

MACON COUNTY BOARD OF COMMISSIONERS
JUNE 9, 2015
MINUTES

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

ANNOUNCEMENTS: Commissioner Beale, as the liaison to the sheriff's department, remarked that the county averted a "tragedy" on June 4th when two people were arrested and now face attempted murder charges following an altercation with deputies at South Macon Elementary School. He invited Sheriff Robert Holland to update the board on the situation. Sheriff Holland said that while he could provide no details due to the ongoing investigation, he said there were "a lot of heroes" that morning, including Alice Bradley, a school bus driver who had the initial contact with the suspects. The sheriff went on to say that "I consider myself to be very blessed" as to how the matter turned out, adding that "our priority is now prosecuting this case." Those involved in the matter will be recognized by the commissioners at a future meeting. Those in attendance then watched a video from the North Carolina Association of County Commissioners (NCACC) that provided an update on recent NCACC activities.

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.

Before proceeding with the agenda items, Chairman Corbin recognized Jack Debnam, the new North Carolina Board of Transportation member representing District 14, which includes Macon County. Mr. Debnam, the former chairman of the Jackson County Board of Commissioners, said that he was appointed to

the post by Gov. Pat McCrory on March 30th and planned to visit every board of commissioners within his district. Mr. Debnam reviewed a list of the projects in the county that are either already in progress or planned, the status of each and its anticipated start or completion date. He noted that things have changed “drastically” in the last two years or so with regard to how transportation projects get approved, and encouraged the board to participate in the regional Rural Planning Organization (RPO), as any approved project must come from the RPO list. In closing, he told the board that he has access to only \$125,000 in discretionary funds, and asked the members to support the governor’s bond issue. Commissioner Beale described Mr. Debnam as “an advocate for better roads in our area.”

PUBLIC HEARING ON THE PROPOSED FISCAL YEAR 2015-16 BUDGET:

Chairman Corbin opened the public hearing on the proposed Fiscal Year 2015-16 budget at 6:25 p.m. He told the audience that “this is when we hear from you.” He said that four people had signed up to speak, adding that all of the calls and e-mails he had received about the budget had been in regard to the library. He said he had asked the County Manager for details on the issue, and recognized him to speak first. The County Manager presented a brief PowerPoint presentation on library funding for the 2015-16 year, pointing out that many of those in the audience were here in support of the library. He stressed that the proposed budget does not decrease or cut funding to Fontana Regional Library, and that the recommended amount of \$999,390 was the same figure included in the current fiscal year budget. Aside from this amount, the county also provides an additional \$475,370 annually in maintenance, loan payments and payment of utility bills. He then provided a comparison of Macon’s funding to the other counties in the Fontana Regional Library System (Jackson and Swain), noting that Macon provides \$29.40 in per capita library spending compared to \$25.20 in Jackson and \$14.30 in Swain. In closing, he said Macon provides \$1,474,760 annually to the library system, an amount equal to 3.2 percent of the county’s 2015-16 operating budget. “Macon County is a leader in the region” in terms of contributions to the library, he concluded. **Cristen Dando and Maggie Kennedy**, who work in the children’s section of the Macon County Public Library, came dressed as “Thing 1” and “Thing 2” from the Dr. Seuss book *The Cat in the Hat*. They took turns presenting their request for additional funding for the library in the rhyming style of the children’s author. Following their presentation, Chairman Corbin remarked that this was “the most interesting presentation” he had seen in his four years on the board. **Karen Wallace**, the librarian at the Macon County Public Library and the director of the Fontana Regional Library, said she wanted to clarify that “at no point did we say there was a cut” in funding. She said there are active library cards in the hands of 31,000 people in the county, and that one quarter of a million people visited the library last year. With inflation at a 10-percent rate since 2008, she said that funding for the library

has only increased four percent in that time, or only \$38,000 more than the 2008 level. Having reduced staff by three full-time equivalent positions, she said the library has “trimmed all we can” and is at the point of either cutting hours or services. “Please invest in the community by investing in the library,” she told the board in asking for a four percent increase in funding. She pointed out that money is needed to replace some outdated copiers and computers. Commissioner Tate asked where other funding for the library comes from, and Ms. Wallace responded, explaining that the system has lost \$50,000 in state funding. **Narelle Kirkland** told the board that she was in a unique position to talk about the library, as she does not have a computer at home and needed to draw on the resources of the library to write a book about World War I. She complimented Ms. Wallace on operating the best library facility in the surrounding area. **Melody Livers** said that her five-year-old son, **Rygel**, would be starting Kindergarten and “couldn’t have gotten ready without the library. Rygel simply told the board, “I love the library.” **Bill Van Horn** said that lots of organizations use the library, noting that the Nantahala Hiking Club uses it for its monthly meetings, and that the library is a great supporter of the Appalachian Trail and those who hike it. **Max West** said that the library “is one of the few community resources” that serves all, adding, I get a far greater value than \$40 out of the library.” He told the board, “I would like to think that we could do better,” and strongly urged them to increase funding to the facility. **Olga Pader** told the board that she has two granddaughters who are homeschooled, and that the library provides lots of services for them, and does a lot for the Spanish-speaking community. The library here is “as good as I have seen,” she said. Commissioner Beale then spoke to Ms. Wallace’s request, and asked that she “babysit for six months” and then come back to the board at that time. He stated that the County Manager “did the best he could” with the budget, and again asked Ms. Wallace to “let us see where we’re at” half way through the year, but added that the board could make “no promises.” Chairman Corbin said that the county is very committed to the library, but added, “I appreciate emotion, but not when it’s misplaced.” The County Manager then summarized the changes that were made to the initial proposed budget following the board’s May 26th work session. Essentially, \$115,000 was taken from the contingency line item, with \$50,000 going to the Town of Highlands to help fund the School Resource Officer (SRO) position at Highlands School, \$40,000 to the Macon County Heritage Center at the historic Cowee School, and \$25,000 in additional funding for the Community Funding Pool, raising the total available dollars there to \$75,000. That trimmed the contingency fund from \$273,769 to \$158,769 to start the new fiscal year. With no one else signed up to speak, and upon a motion by Commissioner Beale, seconded by Commissioner Shields, the board voted unanimously to close the public hearing at 7:10 p.m.

Chairman Corbin declared a recess at 7:11 p.m.

Chairman Corbin called the meeting back to order at 7:23 p.m.

PUBLIC COMMENT: Narelle Kirkland addressed the board regarding three items involving Siler Road, including (1) making changes in the alignment of the entrance to the library and Southwestern Community College (SCC), (2) asking NCDOT to increase the speed limit to 45 miles per hour along the section of the road from the library/SCC entrance to the shopping center and (3) making changes to the entrance to the Wal-Mart shopping center, which she described as “a major hazard.”

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

- To add approval of fireworks displays for Franklin and Nantahala, contingent upon the receipt of the proper applications, under New Business as Item 10E, per the County Manager.
- To add consideration of a rescission to the existing lease agreement with Harmony House under New Business as Item 10F, per the County Attorney.
- To add consideration of a resolution concerning a paving project at the Parker Meadows Recreational Complex by the North Carolina Department of Transportation under New Business as Item 10G, per the County Manager.
- To add discussion regarding the proposed reduction in environmental health fees under New Business as Item 10H, per Commissioner Higdon.
- To add Budget Amendment #224 under the Consent Agenda in Item 11B, per the Finance Director.
- To add the bond counsel agreement with Sanford Holshouser for the planned QZAB financing under New Business as Item 10I, per the Finance Director.
- To hold a closed session in order to preserve the attorney/client privilege and to discuss personnel, per the County Manager.
- To add discussion and consideration of a sublease agreement regarding the use of space on a communications tower and the associated transmitter building as the first item under New Business, per Commissioner Beale.

USE OF SPACE ON COMMUNICATIONS TOWER: Sean Gibson, the vice president and general manager of Franklin radio station 96.7 WNCC, explained that the station’s parent company, Sutton Radiocasting Corporation, was seeking to use space on the Cowee Bald Communications Site. Macon County currently leases space on the site from the U.S. Forest Service, and is considering subleasing space on the tower to the station. Mr. Gibson explained that the station is looking to increase its coverage area to include the Nantahala and Highlands communities, and desires to lease the top 15 feet of

the tower at Cowee Bald. George Young, the station's operations manager, said this would also enhance the station's reach into Jackson and Swain counties as well. Emergency Services Director Warren Cabe stated that the provisions in the agreement were acceptable to him, as the tower is primarily used by the county for emergency communications purposes. Earlier in the meeting, the County Attorney had advised the board that it could not act on the agreement at this meeting, but that he was seeking a consensus in order to proceed with the process, which the board provided. The County Attorney said that this matter would be ready for board action by the July regular meeting or perhaps even earlier. No action was taken.

RATIFICATION OF JUNE 2, 2015 E-MAIL POLL REGARDING GRANT FOR COWEE SCHOOL MUSIC VENUE: The County Manager asked the board members to ratify the results of an e-mail poll, taken June 2, 2015, approving the acceptance of an "Underserved and Limited Resource Communities" grant from the North Carolina Department of Commerce in the amount of \$24,210 for improvements to the Cowee School Music venue and facility. No county match is required. The County Manager explained that a tight schedule forced the polling of the board in order to meet a deadline for submittal. Upon a motion by Commissioner Tate, seconded by Commissioner Beale, the board voted unanimously to ratify the action via e-mail poll as presented. A copy of the e-mail is attached (Attachment 1) and is hereby made a part of these minutes.

NCDOT RIGHT-OF-WAY PURCHASE AGREEMENTS FOR B-5125 BRIDGE REPLACEMENT PROJECT: This item was tabled until the next meeting.

CHANGE ORDER FOR PENLAND CONTRACT: The County Manager referred the board to Change Order No. 4 and No. 5 on a contractor's application from Penland Contracting, a copy of which is attached (Attachment 2) and is hereby made a part of these minutes. He said he was seeking approval of these change orders for the Parker Meadows Recreational Complex project (No. 4 as to "changes to ballfields & road due to Indian grave-site" in the amount of \$24,000 and No. 5 as to "repairs to fields due to utilities construction" in the amount of \$10,000), and explained that the amounts associated with these change orders were accounted for in the \$300,000 appropriation approved by the board on May 21st. Upon a motion by Commissioner Shields, seconded by Commissioner Beale, the board voted unanimously to approve the change orders as presented.

A&T FENCE CHANGE ORDER: The County Manager explained the need for a change order in the contract with A&T Fence for the Parker Meadows Recreational Complex project, saying that a portion of the fence will now run along the top of a retaining wall as opposed to grade level at an additional cost

of \$10,720. Upon a motion by Commissioner Tate, seconded by Commissioner Shields, the change order was unanimously approved as presented.

FIREWORKS DISPLAYS: Upon a motion by Commissioner Beale, seconded by Commissioner Tate, the board voted unanimously to approve fireworks displays for the Franklin area on July 4th and for the Nantahala area on July 5th as requested, but contingent upon receiving the required applications for each.

RECISSION OF LEASE AGREEMENT WITH HARMONY HOUSE FOODS: The County Attorney told the board that Harmony House Foods, one of the tenants in the county's Business Development Center, had contacted Tommy Jenkins, the county's Economic Development Director, asking to lease the space recently vacated by Forex Currency Trade Advisors. The County Attorney suggested that the first step would be to rescind the current lease agreement with Harmony House Foods as of July 1, 2015, and upon a motion by Commissioner Beale, seconded by Commissioner Shields, the board voted unanimously to do so. Upon a motion by Commissioner Tate, seconded by Commissioner Shields, the board voted unanimously to adopt a resolution declaring the space vacated by Forex as surplus and agreeing to lease that space to Harmony House Foods. A copy of the resolution (Attachment 3) and the new lease agreement (Attachment 4) are attached and hereby made a part of these minutes.

NCDOT PAVING AT PARKER MEADOWS RECREATIONAL COMPLEX: The County Manager outlined an agreement between the county and the North Carolina Department of Transportation (NCDOT) to have NCDOT do the paving, sealing and the painting of markings at the new Parker Meadows Recreational Complex. He requested that the board adopt a resolution concerning this work, with the county to pay half of the \$120,000 cost upfront. Jack Morgan, the county's Planning, Permitting and Development Director, assured the board that the county was getting a good price per square foot, as much more parking space had been added to the project. He said that NCDOT had assured him that the price quoted was at its cost, and that the treatment planned was very durable and ideal for parking lots. Upon a motion by Commissioner Beale, seconded by Commissioner Higdon, the board voted unanimously to adopt a "Resolution of the Macon County Board of County Commissioners Concerning the Paving Project at Parker Meadows Recreation Park by the North Carolina Department of Transportation," authorized the chairman to sign the document entering into the agreement with NCDOT, and to pay one-half of the cost upfront. A copy of the resolution is attached (Attachment 5) and is hereby made a part of these minutes.

ENVIRONMENTAL HEALTH FEES: Commissioner Higdon spoke to efforts that he, Health Center Director Jim Bruckner, and Environmental Health

Supervisor Kyle Jennings had made to structure some “reasonable” fees for permits at the Health Center. Commissioner Higdon noted that the goal was to bring them in line with those in neighboring Jackson County, which would require a decrease of 50 percent, or a cut in the health center’s revenue of about \$52,000 a year. This led to a lengthy discussion which included not only these fees but building permit and well permit fees. After Commissioner Higdon outlined a process to come up with new fee amounts, Commissioner Beale agreed that Mr. Higdon was correct in that the fees were too high and suggested allowing the County Manager to review the matter, primarily to see if the lost revenue might be made up from the contingency fund. The board agreed by consensus to have the County Manager look at the situation and to amend the budget if needed.

AGREEMENT WITH BOND COUNSEL FOR QZAB FINANCING: The Finance Director recommended that the board approve an agreement with Sanford Holshouser to act as the county’s bond counsel for the upcoming 2015 QZAB financing. The County Attorney told the board that the proposed agreement was “very fair.” The discussion then turned to the status of the interlocal agreement between the county and the Macon County Board of Education regarding the QZAB projects at Highlands School and Union Academy. The County Attorney explained that it was “close” to being completed but cautioned the board that if all of it is not done properly, the county would not get the zero percent interest rate on the loan. Upon a motion by Commissioner Beale, seconded by Commissioner Shields, the board voted unanimously to approve the scope of work as outlined by Sanford Holshouser. A copy of the agreement is attached (Attachment 6) and is hereby made a part of these minutes.

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 April 21, 2015 continued session, the May 7, 2015 continued session and the May 14, 2015 regular meeting. **Budget amendments** – Approved the following budget amendments: #217 for the Housing Department to appropriate grant funds received from the Duke Energy Income Qualified Weatherization Program in the amount of \$31,951; #218 for Public Health to allocate \$14,802 in additional funds received from the state, and #219 for Public Health to allocate \$3,000 in grant funds to cover WiseBuck expenses. (Revisions with corresponding numbers attached). **Tax refunds** – Approved tax refunds in the amount of \$3,973.78 to Leed Enterprises, LLC for overbilled fire district taxes where the properties were split by the Cowee and Mountain Valley districts, as recommended by the Tax Administrator. **Monthly ad valorem tax collection report** – No action necessary.

APPOINTMENTS: (1) Planning Board: Commissioner Tate made a motion to appoint Jimmy Goodman to the Planning Board, and the motion was seconded by Commissioner Higdon. The motion failed 3-2, with Commissioners Beale, Corbin and Shields opposing and Commissioners Higdon and Tate favoring. Commissioner Shields made a motion to appoint Becky Ramey to the Planning Board, and the motion was seconded by Commissioner Beale. Following a brief discussion, the motion passed unanimously, and Ms. Ramey was appointed for a three-year term. Commissioner Shields then made a motion to appoint Kathy Tinsley to the Planning Board, and it was seconded by Commissioner Beale. Following discussion, the board voted 4-1, with Commissioner Higdon opposing, to appoint Ms. Tinsley for a term of three years. **Jury Committee:** Upon a motion by Commissioner Beale, seconded by Commissioner Shields, the board voted unanimously to reappoint Sara Waldroop to the Jury Committee for a term of three years. **Airport Authority:** Upon a motion by Commissioner Tate, seconded by Commissioner Beale, the board voted unanimously to reappoint Richard Rhodes and Tommy Jenkins to the Airport Authority, each for terms of six years. **Social Services Board:** This item was removed from the agenda. **Board of Health:** Upon a motion by Commissioner Higdon, seconded by Commissioner Shields, the board voted unanimously to reappoint Molly Phillips (general public) and Stacy Shannon (pharmacist) to the Board of Health for terms of three years each.

CLOSED SESSION: Prior to going into closed session, the board members discussed possible dates and times to recess the meeting unto, and agreed upon Thursday, June 25th at 6 p.m. Then, upon a motion by Commissioner Tate, seconded by Commissioner Beale, the board voted unanimously to go into closed session at 8:36 p.m. for the purpose of preserving the attorney/client privilege under NCGS 143-318.11(3) and to discuss personnel under NCGS 143-318.11(6). Upon a motion by Commissioner Higdon, seconded by Commissioner Shields, the board voted unanimously to come out of closed session and return to open session at 9:27 p.m. No action was taken, but the board agreed to take the matter discussed in closed session under advisement.

RECESS: At 9:27 p.m., upon a motion by Commissioner Beale, seconded by Commissioner Shields, the board voted unanimously to recess the meeting until Thursday, June 25, 2015 at 6 p.m. in the commission boardroom on the third floor of the Macon County Courthouse, 5 West Main Street, Franklin, NC.

Derek Roland
Ex Officio Clerk to the Board

Kevin Corbin
Board Chairman