

**MACON COUNTY BOARD OF COMMISSIONERS**  
**JUNE 12, 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 Beale invited those in attendance to a Flag Day celebration at the Junaluska Masonic Lodge. Commissioner Kupperts noted the passing of Dale Hough and spoke of Mr. Hough's contributions to the community and the Franklin High School football program. The Finance Director explained that there were a number of budget amendments to add to the agenda, as well as an ordinance amending the Fiscal Year 2011-12 budget.

**MOMENT OF SILENCE:** Chairman Corbin asked those in attendance to observe a moment of silence and to remember Mr. Hough and his family.

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

**PUBLIC COMMENT:** **Catherine Robb** spoke to the board regarding the proposed fire substation being considered for Mason Branch Road in the Cowee district, and addressed the additional tax burden that it would place on the community. She suggested that county officials consider placing a fire station near the Macon County Airport. Chairman Corbin recognized **David Nicholson** with the North Carolina Association of County Commissioners (NCACC), who provided the board with an update on legislative matters affecting counties. Mr. Nicholson is an outreach associate with the NCACC and covers the 49 westernmost counties, and noted that Macon was "kind enough to lend us Ronnie Beale," who will rise to the office of 1<sup>st</sup> Vice-President of the NCACC at the annual conference later this year.

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

- To add an appointment to the Macon County Child Fatality Prevention Team under Appointments as Item 12E, per Chairman Corbin.

**TENNESSEE VALLEY AUTHORITY SETTLEMENT:** The County Manager informed the board that the Swain County Board of Commissioners would be considering a resolution later this month requesting the state's General Assembly to allocate funds received from the Tennessee Valley Authority (TVA) settlement to be distributed based on the settlement agreement. The resolution states that "the Attorney General of North Carolina has settled a lawsuit with TVA in regards to pollution emission in the Great Smoky Mountains and other mountainous areas of Western North Carolina," and the County Manager noted that Swain County officials are concerned where the funds from the settlement might end up going. The County Manager read the proposed Swain resolution for the record, which requests state lawmakers to adopt specific guidelines for the grant processes of this settlement fund to specifically address the needs of the area affected by the pollution generated by TVA and to give priority to those projects and proposals being submitted from the "TVA Region." Upon a motion by Commissioner Beale, seconded by Commissioner Haven, the board voted unanimously to authorize the County Manager, County Attorney and the Chairman to compose a letter in support of the Swain resolution.

**CONSIDERATION OF THE FISCAL YEAR 2012-13 BUDGET ORDINANCE:** The County Manager reviewed a list of minor changes to the proposed budget, which the board members had agreed to by consensus during the budget work sessions. Commissioner Tate explained his recommendation that, out of five departments that had submitted proposed tax increases, only the Mountain Valley Volunteer Fire Department be granted the requested increase in its fire district tax rate for the upcoming year, with that rate increase being one-tenth of one cent. The County Manager briefed the board on the ongoing compensation and classification plan study. While a full presentation is scheduled for the July 10<sup>th</sup> regular meeting, he explained that the preliminary indications are that some county salaries are below minimum levels while others are underpaid versus the average for that position. Funding for adjustments stemming from the study is not included in this year's budget, he added, and requested that the board consider a one-year, one-time benefit of 24 additional hours of annual leave for each full-time employee as a means of showing appreciation. He explained that to do so would not require an additional appropriation in the new budget. The board agreed to consider this as a separate item from the budget ordinance. The commissioners reiterated their support for all of the county's volunteer fire departments, and would be prepared to offer assistance mid-year if needed. Upon a motion by Commissioner Beale, seconded by Commissioner Koppers, the board voted unanimously to approve the budget ordinance for Fiscal Year 2012/2013

as presented, balanced with appropriations and revenues of \$44,391,193. A copy of the ordinance (Attachment 1) is attached and is hereby made a part of these minutes. With regard to the extra annual leave, Commissioner Tate questioned the cost of covering shifts in the law and emergency services departments, and the County Manager said he and Finance Director discussed this and found a way to shift funds so that no impact was foreseen. After further comments from board members, Commissioner Kupperts made a motion, seconded by Commissioner Beale, to approve the 24 hours of additional annual leave, to be provided to employees in the upcoming fiscal year. Commissioner Haven said he sees this as a big expense that would cost the county in the long run, adding he does not see it as a benefit and that employees would prefer more money to time off. The motion passed 4-1 with Commissioner Haven opposing.

**LEASE AGREEMENT WITH THE GEM & MINERAL SOCIETY OF FRANKLIN** – The County Attorney explained that the county was considering a renewal of the lease for the old county jail on Phillips Street with the Gem & Mineral Society of Franklin for a period of five years at a rate of \$10 per year. He also explained that the required notice had been published and that he had prepared a resolution and an updated lease agreement with the society for the board’s consideration. Commissioner Beale noted that the society had spent several thousand dollars during recent years to make improvements to the building. Upon a motion by Commissioner Beale, seconded by Commissioner Haven, the board voted unanimously to approve the resolution and lease agreement as presented. A copy of the “Resolution Leasing Property For a Term of up to Ten Years” (Attachment 2) and the lease agreement with the Gem & Mineral Society (Attachment 3) are attached and hereby made a part of these minutes.

**LEASE AGREEMENT WITH THE FRANKLIN ARCHERS:** The County Attorney explained that the county was considering leasing a portion of property adjacent to South Macon Elementary School to The Franklin Archers, Inc. for use as an archery range, subject to the range being open to the public and reasonable regulations and rules. He had prepared a resolution and a lease agreement for the board’s consideration, noting in the resolution that the commissioners were declaring the property surplus as part of this action. The term of the lease is for one year at a rate of \$10, with the county being named as an additional insured under the archers’ liability insurance. Commissioner Beale also pointed out that the agreement calls for the archers’ use of the property to not hinder hay production there. Upon a motion by Commissioner Beale, seconded by Commissioner Tate, the board voted

unanimously to approve the “Resolution of the Macon County Board of County Commissioners Declaring Property to be Surplus and Approving a One Year Lease of the Same by Macon County to The Franklin Archers, Inc.,” as well as the accompanying lease agreement, as presented. The resolution (Attachment 4) and the lease agreement (Attachment 5) are attached and are hereby made a part of these minutes.

**VIDEO SWEEPSTAKES UPDATE:** The County Attorney updated the board on legislative developments regarding the video sweepstakes issue. He explained that the General Assembly appeared to be moving in a different direction with regard to the machines, seeking to regulate and tax them as opposed to outlawing them. Owners of such establishments would be required to pay the state \$2,000 for a privilege license, plus \$1,000 per machine, with a certain percentage of the gross receipts going to the county to be used for local law enforcement and for public education. The proposed law would allow counties to impose a requirement for local licenses, with fees of up to \$1,000 per establishment and \$500 per machine. He noted that he had prepared a resolution supporting the legislation for the board’s consideration, if the board was inclined to do so. Following discussion, the board members agreed by consensus to remain neutral at this time, and took no action.

**RENEWAL OF CONTRACT WITH NEW SOUTH STRATEGIES, LLC:** Upon a motion by Commissioner Tate, seconded by Commissioner Kupperts, the board voted unanimously to renew the contract with New South Strategies, LLC to provide economic development services to the county for the upcoming fiscal year, based on the terms and conditions of the current agreement.

**AWARDING OF BID FOR MOBILE GENERATOR LIGHT TOWERS:** Emergency Services Director David Key explained that the county had opened bids for mobile generator light towers on June 4<sup>th</sup>, and had received three bids. He said the county was a member of a regional group stretching from Cherokee County to Buncombe County that had received a Homeland Security grant in 2009, with the county to be reimbursed 100 percent. The project has been bid out twice, because the first time the county received five bids, but the one bid that was 100 percent compliant was above the value of the grant. Certain options were removed and the project was rebid. Of the three bids received, two were 100 percent compliant, and Mr. Key recommended that the county award the low bid of \$130,075 to Southeast Industrial Equipment. The bid is for nine units, with Macon County to receive one of them. Upon a motion by Commissioner Tate, seconded by Commissioner Beale, the board voted unanimously to award the bid as recommended.

**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 May 8<sup>th</sup>, May 15<sup>th</sup>, May 21<sup>st</sup>, May 23<sup>rd</sup>, May 31<sup>st</sup> and June 5<sup>th</sup> meetings. **Budget amendments** – Approved the following budget amendments: #204 for the Sheriff’s Department to appropriate drug forfeiture money in the amount of \$7,187 and controlled substance tax money in the amount of \$1,502; #205 for E911 for the following items: to correct Budget Amendment #66, to reverse Budget Amendment #14, to transfer public safety funds back to Fund 26 where they need to be tracked and reported and to allocate funds for general fund services; #206 for a number of year-end amendments that cover numerous line items across various departments; (Revisions with corresponding numbers attached.) **Tax releases** – There were no tax releases for the board’s consideration at this time. **Monthly ad valorem tax collection report** – No action necessary. **Ordinance Amending the Fiscal Year 2011-2012 Budget Ordinance** – Attached.

**VOLUNTARY AGRICULTURE DISTRICTS:** By consensus and at the request of Commissioner Beale, the board authorized the County Attorney and the County Manager to work on changes in the acreage requirements for the voluntary agriculture districts.

**APPOINTMENTS: Airport Authority** – Upon a motion by Commissioner Haven, seconded by Commissioner Koppers, the board voted unanimously to reappoint Gary Schmitt to the Macon County Airport Authority. Term of appointment is for six years, and will expire on June 12, 2018. **Board of Adjustment** – The board was notified that Gary Drake cannot accept the appointment to the Board of Adjustment made by the commissioners at their meeting on May 15<sup>th</sup>, and that the vacancy will need to be readvertised. **Health Board** – Upon a motion by Commissioner Beale, seconded by Commissioner Koppers, the board voted unanimously to appoint Molly Phillips to a full-three term on the Board of Health, with the term to run from July 1, 2012 to June 30, 2015. **Planning Board** – Upon a motion by Commission Haven, seconded by Commissioner Koppers, the board voted unanimously to accept the recommendation of the Town of Highlands Board of Commissioners and appoint John Underwood to the Macon County Planning Board, replacing Alan Marsh. Term of appointment is for three years and will run from January 2012 through January 2015. **Child Fatality Prevention Team** – Upon a motion by Commissioner Beale, seconded by Commissioner Haven, the board voted unanimously to appoint David Key, as an emergency services provider, to serve on the

Macon County Child Fatality Prevention Team, with the term of appointment to run from June 5, 2012 (the date of the request) until January 31, 2014.

**CLOSED SESSION:** At 7:30 p.m., and upon a motion by Commissioner Kupperts, seconded by Commissioner Haven, the board voted unanimously to go into closed session to preserve the attorney/client privilege under G.S. 143-318-11(3), not under G.S. 143-381.11(5) to discuss property acquisition as originally intended. At 8:09 p.m., and upon a motion by Commissioner Beale, seconded by Commissioner Kupperts, the board voted unanimously to come out of closed session. No action was taken.

**ADJOURN:** Upon a motion by Commissioner Haven, seconded by Commissioner Kupperts, the board voted unanimously to adjourn at 8:10 p.m.

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Jack Horton, County Manager  
Clerk to the Board

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Kevin Corbin  
Board Chairman