

**MACON COUNTY BOARD OF COMMISSIONERS  
APRIL 8, 2014  
MINUTES**

Chairman Corbin called the meeting to order 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 county planning board had changed the date of its regular monthly meetings to the second Thursday of each month. The County Manager updated the board members on the budget process, noting that meetings with department heads have begun. The County Manager also announced that the appraisal of the Parker Meadows property came back in at \$595,000. The county purchased the property for \$550,000. The County Manager requested that the board consider continuing this meeting until Tuesday, April 29<sup>th</sup>. Chairman Corbin congratulated Commissioner Higdon on the birth of his first grandchild and also wished Commissioner Tate a happy birthday, his 42<sup>nd</sup>.

**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 PROPOSED NAMES FOR NEW ROADS:** Chairman Corbin called the public hearing to order at 6:11 p.m., and recognized Angie Kinsland, the county's 911 Addressing Coordinator. Mrs. Kinsland explained that the hearing had been properly advertised with the names of the roads and range of road numbers posted in multiple locations. She requested that the board accept the list of new road names as presented. Chairman Corbin pointed out that no one from the public signed up to speak, and he closed the hearing at 6:13 p.m. Upon the conclusion of the hearing, the County Attorney

told the board members that he had prepared an amendment to the county's road naming ordinance for their consideration. Upon a motion by Commissioner Beale, seconded by Commissioner Tate, the board voted unanimously to adopt the "April 8, 2014 Amendment to Macon County Road Naming and Numbering System Ordinance Heretofore Codified as Chapter 14 of the Macon County Code," a copy of which is attached (Attachment 1) and is hereby made a part of these minutes.

**PUBLIC HEARING ON SECTION 5317 NEW FREEDOM PROGRAM:**

Chairman Corbin called the public hearing to order at 6:16 p.m. and recognized the County Manager, who explained the details of this particular Macon County Transit Department program, which is primarily focused on providing bus stop shelters for Transit's Mountain Gem route. The purpose of the "New Freedom" program is to encourage new services and facility improvements to address the transportation needs of persons with disabilities that go beyond those required by the Americans with Disabilities Act (ADA). The County Manager said the local share of \$1,700 would be used toward the installation of four bus shelters that were purchased for the transit department last year. In addition, \$19,688 will provide a 50 percent local share in operating funds that will establish another route for the Mountain Gem. However, those funds will not have to come from the county, as they will be used from another grant source to provide the local match. The County Manager said that for \$1,700, the county can increase the department's level of service while adding no additional employees, adding that the county will dissolve the route if funds are not available in subsequent years. He asked the board to consider a resolution regarding the program, noting that it will not take effect until the 2014-15 Fiscal Year. Following questions from the board members, Chairman Corbin closed the public hearing at 6:23 p.m. Upon a motion by Commissioner Beale, seconded by Commissioner Tate, the board voted unanimously to fund the \$1,700 in the Transit budget for FY 2014-15 and to adopt the "Public Transportation Program Resolution" as presented. A copy of the resolution is attached (Attachment 2) and is hereby made a part of these minutes.

**PUBLIC COMMENT:** Chairman Corbin noted that no one signed up to speak.

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

- To remove Item 9C under Old Business, Update on franchise agreement with J&B Disposal, per the County Attorney, and to reschedule that item for the May regular meeting.

- To hold a closed session under Item 13 for the purposes of preserving the attorney/client privilege and to discuss land acquisition, per the County Attorney.
- To add a budget amendment under Item 10F under New Business, per the Finance Director.
- To remove items 10D (Consideration of capital project ordinance for airport runway rehabilitation) and 10E (Consideration of Budget Amendments #130 and #131 for the airport apron improvements project) under New Business, per the County Manager.
- To add an item as 10H under New Business regarding the Little Tennessee River Greenway, per Commissioner Haven.

**PUBLIC HEALTH MONTH PROCLAMATION:** Dawn Wilde, the community health promotion supervisor for Macon County Public Health, and Molly Phillips, a member of the Macon County Board of Health, presented a proclamation for the commission's consideration to proclaim April 7-13, 2014 as National Public Health Week and April 2014 as Public Health Month in Macon County. Upon a motion by Commissioner Tate, seconded by Commissioner Beale, 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.

**BOARD OF ELECTIONS BUDGETARY MATTERS:** Luke Bateman, the chairman of the county's three-member Board of Elections, requested the board's consideration of a budget amendment in the amount of \$41,458. The discussion turned to the status of Kim Bishop, the director of the Board of Elections, who has been on paid administrative leave pending the outcome of an investigation into the apparent misappropriation of departmental funds. Mr. Bateman told the commissioners that Ms. Bishop's status remains in the hands of the state Board of Elections. He explained that the bulk of the funds outlined in the amendment were for election expenses directly associated with the May 6<sup>th</sup> primary. Commissioner Higdon questioned Mr. Bateman as to when the investigation would end, and he responded that the local board members are awaiting an answer along with everyone else. The Finance Director explained that there is approximately \$104,000 remaining in the county's contingency fund from which the money could be taken, adding that the elections department must be made whole from a budgetary standpoint. Commissioner Beale made a motion to approve the budget amendment as presented, which appropriates \$15,089 in election fees and transfers \$41,458 from contingency to the Board of Elections budget, and the motion was seconded by Commissioner Tate. During further discussion, Mr. Bateman commended Debbie George, the interim elections director, and Melanie Thibault for their work during this period. Commissioner Higdon asked if a

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written opinion or progress report would be made available, and the County Attorney and Mr. Bateman explained that a decision from the state Board of Elections could come as soon as three weeks. “Somebody failed,” Commissioner Higdon said. The board voted unanimously to approve the motion, and a copy of the budget amendment is attached **(Attachment 4)** and is hereby made a part of these minutes.

**PRESENTATION OF SCHEDULE OF VALUES:** Tax Administrator Richard Lightner presented the board with the proposed 221-page Schedule of Values, a document that contains the “schedule of values, standards and rules to be used in appraising real property in Macon County for the reappraisal that will be effective as of January 1, 2015.” Mr. Lightner told the board that the schedule is “the bible we have to appraise by,” and said that a public hearing on the schedule would need to be held. The proposed schedule will be posted on the county’s website, he said, and he and the board members then discussed comments made by Richard Melvin during the board’s public comment period at its March 11<sup>th</sup> regular meeting. The board agreed to set the public hearing for comment on the schedule of values for Tuesday, April 29<sup>th</sup> at 6 p.m.

**UPDATE ON SIGNAGE FOR THE ROBERT C. CARPENTER COMMUNITY FACILITIES BUILDING:** Seth Adams, the county’s director of parks and recreation, first asked the board to drop the word “Facilities” from the title and shorten it to the Robert C. Carpenter Community Building. Upon a motion by Commissioner Beale, seconded by Commissioner Haven, the board voted unanimously to approve the request. Mr. Adams then presented some photos showing how the new signage for the building would appear, and he noted that funding for the new signs is available in his departmental budget. He also told the board that the members of the recreation commission wanted to hold a groundbreaking ceremony for the new Parker Meadows Recreational Park on Saturday, April 19<sup>th</sup> at 10 a.m.

**UPDATE ON OFFICE SPACE FOR THE DIVISION OF WORKFORCE SOLUTIONS:** The County Manager updated the board on the status of the search for a new location for the state Division of Workforce Solutions (DWS) office, explaining that he had spoken with Dr. Don Tomas of Southwestern Community College (SCC) about the possible use of some county-owned space in the SCC Annex near the county courthouse. The County Manager said plans call for SCC to give up a classroom, with the county to give up one room as well. The lease for the current DWS office on Harrison Avenue expires on June 30<sup>th</sup>. The County Manager said there would be no charge to the DWS for the use of the space. No action was necessary.

**DONATION OF SWING SET TO THE MACON COUNTY BOARD OF EDUCATION:** Following proper public notice, 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 Swing Set That Has Been Located At Old Cowee School To The Macon County Board of Education,” with the Board of Education being responsible for the swing set being moved to its new location. A copy of the resolution is attached (Attachment 5) and is hereby made a part of these minutes.

**MACON TRACS PILOT PROGRAM WITH MACON COUNTY SCHOOLS:** For the board’s consideration, the County Attorney presented a proposed license agreement between the county, the Macon County Board of Education and Macon TRACS, Inc. Under the agreement, the county-owned property near South Macon School would be used by Macon TRACS for the purpose of “conducting equine therapy practices.” Macon TRACS is a local non-profit entity that provides equine assisted activities and therapies to special needs adults and children. The Board of Education had approved a pilot program submitted by Macon TRACS, but with the school property owned by the county, the commission’s permission was also needed. The County Attorney recommended approval of the agreement subject to the necessary insurance information being provided. Describing it as “a wonderful program,” Commissioner Beale made a motion to approve the license agreement contingent upon the required insurance being provided, and the motion was seconded by Commissioner Haven, and all favored. A copy of the license agreement is attached (Attachment 6) and is hereby made a part of these minutes.

**MACON COUNTY SCHOOLS CAPITAL OUTLAY BUDGET AMENDMENT:** The Finance Director explained that Macon County Schools had requested a transfer of \$17,600 between categories within the system’s capital outlay budget, per the attached letter (Attachment 7) to the Board of Commissioners. Upon a motion by Commissioner Tate, seconded by Commissioner Beale, the board voted unanimously to approve the amendment as presented, a copy of which is hereby made a part of these minutes.

**APPLICATION TO RELEASE LOTTERY FUNDS:** The Finance Director requested that the board approve an application seeking the release of \$311,050.65 in lottery funds to the county, with the funds to be used for debt service payments. She noted that the application will also need to be signed by the chair of the Board of Education. Upon a motion by Commissioner Haven, seconded by Commissioner Tate, the board unanimously approved the request, with Commissioner Beale commenting that the amount coming to the county “is \$250,000 short of what it should be.” A copy of the application for the

Public School Building Capital Fund North Carolina Education Lottery is attached (Attachment 8) and is hereby made a part of these minutes.

**PARKER MEADOWS RECREATIONAL PARK: (1) Initial Findings**

**Resolution:** The Finance Director asked the board to consider a resolution that would authorize her and the County Manager to negotiate financing for an installment purchase contract to pay for up to \$1.8 million in capital improvements to the Parker Meadows property. The resolution also authorizes the Finance Director to make application to the Local Government Commission (LGC) for its approval of that contract, and to set a public hearing on the proposed financing for April 29, 2014 at 6 p.m. Upon a motion by Commissioner Beale, seconded by Commissioner Tate, the board voted unanimously to adopt a “Resolution of the Board of Commissioners of the County of Macon, North Carolina, Authorizing the Negotiation of an Installment Purchase Contract and Providing for Certain Other Related Matters Thereto,” a copy of which is attached (Attachment 9) and is hereby made a part of these minutes. **(2) Reimbursement Resolution:** The Finance Director also asked that the board consider a resolution that would allow the county to reimburse itself for expenditures directly related to the Parker Meadows project from the \$1.8 million installment purchase contract. Upon a motion by Commissioner Beale, seconded by Commissioner Haven, the board voted unanimously to adopt a “Resolution of the County of Macon, North Carolina Declaring the Intent of the County of Macon, North Carolina to Reimburse Itself for Capital Expenditures Incurred in Connection with Certain Improvements to the Parker Meadows Property from the Proceeds of a Certain Installment Purchase Contract to be Executed and Delivered in Calendar Year 2014.” A copy of the resolution is attached (Attachment 10) and is hereby made a part of these minutes. **(3) Capital Project Ordinance:** The Finance Director asked that the board adopt a Capital Project Ordinance for the Parker Meadows Recreation Complex, with the \$3.3-million project to be funded by installment financing proceeds, a PARTF grant and a transfer from the General Fund. Upon a motion by Commissioner Tate, seconded by Commissioner Beale, the board voted unanimously to adopt the Capital Project Ordinance as presented, a copy of which is attached (Attachment 11) and is hereby made a part of these minutes. **(4) Budget Amendment #132:** The Finance Director presented the board with a budget amendment that would appropriate \$500,000 from the General Fund balance and transfer it to the County Buildings Fund for the Parker Meadows Recreational Complex, in keeping with the board’s desire to use \$500,000 from fund balance in the current fiscal year and another \$500,000 from fund balance in Fiscal Year 2014-15 to help fund the project. Upon a motion by Commissioner Tate, seconded by Commissioner Beale, the board voted 4-1, with Commissioner Higdon opposing, to approve Budget Amendment #132 as presented, a copy of which is attached (Attachment 12) and is hereby made a part of these minutes.

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**REQUEST FOR FIREWORKS DISPLAY IN NANTAHALA:** The Nantahala Volunteer Fire & Rescue Department requested board approval for a fireworks display for the Nantahala Community to be held July 5, 2014. Upon a motion by Commissioner Haven, seconded by Commissioner Higdon, the board voted unanimously to approve the request.

**LITTLE TENNESSEE RIVER GREENWAY:** Commissioner Haven asked for time to address an issue regarding a piece of property near the Little Tennessee River Greenway that is being considered for purchase by the Land Trust for the Little Tennessee (LTLT), but said that there were questions regarding legal matters, which he wanted to direct to the County Attorney. There was also discussion about the possible purchase of additional properties along the greenway. The County Attorney suggested a meeting of county officials and representatives of the LTLT to discuss the next steps to take, with the possible inclusion of a representative from the Clean Water Trust Fund. This was followed by a lengthy discussion about maintenance and vegetation management along the greenway. No action was taken.

**TOURISM DEVELOPMENT COMMITTEE:** Commissioner Haven also requested time to discuss a matter involving the county's Tourism Development Committee (TDC) as it relates to the application and collection of the tourism tax as it applies to vacation rental properties. As liaison to the TDC, Commissioner Haven said he was asked to bring to the board's attention the need to contact those who have such properties to ensure they understand the obligation to pay the 3 percent tourism tax on those rentals. A lengthy discussion followed, much of which centered on the issue of how to "police" this matter. The board asked the County Manager to speak with a Finance Department employee about sending out reminder letters to those who have these rentals listed. Commissioner Haven also brought up questions about the use of TDC funds to pay for fireworks displays, but the board deferred the matter back to the TDC.

**CONSENT AGENDA:** Upon a motion by Commissioner Haven, seconded by Commissioner Tate, the following items on the consent agenda were unanimously approved: **Minutes** – Approved the minutes from the March 11 and March 18, 2014 meetings. **Budget amendments** – Approved the following budget amendments: **#119** for the Department of Social Services to appropriate \$6,513 in additional energy assistance funds; **#120** for the Department of Social Services to appropriate \$16,517 in additional energy assistance funds; **#121** for the Health Department to appropriate \$6,500 in funds received from the Project Lazarus Grant; **#122** for Special Appropriations to move \$2,234 from contingency to the Clarks Chapel Community for the Angel Cemetery; and **#126** for the Buildings and Grounds Department to

appropriate \$12,414 from an insurance settlement related to property damage (Revisions with corresponding number attached.) **Tax releases** – Approved tax releases in the amount of \$259.84 (A computer printout of releases is on file in the Tax Department and the County Manager’s office.) **Macon County Public Health Fee Changes** – Approved a change to the Macon County Public Health Fee Schedule increasing the cost of a rabies vaccination at the semi-annual rabies clinic from \$5 to \$10. **Monthly ad valorem tax collection report** – No action necessary.

**APPOINTMENTS: (1) Macon County Heritage Center Advisory Board** – Upon a motion by Commissioner Beale, seconded by Commissioner Tate, the board voted unanimously to appoint Barton (Barry) D. Clinton to the Macon County Heritage Center Advisory Board. **(2) Community Funding Pool** – By consensus the board agreed to table appointments to the Community Funding Pool until the May regular meeting. **(3) Joint Community Advisory Committee for the Adult Care/Nursing Homes of Macon County** – Upon a motion by Commissioner Beale, seconded by Commissioner Haven, the board voted unanimously to reappoint Pam Goldsmith to the Joint Community Advisory Committee for the Adult Care/Nursing Homes of Macon County. **(4) Planning Board** – Commissioner Tate asked that appointments to the Planning Board be postponed.

**CLOSED SESSION:** At 7:53 p.m., upon a motion by Commissioner Tate, seconded by Commissioner Haven, 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 the acquisition of real property under NCGS 143-318.11(a)(5). At 8:37 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. No action was taken.

**RECESS:** At 8:38 p.m., upon a motion by Commissioner Beale, seconded by Commissioner Tate, the board voted unanimously to recess the meeting until Tuesday, April 29, 2014 at 6 p.m. in the commission boardroom on the third floor of the Macon County Courthouse, 5 West Main Street, Franklin, NC.

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Derek Roland  
Ex Officio Clerk to the Board

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Kevin Corbin  
Board Chairman