

**MACON COUNTY BOARD OF COMMISSIONERS
DECEMBER 11, 2012
MINUTES**

Chairman Corbin convened the meeting at 6:03 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: Commissioner Tate announced that the planning board “retreat” with the county commissioners was set for Tuesday, February 21, 2013, beginning at 6 p.m., with staff to make arrangements to hold the meeting at the Macon Bank Corporate Center.

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 HEARINGS: Chairman Corbin called the public hearing on the Elderly Individuals and Individuals with Disabilities Program Grant Application to order at 6:07 p.m., and recognized Macon County Transit Director Kim Angel, who provided a brief overview of the so-called “Section 5310” program. She said that this would be a two-year grant totaling \$355,500, with the county to provide a 50 percent match of \$177,750. No one from the public signed up to speak, and Chairman Corbin closed the public hearing at 6:13 p.m. He then opened the public hearing on the Macon County Community Transportation Program Application at 6:13 p.m. and again recognized Mrs. Angel, who gave a brief description of the so-called “Section 5311” program, pointing out its human service and public transportation aspects. She stated that this one-year program calls for a total funding request of \$307,431, of which \$40,220 is the local match. No one from the public signed up to speak, and following questions from the board and comments from the County Manager, Chairman Corbin closed the public hearing at 6:26 p.m. Upon a motion by Commissioner Beale, seconded by Commissioner Tate, the board voted unanimously to adopt the Public Transportation Program

Resolution as presented (Attachment 1), a copy of which is attached and is hereby made a part of these minutes. Upon a motion by Commissioner Tate, seconded by Commissioner Beale, the board voted unanimously to adopt the Community Transportation Program Resolution as presented (Attachment 2), a copy of which is attached and is hereby made a part of these minutes.

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 modify Item 10A under New Business as a Qualified Zone Academy Bond (QZAB) resolution, per the County Attorney.
- To add consideration of authorizing the County Manager to enter into an agreement with the North Carolina Department of Transportation regarding McCoy Bridge as Item 10C under New Business, per the County Manager.
- To add consideration of authorizing the County Manager to enter into a contract with Alliance Consulting Engineers to perform a Phase I environmental study and other related matters regarding the proposed recreational park site located off Maxwell Home Road as Item 10D under New Business, per the County Manager.
- To authorize the submission of a Parks and Recreation Trust Fund (PARTF) grant application with regard to the proposed recreation site as Item 10E under New Business, per the County Manager.
- To authorize the purchase of furniture for the new offices of the Sheriff's Department as Item 10F under New Business, per the County Manager.
- To hold a closed session for the purpose of preserving the attorney-client privilege under Item 13, per the County Manager.
- To remove Item 11F, Macon County Public Health FY 12-13 Billing and Collection Policies and Fee Schedules, from the Consent Agenda and to table that item until the January 8, 2013 regular meeting.
- To add discussion of a Georgia-based water study as item 10G under New Business, per Commissioner Haven.
- To add Budget Amendment #78 to the Consent Agenda under Item 11B, per the Finance Director.

PRESENTATION OF THE COMPREHENSIVE ANNUAL FINANCIAL REPORT – Erica Brown with Martin Starnes & Associates presented a

PowerPoint presentation on the highlights of the county's Comprehensive Annual Financial Report (CAFR) for the fiscal year ending June 30, 2012. She explained that the county had received an unqualified or "clean" opinion from the firm, and she expressed her appreciation to the Finance Director and her staff. A copy of the CAFR and the accompanying Compliance Letters are on file in the Deputy Clerk's office. No action was necessary.

BOARD MEMBER COMMITTEE APPOINTMENTS: Chairman Corbin distributed a list of committee assignments for the board for 2013 (Attachment 3), a copy of which is attached and is hereby made a part of these minutes. He also noted that Commissioner Haven would be added as a liaison to the planning board.

NCDOT TRAFFIC LIGHT CONTROLLER PROJECT: Emergency Services Director David Key explained that he was seeking approval of a professional services agreement with J.M. Teague Engineering involving the installation of a traffic signal upgrade at the intersection of the US 441 bypass and Hyatt Road, as that upgrade would provide for emergency vehicle "preemption" of the signal light for ambulances leaving the EMS base. He said that the county had already invested \$17,595 in the project and that approximately \$13,000 was needed to complete it. The County Manager noted it had taken more to approve and design the project than to install it, but it would be an advantage for EMS personnel to have control of the signal light. Mr. Key took the board through a scenario involving how the preemption would work and recommended completing the project. The County Manager said that the North Carolina Department of Transportation (NCDOT) had been asked to pay for the signal upgrade but would not do so, adding that the additional funds could come from contingency. Upon a motion by Commissioner Beale, seconded by Commissioner Tate, the board voted unanimously to approve an allocation of \$13,148 from contingency to complete the upgrade, with Commissioner Beale specifically asking for documentation of a warranty.

RESOLUTION AND LEASE WITH FOREX CURRENCY TRADE ADVISORS: Economic Development Director Tommy Jenkins recommended that the board renew a one-year lease with Forex Currency Trade Advisors for space in the Small Business Center at the current rate of \$333.33 per month. He noted that the lease will run from August 1, 2012 through July 31, 2013. The County Attorney explained that he had prepared a revised resolution and lease in regard to this, and upon a motion by Commissioner Haven, seconded by Commissioner Tate, the board voted unanimously to approve a resolution "declaring property to

be surplus and approving a one year lease of the same by Macon County to Forex Currency Trade Advisors, LLC.” A copy of the resolution (Attachment 4) and lease (Attachment 5) are attached and are hereby made a part of these minutes.

RESOLUTION AUTHORIZING NEGOTIATION OF INSTALLMENT FINANCING CONTRACTS: The Finance Director explained that the county had been looking to go to the bond market to refinance some \$16 million in debt incurred in renovating East Franklin School and building the MountainView Intermediate School. After contacting BB&T, she said the bank “got creative” and found a way to refinance the loan by dividing it into two parts. As the county can borrow up to \$10 million per year under a “qualified” (tax-exempt) rate, she pointed out that Macon currently has \$8.5 million in loan “capacity,” and that BB&T was willing to modify the rate on that amount from 4.59 percent to 2.61 percent this month, and then do the remainder in January of 2013. Over the life of the 15-year loan, she said that the combined actions would result in the county saving more than \$2.1-million. Following further discussion, and upon a motion by Commissioner Haven, seconded by Commissioner Beale, the board voted unanimously to adopt a “Resolution Approving Terms of Modification” (Attachment 6) as presented, securing the 2.61 percent interest rate on \$8.5 million of the outstanding principal balance of the loan. A copy of the resolution is attached and is hereby made a part of these minutes.

QZAB RESOLUTION: Following discussion and upon a motion by Commissioner Beale, seconded by Commissioner Tate, the board voted unanimously to approve a resolution “authorizing the negotiation of an installment financing contract” for \$1.5 million for renovations to Highlands School using Qualified Zone Academy Bonds (QZAB) funding and to hold a public hearing on this matter at the board’s January 8, 2013 regular meeting. A copy of the resolution (Attachment 7) is attached and is hereby made a part of these minutes.

SATISFACTION OF SECURITY INSTRUMENT: The County Manager explained that the county was a secured creditor in a security instrument (a deed of trust) covering Community Development Block Grant (CDBG) expenditures for rehabilitation repairs and modifications to the residence of Marvin D. and Lillie R. Bryant, and that the note was now satisfied. He recommended release of the instrument by the county, and that recommendation was approved upon a motion by Commissioner Beale, seconded by Commissioner Higdon, and all favored. A copy of the Satisfaction of Security Instrument (Attachment 8) is attached and is hereby made a part of these minutes.

NCDOT AGREEMENT REGARDING MCCOY BRIDGE: The North Carolina Department of Transportation (NCDOT) had supplied the county with a proposed agreement “as to transfer of ownership and maintenance for Bridge #172,” known locally as the McCoy Bridge. Following some background information from Commissioner Beale, and an outline of the specifics of the agreement by the County Manager, Commissioner Beale made a motion, seconded by Commissioner Tate, to accept the terms of the agreement and to transfer ownership and maintenance of the bridge to the county, with the caveat of NCDOT providing signage for the bridge. A lengthy discussion regarding the actual amount of the maintenance cost ensued. The County Manager pointed out that NCDOT’s first choice was to tear down the bridge and replace it with a new one, but that residents of the Cowee Community wanted to save it and have a new bridge constructed nearby. Following continued discussion regarding possible options, Commissioner Beale said the board needed to “preserve a piece of history,” and called for a vote on the matter. The board voted 4-1, with Commissioner Higdon opposing, to approve the agreement with NCDOT as presented (Attachment 9), a copy of which is attached and is hereby made a part of these minutes.

PHASE I ENVIRONMENTAL STUDY FOR RECREATION SITE: The County Manager stated that Mike Lavoy, an engineer with Alliance Consulting Engineers, had provided the county with a preliminary layout of a proposed recreation park at the former Parker Meadows Golf Course, and had submitted a proposal to perform the necessary due diligence and grant administration for the project. For a total of \$27,900 the county would get a Phase I environmental site assessment, coordination and administration of the Parks and Recreation Trust Fund (PARTF) grant, plus an environmental assessment and wetland survey. The County Manager recommended that the county contract with Alliance for these services, with the funds to come from contingency, with the County Attorney noting that the board could waive the requirement to advertise for these services as the total was less than \$30,000. Commissioner Higdon questioned the portions of the proposal that called for certain information to be provided by the owner, and said that municipal sewer would be a must for the project, and that there were considerable drainage issues at the site. There were also questions as to which county ordinances, such as the high impact ordinance, applied to the project. Upon a motion by Commissioner Beale, seconded by Commissioner Haven, the board voted unanimously to waive the requirement to seek proposals, authorize the county manager to enter into a contract with Alliance Consulting Engineers in the amount of \$27,900, and to move money from contingency to cover the cost. The

County Manager requested that the record reflect that the county would proceed with the PARTF application, and the board agreed.

FURNISHINGS FOR SHERIFF'S OFFICE: The County Manager explained that approximately \$64,000 worth of "mid-grade" furniture was needed to furnish the new sheriff's department offices on Patton Avenue, and he suggested that the funds be taken from contingency. Upon a motion by Commissioner Tate, seconded by Commissioner Beale, the board voted unanimously to move no more than \$64,000 from contingency for the furniture. The County Manager noted that the upcoming move by the North Carolina Drivers License office to this location would free up space in the county's Small Business Center.

At 8:10 p.m., Commissioner Beale was excused from the meeting, as he had to travel to Raleigh.

WATER STUDY: Commissioner Haven expressed his concerns over information that he had received from the University of Georgia School of Forestry regarding a study of water resources in the county, saying that some of the study's suggestions were "overbearing." He gave a packet of information to Chairman Corbin for his review and Commissioner Haven said that he had wanted to bring the matter up for discussion. No action was taken.

CONSENT AGENDA: Upon a motion by Commissioner Tate, seconded by Commissioner Haven, the following items on the consent agenda were unanimously approved: **Minutes** – Approved the minutes from the November 13th, November 20th and December 3rd meetings. **Budget amendments** – Approved the following budget amendments: **#74** for Cooperative Extension to appropriate revenues and expenditures in the amount of \$4,200 for Serve Safe classes; **#75** for the Airport Capital Project Fund to move \$7,530 from contingency as a transfer to the fund, as the airport authority had received additional money for the apron improvements project and this amount reflects the 10 percent match for those funds; **#78** for the Health Department to appropriate \$4,167 in additional money awarded by the state for the Immunization Action Plan. (Revisions with corresponding numbers attached.) **Tax releases** – Approved tax releases in the amount of \$192.75. (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. **Change Order No. 1 on Swiss Colony Project** – Approved a time extension of 21 days on the project.

VOTING DELEGATE FOR LEGISLATIVE GOALS CONFERENCE: Upon a motion by Commissioner Haven, seconded by Commissioner Higdon, the board voted unanimously to designate Chairman Corbin as the board's voting delegate for the upcoming Legislative Goals Conference.

CLOSED SESSION: At 8:26 p.m., and upon a motion by Commissioner Haven, seconded by Commissioner Tate, the board voted unanimously to go into closed session for the purpose of consulting with the attorney under G.S. 143-318-11(a)(3). At 9:44 p.m., and upon a motion by Commissioner Haven, seconded by Commissioner Higdon, the board voted unanimously to come out of closed session.

RECREATION SITE DUE DILIGENCE: Chairman Corbin explained that the county would be asking to extend the due diligence period on the proposed 48-acre recreation site by 30 days, and to ask for 15 days beyond the end of that period to close on the property, with the understanding that the County Manager is authorized to terminate the agreement if the time is not granted or to sign an amendment if it is. Upon a motion by Commissioner Haven, seconded by Commissioner Higdon, the board voted unanimously to approve the request as stated by the chairman.

CLOSE OUT OF IOTLA VALLEY ELEMENTARY SCHOOL PROJECT: The County Manager recommended that the board formally close out the Iotla Valley Elementary School Project by authorizing a final payment of \$55,781 to the architectural firm of Bowers, Ellis and Watson, and upon a motion by Commissioner Tate, seconded by Commissioner Haven, the board voted unanimously to do so by moving \$55,781 from the project's contingency fund. Chairman Corbin noted that the additional money was necessary due to additional time spent on the project as well as redesign work due to changes in the state building code.

ADJOURN: The County Manager reminded the board members of various meetings that were scheduled to take place in January 2013, and he also distributed information on the Community Service Block Grant program for their review. At 9:53 p.m., upon a motion by Commissioner Higdon, seconded by Commissioner Haven, the board voted unanimously to adjourn.

Jack Horton, County Manager
Clerk to the Board

Kevin Corbin
Board Chairman