

**MACON COUNTY BOARD OF COMMISSIONERS  
AUGUST 21, 2012-6 P.M.  
CONTINUED SESSION  
MINUTES**

Chairman Corbin convened the meeting at 6:01 p.m. All Board members, the County Manager, Finance Director, County Attorney, Teresa McDowell (for Deputy Clerk Mike Decker), members of the news media and interested citizens were present.

**ANNOUNCEMENTS:** The County Manager introduced Ms. McDowell to the Board and stated his appreciation to Ms. McDowell for filling in for the Deputy Clerk, who is excused due to illness.

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

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

**PUBLIC HEARING – PROPOSED AMENDMENTS TO AND RESTATEMENT OF CHAPTER 155 OF THE MACON COUNTY CODE CONCERNING VOLUNTARY FARMLAND PRESERVATION:** Chairman Corbin called the public hearing to order at 6:05 p.m. and recognized Soil and Water Conservation District Director, Mike Breedlove. Mr. Breedlove explained that the Voluntary Farmland Preservation program has been in existence in Macon County since 1997, and that participation in this program helps make the community aware of how important farming is and how it contributes to this area. Mr. Breedlove also stated that the major change from the original ordinance is that initially, property owners were required to abide by present use, which required that an eligible property consist of various acreages. The amendment to the code drops the required acreage to only one acre per property and allows “tail-gate” farmers to participate in this program. Mr. Breedlove also stated that it is a simple process to be removed from this program, with a voluntary revision available upon written notice and after thirty (30) days. After further discussion, and with no public comment being made, Commissioner Haven made a motion to approve the restatement of Chapter 155 of the Macon County Code concerning Voluntary Farmland Preservation with proposed amendments. Commissioner Tate seconded the motion and it passed by unanimous consent. The Amendments to and Restatement of Chapter 155, Voluntary Farmland Preservation Revised Ordinance (**Attachment 1**) is attached and is hereby made a part of these minutes.

**PUBLIC COMMENT SESSION:** Chairman Corbin noted that 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 Koppers, the board voted unanimously to approve the agenda as adjusted, as follows:

- To add Rhonda Blanton's presentation in connection to the Franklin High School Booster Club under Reports/Presentations as Item 10C.
- To add a report from County Planner, Matt Mason, on the progress of the Planning Board under Reports/Presentations as Item 10D.
- Per the request of the County Manager, to postpone Item 12D under New Business until the next regularly scheduled meeting date.
- Per the request of the County Manager, to replace Item 12D, under New Business, with a discussion of the removal of the sewer line easement in connection to the property of Randy Cooper.
- To add a discussion for consent to develop a letter to the North Carolina Association of County Commissioners, asking that funding in connection to mental health services be restored under New Business as Item 12F.

**NEW HOPE CEMETERY-ANDREW BALDWIN:** Mr. Andrew Baldwin explained that he is developing an Eagle Scout project which involves New Hope Cemetery, an abandoned African American cemetery. He requested that the Board of Commissioners vote to designate New Hope Cemetery as an abandoned and neglected public cemetery, giving the county authority to take proper care of and beautify the cemetery. His project will involve properly cleaning the seven marked grave stones in the cemetery and helping to install a historical sign at the property, and he asked for assistance in obtaining necessary consents and easements in order to allow access to the cemetery. Chairman Corbin stated that he is in receipt of a letter from Ms. Josephine Burgess, the last living person to attend New Hope Church, expressing full support for Mr. Baldwin's efforts. The County Attorney stated that N.C.G.S. §65 makes authority for county government to deal with abandoned, public cemeteries and gives control to enable authorized boundary lines, among other things. After further discussion, Commissioner Beale made a motion to have the New Hope Cemetery declared as public and abandoned as dictated by N.C.G.S. §65. Commissioner Koppers seconded the motion and it passed by unanimous consent. Mr. Baldwin was congratulated by all the Commissioners for his well-done presentation and interest in this project. Commissioner Koppers asked that the Board be notified of Mr. Baldwin's progress and Chairman Corbin asked that Mr. Baldwin request

funding if needed. Mr. Baldwin was presented a plaque expressing appreciation from the Macon County Commissioners.

**BUSINESS PLAN FOR THE MACON COUNTY HERITAGE CENTER AT THE HISTORIC COWEE SCHOOL-STACY GUFFEY:** Stacy Guffey presented the business plan that was prepared this spring to implement the turning of the former Cowee School into a heritage center. He reported that in 2010, a workshop was sponsored at the Cowee School, which workshop had participation from ninety (90) citizens, fourteen (14) governmental agencies, and various non-profits. It was the consensus of this group that this project should move forward. Mr. Guffey stated that the business plan from workshop to workability includes income generation. He stated that fund raisers, family events, and grants will be utilized with the goal of making this heritage center self-sustaining in the third year of existence. Chairman Corbin stated that the Cowee School Building is the last school in North Carolina built by the WPA, and was completed in 1941, giving the building historic significance. The County Manager stated that Mr. Guffey has presented a good business plan, and that in order to make it work, the following should be done: a. Property to be deeded to Macon County, by the Board of Education; b. Coordinate a contract with Mr. Guffey in order for him to oversee the continuing project; and c. continue to promote the relationship between Macon County and Land Trust of the Little Tennessee, with development of a Memorandum of Understanding that will promote working together to obtain grants, and determining how both agencies can assist each other. Chairman Corbin stated that it is rewarding to see a plan come together and that the commissioners are solidly behind this project. He, along with the other commissioners, expressed gratitude and congratulations to Mr. Guffey for a job well done. The Business Plan for the Macon County Heritage Center at the Historic Cowee School is attached and made a part of these minutes. **(Attachment 2)**

**PRESENTATION FROM RHONDA BLANTON-SALUTE TO VETERANS-FRANKLIN HIGH SCHOOL ATHLETIC HALL OF FAME:** Ms. Blanton reported that the annual Salute to Veterans night, in conjunction with the Franklin High School football game, will be held on September 14<sup>th</sup>, 2012 at 6:45 p.m. All veterans and guests will receive free passes to the football game. Ms. Blanton also stated that the first Franklin High School athletes will be inducted into the Athletic Hall of Fame, with the first three inductees being Joe Breedlove, Mike Breedlove and Roger Guest. Ms. Blanton stated that this is the first year for this event, which will take place on October 12, 2012 at 6:45, in conjunction with the Franklin High School football game. Ms. Blanton asked that all Commissioners attend and show their support for these two events. The board thanked Ms. Blanton for her continuing hard work.

At this time Commissioner Beale announced that the naming of the overpass bridge (441 over 64) honoring Nathan Henry has been approved. The signs should be erected by the

end of September, and a dedication will be scheduled for some time in late October. He stated that Mr. Henry was the longest serving Macon County POW in the Vietnam War and that he has also done special things for the community. Commissioner Beale stated that he will provide more information as it becomes available.

**PROGRESS OF THE PLANNING BOARD-MATT MASON:** County Planner, Matt Mason presented a report on the work of the planning board, and stated that the board is moving efficiently. Currently they are involved in reviewing subdivision ordinances, and have been meeting for four (4) months with the anticipated date of the review completion being within the next two (2) months. He stated that he hoped they will have an ordinance to the County Attorney at that time. He also stated that the biggest complaint from members of the public appears to be that the signage in some road corridors is out of compliance. Mr. Mason stated that the majority of signs causing issues are temporary signs located at intersections, with existing business signs being controlled for the most part by DOT. He stated that the Planning Board is in the process of developing a relationship with DOT at the present time. Another issue of priority interest is with the flood plain ordinance, in connection with moving and filling dirt within the same piece of privately owned property. Chairman Corbin thanked Mr. Mason for his presentation and congratulated him on a job well done. He also stated that Mr. Carl Gillespie is doing an extremely good job as Chairman of the Planning Board.

**NORTH CAROLINA ASSOCIATION OF COUNTY COMMISSIONERS CONFERENCE:** Commissioner Beale stated that the conference was held in Raleigh this year and that all five (5) Macon County Commissioners attended. Commissioner Koppers reported that Commissioner Beale was promoted to 1<sup>st</sup> Vice- President during the conference. He stated that the conference was a good one and that the commissioners learned a lot. Commissioner Haven expressed gratitude to the County Manager for making attendance arrangements for the commissioners.

**SPECIFICATIONS FOR POOL AND POOL HOUSE RENOVATIONS:** Mr. Seth Adams, Director of Macon County Parks and Recreation, presented a report in connection to the pool and pool house renovations. He stated that the project is being treated as two separate projects, with separate bids, and that the pool house renovation specifications only will be presented tonight. Mr. Adams stated that the architect (Aquatic H2O) should have the specifications for the pool by Friday. Mr. Adams explained the “baby” pool features and that it is a requirement to have a fence erected between the “baby” pool and the competition pool. The Commissioners suggested that this fencing issue be more thoroughly researched. Mr. Tom Ritter reported on the renovation of the pool building. He explained that the building is three thousand two hundred (3200”) square feet in size and that they have planned to renovate the entire interior. He stated

that, per the plans, the walkway has been relocated to the middle of the building, the plumbing is being replaced, and the flooring is being replaced with a dry-deck interlocking tile system and will be self-draining. There will be two hundred forty (240) (120 per side) of lockable lockers available, along with six (6) dressing cubicles for the girls side and four (4) for the boys side. Mr. Ritter stated that the specifications are ready for bid, with the commissioners stating that they would like to keep the contract local if at all possible. Currently the estimated cost of construction range is two hundred twenty thousand (\$220,000.00) dollars to two hundred fifty thousand (\$250,000.00) dollars. The County Attorney will review the requirements of bidding within this cost range. At this point, Commissioner Kupperts stated that there is no tax increase associated with the project, and that the using of tax dollars has been discouraged. He stated that these two (2) projects are utilizing money they already have. After further discussion, Commissioner Beale made a motion to authorize the County Manager to liaise with the architect, Tom Ritter, to put the pool house renovation project out for bids, with the understanding that to the extent possible, the informal bid route should be utilized. Commissioner Haven seconded the motion and it passed by unanimous consent. It was stated that when the specifications for the Franklin Pool repairs are obtained, consideration should be given to the Highlands pool repair specifications also. The commissioners thanked Mr. Adams and Mr. Ritter for their hard work. The Bid Specifications for the pool house renovation are attached and made a part of these minutes. **(Attachment 3)**

**REQUEST FOR CONTRACT AND FRANCHISE EXTENSION FROM J&B DISPOSAL:** Ms. Bonita Hamstra, President of J&B Disposal, presented a request to the commissioners to extend her company's contract and franchise with the county for an additional five (5) years (through May of 2021.) Ms. Hamstra explained she and her husband have held the franchise for J&B Disposal since 1996 and currently employ fourteen (14) workers. She explained that the company is exclusive to Macon County, and that any fee schedule for the company is subject to approval by the commissioners. Mr. Chris Stahl, Solid Waste Director, also explained that there are two (2) agreements between Macon County and J&B Disposal; 1) an exclusive franchise and 2) a contract for service with the landfill. After further discussion, Commissioner Beale stated that the commissioners will take the request under advisement, will ask the County Attorney to review the documentation, and that the County Manager will then bring this issue back before the board.

**APPROVAL OF FIRE DISTRICT MAP FOR NANTAHALA:** County Fire Marshall, Jimmy Teem, presented a revised map of the Nantahala Fire District for the board's consideration. Mr. Teem stated that the Nantahala sub-station has now acquired the appropriate equipment necessary in order to cover a larger area, with the result that

two hundred (250) businesses and individuals will be able to get lower insurance rates. The map that Mr. Teem presented is designated as follows: Yellow area is the Nantahala Five (5) Mile area; Purple is the Nantahala Six (6) Mile Area and white is the designated forest service area. The County Attorney stated that N.C.G.S. §153A authorizes the process. After further discussion, Commissioner Tate made a motion to approve the revised map of the Nantahala Fire District. Commissioner Beale seconded the motion and it passed by unanimous consent. The revised map is attached and made a part of these minutes. **(Attachment 4)**

**RESOLUTION AND RENEWAL OF LEASE AGREEMENT WITH FOREX CURRENCY TRADE ADVISORS, LLC:** Upon a recommendation of the County Attorney, consideration of this matter was postponed until a later date.

**REMOVAL OF SEWER EASEMENT FROM PROPERTY OF RANDY COOPER:** The County Manager informed the Board that he had been approached regarding removing the sewer easement, in favor of Macon County, from the property of Mr. Cooper to enable him to sell the property. He also informed the board that the sewer line has been relocated and that the need for a sewer line on this property in the future is very remote. Commissioner Haven asked about other property owners in similar circumstances, and if it would be better to remove them all at the same time. The County Attorney stated that it would be better to do this on a case by case basis, but the other property owners with easements on their property will be contacted and informed of the process. Commissioner Haven made a motion to remove the sewer line easement as requested. Commissioner Beale seconded the motion and it passed by unanimous consent.

**MEMORANDUM OF AGREEMENT WITH THE NC WILDLIFE RESOURCES COMMISSION FOR PRENTISS BRIDGE ACCESS AREA:** County Planner, Matt Mason, reported to the Board on the status of the canoe access point located off of Prentiss Bridge Road. He stated that it is in dire need of improvements and maintenance. He also stated that the North Carolina Wildlife Resources Commission has funds available for upkeep on the property. Mr. Mason explained that it would be necessary for Macon County to enter into an agreement with the North Carolina Wildlife Resources Commission which states among other things, that the North Carolina Wildlife Resources Commission is responsible for obtaining permits, re-graveling the parking lot, and repairing and up-keeping the canoe entry area. Mr. Mason also stated that the Clarks Chapel Fire Department uses this area for their water point. Commissioner Haven asked about drop-off commercial use, and is told that anyone can have access as long as nothing is constructed on the property. After further discussion, Commissioner Beale made a motion to approve the Memorandum of Agreement between Macon County and the NC

Wildlife Resources Commission for the Prentiss Bridge Area as presented. Commissioner Haven seconded the motion and it passed by unanimous consent. The potential Memorandum of Agreement between Macon County and the NC Wildlife Resources Commission is attached and made a part of these minutes. **(Attachment 5)**

**CONSIDERATION OF A LETTER TO THE NC ASSOCIATION OF COUNTY COMMISSIONERS IN CONNECTION TO RESTORING MENTAL HEALTH SERVICES FUNDING:** Commissioner Beale stated that over the last two (2) funding cycles, forty (40) million dollars has been deleted from the state budget in connection to mental health funding. He stated that available acute psychiatric beds have been cut, along with other needed services. He stated that three point six (3.6) million dollars has been cut from the western North Carolina area. Commissioner Beale stated that with the loss of patient beds, involuntary commitments are being held in custody situations, which are expensive, in terms of county personnel. He stated that seventy thousand (\$70,000.00) dollars has been spent so far this year, with the potential cost for 2012 to reach two hundred thousand (\$200,000.00) dollars. This cost is absorbed by the Sheriff's Department. Commissioner Koppers then asked that the board consent to write a letter to the NC Association of County Commissioners with the legislative goal being to restore twenty (20) million dollars that was cut from the last budget cycle to be used for mental health services. Commissioner Koppers also stated that prior to this cut being made during the last budget cycle, they had been assured there would be no reductions. After further discussion, Commissioner Koppers made a motion to write a letter to the NC Association of County Commissioners on behalf of the Macon County Commissioners asking that the twenty (20) million dollars cut from last cycle's budget be restored to mental health services. Commissioner Beale seconded the motion and it passed by unanimous consent.

**CONSENT AGENDA:** Upon a motion by Commissioner Beale, seconded by Commissioner Koppers, the following items on the consent agenda were unanimously approved. **Minutes-**Approved the minutes from the July 10<sup>th</sup> and July 26<sup>th</sup> meetings. **Tax releases-**There were no tax releases for the board's consideration at this time. **2011 Tax Settlement Report-**No action necessary. **Monthly ad valorem tax collection report-**No action necessary.

**BUDGET AMENDMENTS:** A discussion was held in connection to budget amendments for Macon County Transit and Adult Dental (in order to move Medicaid dollars from last FY to this FY for the purpose of re-locating and updating the adult dental clinic). Commissioner Koppers made a motion to approve all budget amendments as submitted. Commissioner Tate seconded the motion and it passed by unanimous consent.

Budget Amendments twenty seven (27) and twenty eight (28) are attached and made a part of these minutes. **(Attachments 6 and 7)**

**APPOINTMENTS:** Chairman Corbin stated that there is one open appointment to the Planning Board, with another appointment scheduled for October and asked for recommendations for the current appointment. The appointment in October will be addressed at the regularly scheduled commissioners meeting in October. Commissioner Tate made a motion to appoint Bill Futral to fill the unexpired seat vacated by the death of Al Slagle. He stated that Mr. Futral is a licensed contractor and has a background in planning. He also resides in the Highlands area. Commissioner Kupperts seconded the motion and it passed by unanimous consent.

**CLOSED SESSION:** At 8:56 p.m., and upon a motion by Commissioner Haven, seconded by Commissioner Kupperts, the board voted unanimously to go into closed session for the purpose of discussing matters relating to the location of industries or other businesses to Macon County and to discuss a matter of a potential litigation issue to be discussed under attorney-client privilege. At 9:20 p.m., and upon a motion by Commissioner Kupperts, seconded by Commissioner Tate, the board voted unanimously to come out of closed session. Upon returning to open session, Commissioner Tate made a motion to approve the relocation of Harmony House Foods into the Macon County Business Development Center. Commissioner Kupperts seconded the motion and it passed by unanimous consent. No action was taken in connection to the potential litigation issue.

**ADJOURN:** Upon a motion by Commissioner Haven, seconded by Commissioner Beale, the board voted unanimously to adjourn.

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Jack Horton, County Manager  
Clerk to the Board

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Kevin Corbin  
Board Chairman



