costs associated with the design of a monument for the burial site, with one option coming in at \$25,396 and the second one coming in at \$19,375, with neither cost including the kiosk that will provide information on the historical significance of the site. Chairman Corbin suggested that both options be presented to the Cherokee Preservation Foundation, and Commissioner Beale said this would take place on Friday (December 12th). No action was taken.
- (8) Upon a motion by Commissioner Beale, seconded by Commissioner Tate, the board voted unanimously to authorize additional work to be performed by county maintenance staff (primarily trenching and installation of water lines or electrical conduit), with the cost of labor and materials to total approximately \$12,000. This will bring the cost of using county maintenance staff and materials on the project to approximately \$30,000.
- (9) Upon a motion by Commissioner Beale, seconded by Commissioner Tate, the board voted unanimously to accept a proposal from Sprinkle Surveying to provide an "as-built" plat of the improvements to the complex, with the cost not to exceed \$9,250. The Finance Director noted this would require a budget amendment to move money from the project's contingency fund to the professional services line item. The motion included authorization for the County Manager to execute the agreement.

CONSENT AGENDA: Upon a motion by Commissioner Tate, seconded by Commissioner Shields, the following items on the consent agenda were

approved unanimously: **Minutes** – Approved the minutes from the November 18 and December 1, 2014 meetings. **Budget amendments** – Approved the following budget amendments: **#89** for Macon County EMS to allocate an insurance reimbursement of \$3,354 to repair an ambulance; **#90** for the Department of Social Services to allocate \$29,114 in new Child Welfare allocations from the state; **#91** for the Parker Meadows Capital Project to transfer \$74,658 from contingency for architect fees (\$10,450), engineering fees (\$11,950), profession fees (\$5,852) and construction (\$46,406); **#92** for Macon County Transit to add grant funds totaling \$26,487, to add an expense line item for a bus shelter install totaling \$8,500, and to decrease the fund balance appropriation by \$17,987; **#93** for Macon County Transit to appropriate \$3,385 in funding for camera systems for three vehicles included in the Fiscal Year 2014 budget but never completed; **#94** for Macon County Transit to carry forward the balance of the Veterans Transportation Grant from Fiscal Year 2013-14 to Fiscal Year 2014-15, resulting in a net decrease of \$15,283. (Revisions with corresponding numbers attached) **Tax releases** – Approved tax releases in the amount of \$413.47 (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.

CLOSED SESSION: At 9:03 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). At 9:32 p.m., upon a motion by Commissioner Shields, seconded by Commissioner Tate, the board voted unanimously to come out of closed session and return to open session.

ADJOURN: With no other business, and at 9:32 p.m., upon a motion by Commissioner Shields, seconded by Commissioner Tate, the board voted unanimously to adjourn.

Derek Roland
Ex Officio Clerk to the Board

Kevin Corbin
Board Chairman