

**MACON COUNTY BOARD OF COMMISSIONERS
SEPTEMBER 8, 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 reminded those in attendance that the annual Macon County Fair would get underway later in the week.

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 COMMENT: Chairman Corbin indicated that, given the number of supporters of local education that had filled the boardroom, he would use his discretion to move to Item 8A on the agenda, an update on state budget and education issues by John deVille. In turn, Mr. deVille noted there were a number of teachers who wished to make comments to the board, and Chairman Corbin opted to allow them to go first in the Public Comment portion of the agenda. **Mary Price**, a counselor at Iotla Valley Elementary, addressed the lack of teacher assistants, noting she offers to cover classes so that the teacher can take care of other necessary duties, and pointed out this is not in the job description of a guidance counselor. **Melissa Faetz**, a First Grade teacher at South Macon Elementary, also spoke to the issue of a lack of teacher assistants, saying there are only a couple at South Macon. She told the board that she can't read individually with all of her students and cannot provide individual instruction to them, and believes that her 20 students deserve that one-on-one attention. **Rena Sutton**, a counselor at South Macon, said that teachers in North Carolina are "on the top of the 'bless your heart' list," but

focused most of her comments on school safety issues, noting the “near-miss” at South Macon last year. As a counselor, she told the board that she is asked to cover classes so that the teacher has the opportunity to use the restroom. Pointing out that her husband, Alton, is a driver’s education instructor, she also voiced concerns over proposed state cuts in that program that could lead to safety issues on the highways. **Shirley Ches**, who brought a sign that said “Pay our teachers, their kids need a roof, too,” explained that she was speaking as an interested party in support of teachers. As her daughter is a teacher, Ms. Ches said teachers are expected to do more with less and asked the board members to “give them your attention.” Before moving on, Chairman Corbin told the audience that of the state’s 100 counties, Macon ranks 18th in terms of local expenditures for education. He went on to say, “We’re talking about the state’s effort, not local dollars. We (the commissioners) feel like we’ve done our part.” Chairman Corbin said the county commission has increased spending to Macon County Schools every year he has been on the board.

PRESENTATION BY JOHN DEVILLE: Prior to starting his PowerPoint presentation, Mr. deVille stated that “Macon County has done its share,” but added that he was asking the board “to go one more step” and adopt a resolution requesting that the state Senate match the House budget with regard to funding for education. Noting that state lawmakers were 70 days past due on adopting a budget, he said that the House budget “heads us back in the right direction,” while the Senate version does not. Mr. deVille went through a number of slides that depicted cuts to education ranging from textbooks to classroom supplies to teacher assistants to driver’s education. He said that more of the budget burden has been pushed on the county, and that Macon County has made “tremendous investments” in the school system’s infrastructure. In asking the board to support a “Resolution for Support of Funding NC Public Education per the Original NC House FY 2015-2016 Budget Concerning K-12 Public Education Expenditures,” Mr. deVille stated that it would be a tough choice for the commissioners to openly criticize the Republican-controlled General Assembly. He concluded by telling the board, “Please remember that we stand with you as long as you stand by us.” Chairman Corbin responded that teachers will “find no disagreement here about support for public education,” and deferred to the board’s two liaisons to the school system – Commissioner Shields and Commissioner Beale. Speaking first, Commissioner Shields said that he did not see the county’s board of education “with any skin in the game,” adding that he did not see them being asked to pass a resolution. Adding that they need to be part of the team, Commissioner Shields said that the commissioners and school board members need to stay in tune with each other. “I want to hear their judgment on this,” he told Mr. deVille. After initially addressing the state’s lottery fund and its impact on education, Commissioner Beale said that the board could do resolutions all day but he was not sure if they would help or hurt. He said the

commissioners will “stay committed whether we decide on a resolution or not.” While there was no motion for approval of the proposed resolution, Chairman Corbin said that what he was hearing from the two liaisons was to take the matter to the school board, and that if the Board of Education passed a similar resolution, then the county commission would consider it as well. No action was taken.

Chairman Corbin declared a recess at 6:56 p.m. to allow many of those in attendance the option of leaving the meeting.

Chairman Corbin called the meeting back to order at 7:09 p.m.

PUBLIC COMMENT CONTINUED: **Gordon Mercer** gave the board a progress report on the Father’s House Church and homeless ministry. He reviewed a list of work recently completed, including the installation of fire extinguishers and fire alarms, a night watch that has been placed in operation, storage areas that have been cleaned, and a request for funding for a sprinkler system that has been sent to Dolly Parton. He told the board, “We are not sitting still,” adding that an effort is being made to meet the county’s requirements. **Bruce Ferguson** spoke next on behalf of Heart for Families, a local faith-based, non-profit organization focused on strengthening marriage and family relationships. He said the group formed a year ago and the board consists of seven couples with nine ministers serving in an advisory capacity. He said Heart for Families was sponsoring the upcoming “Spice Up Your Marriage” night at the Smoky Mountain Center for the Performing Arts, and was expecting about 450 people to attend. **Jennifer Trippe** invited the board members to participate in a poverty simulation presented by MANNA FoodBank and Macon County CareNet on Tuesday, September 15th. To help participants gain an understanding of poverty, each 15-minute period in the two, hour-long sessions will correspond to one week of the life of someone living in need and the challenges they would face.

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 remove Item 8C, the presentation of the North Carolina Cooperative Extension Service County Partnership Award, per Chairman Corbin.
- To remove Item 10E, the leachate agreement with the Town of Franklin, per Chairman Corbin.
- To move Item 10F, change orders for Union Academy and Highlands School renovation projects, to the next item of business, per the County Manager.

- To add a closed session as Item 13 for the purpose of discussing potential property acquisition, per the County Manager.
- Per Chairman Corbin, the change orders will be taken up following the presentation by Rick Lanier with US Motto Action Committee:

NATIONAL MOTTO DISPLAY: Rick Lanier, the co-founder and vice-chairman of the US Motto Action Committee, asked the board to consider a resolution supporting the display of the national motto, “In God We Trust,” at a prominent location on the courthouse. Mr. Lanier explained that he was a county commissioner in Davidson County when he convinced his board to display the motto. Noting that this would be a ceremonial honor, he said the motto has been displayed on the nation’s currency since 1864, and told the board, “For way too long, we’ve been passive about our religious freedoms.” He said that displaying the motto “stands on solid legal ground,” and read from a list of local governments that have adopted such a resolution, including several in the region. No county money would be needed, with funds for the lettering coming from local donations. He told the board that the cost is already paid for here and is awaiting the commissioners’ decision. He concluded by saying that the display would be a “perpetual reminder of our Godly heritage,” and thanked the board in advance for its “yes” vote. However, with a consensus from the board, Chairman Corbin asked the County Attorney to review the resolution and related documents and report back to the board at the October regular meeting. No action was taken.

CHANGE ORDERS FOR UNION ACADEMY AND HIGHLANDS SCHOOL: Terry Bell with Macon County Schools explained that renovations at both Union Academy and Highlands School are “ongoing as scheduled.” First, he reviewed the four change orders for the Union Academy project, which total \$13,535.85. The project’s contingency line item contains \$26,962, and Mr. Bell told the board there would be another change order next month. For the Highlands School project, Mr. Bell went over a list of five change orders totaling \$11,518.79. The contingency fund for this project is \$68,968, and he pointed out that another change order will be coming next month on this one as well. Upon a motion by Commissioner Shields, seconded by Commissioner Beale, the board voted unanimously to approve all of the change orders for both projects as presented. Copies of the Change Order Log for each school are attached (Attachments 1 and 2) and are hereby made a part of these minutes.

POTENTIAL CELL TOWERS ON COUNTY PROPERTY: Mary Pat Tyndall, a contractor for Verizon Wireless, said the carrier has a need for additional tower sites due to increased demand, as existing antennas in the Franklin area are becoming overloaded. With downtown Franklin needing additional coverage, she suggested placing a tower on top of the county courthouse and one on a monopole at the Macon County Public Library. She presented each board

member with proposals for both sites, which would net the county \$900 in rent per month for each one. The jurisdiction for the towers would fall under the Town of Franklin, and Ms. Tyndall said she had already spoken with Town Planner Justin Setser, and that the county sites would have to adhere to the town's zoning ordinance. In addition, the county could put its equipment on the towers free of charge, she said. Commissioner Higdon asked some questions regarding how to camouflage the proposed tower at the library, and Chairman Corbin voiced his concerns about areas of the county where there is no cell service versus areas of limited service. By consensus, the board agreed to ask the County Attorney to review the proposals and report back to the board at its October meeting. No action was taken.

INFORMATION SECURITY POLICIES: Information Technology Director Andy Muncey presented three information security policies for the board's consideration. Of the three, the primary discussion centered on the one aimed at procedures for processing merchant cards. The County Attorney explained that state officials will require the county to adopt this particular policy in order for the county to continue accepting credit cards for payment of taxes, fees and other services and that it needs to be in effect by October 1st. Data breaches elsewhere in the state prompted the need for such a policy. Following further discussion, and upon a motion by Commissioner Beale, seconded by Commissioner Shields, the board voted unanimously to approve the following documents:

- Resolution of the Macon County Board of Commissioners to Approve Internal Policies and Procedures Merchant Card Processing for Macon County along with the attached policy (Attachment 3).
- Resolution of the Macon County Board of Commissioners to Approve Information Security Policy for Macon County along with the attached policy (Attachment 4).
- Resolution of the Macon County Board of Commissioners to Approve Acceptable Use Policy Concerning Information Systems, Data and Network Resources along with the attached policy (Attachment 5).

In closing, Mr. Muncey pointed out that while adoption of the policies will bring the county into compliance, it will result in additional duties for those in the Finance, Human Resources and Information Technology departments. The resolutions and the attached policies are hereby made a part of these minutes.

RIGHT-OF-WAY AGREEMENTS WITH NCDOT: The County Manager recognized Frankie Dills with the North Carolina Department of Transportation (NCDOT). Mr. Dills was appearing before the board with three offers to purchase either permanent or temporary right-of-way or construction easements regarding NCDOT Project B-5125 – the replacement of one of the bridges over the Little Tennessee River on US 441 Business in the Town of Franklin. Using construction drawings, Mr. Dills explained that NCDOT was

offering a total of \$23,700 for three separate parcels. Due to the location of the parcels along the Little Tennessee River Greenway, the County Attorney explained that the county would need the approval of the Clean Water Management Trust Fund (CWMTF) in order to complete the transaction, and if the board was inclined to accept NCDOT's offer, the commission could tentatively approve the agreements and authorize the chairman to sign them contingent on final approval from the CWMTF. Following further discussion about some procedural matters, Commissioner Higdon made a motion to provide limited approval of the agreements as presented and outlined by the County Attorney pending further action by the board. Commissioner Shields seconded the motion, and it passed unanimously.

DUKE ENERGY AGREEMENT REGARDING VIRGINIA SPIRAEA: Lisa Leatherman with Duke Energy presented a proposed Memorandum of Agreement (MOA) regarding management of the Virginia spiraea, a threatened plant species that grows in certain areas along the Little Tennessee River Greenway. The MOA includes Duke Energy Carolinas, the U.S. Fish and Wildlife Service, Macon County and the Friends of the Greenway. Ms. Leatherman explained that some of the plants are in Duke Energy's transmission right-of-way, and said that communication among all parties would be key in terms of any cutting, mowing and maintenance along certain areas of the greenway. She suggested that all of the stakeholders should meet annually to discuss measures to protect the plant. The County Manager reviewed the county's maintenance responsibilities, and asked how these areas are to be clearly designated, with Ms. Leatherman responding that this particular task falls to the U.S. Fish and Wildlife Service. Commissioner Shields voiced his concerns as to when protection of the plant would go into effect, noting that it could have been unintentionally taken out, and that the locations need to be designated as soon as possible. Upon a motion by Commissioner Shields, seconded by Commissioner Tate, the board voted unanimously to approve the MOU as presented, a copy of which is attached (Attachment 6) and is hereby made a part of these minutes.

Chairman Corbin declared a recess at 8:37 p.m.

Chairman Corbin called the meeting back to order at 8:49 p.m.

PARKER MEADOWS FIELD UTILIZATION AGREEMENT: The board members reviewed the "Macon County, NC Department of Parks and Recreation Tournament Application and Agreement for use of Parker Meadows Recreation Facility," which covers items such as insurance, events fees, county services, gate receipts and other charges, event rules and park rules. It was pointed out that the tournament director must provide an insurance policy in the amount of \$1-million and is responsible for the entire tournament. The

board members focused most of their attention on the park rules, and agreed to add “no overnight camping” as Item 12 under Park Rules as well as “the park does not have additional security” as Item 13. Following further discussion, and upon a motion by Commissioner Tate, seconded by Commissioner Shields, the board voted unanimously to approve the document as presented with the addition of Items 12 and 13 under Park Rules and to authorize Parks and Recreation Director Seth Adams to approve the application and agreement for each tournament. A copy of the document is attached (Attachment 7) and is hereby made a part of these minutes.

GRANT FUNDING FOR MACON COUNTY AIRPORT: Gary Schmidt, the vice-president of the Macon County Airport Authority, introduced Jimmy Luther, a project engineer with W.K. Dickson. Mr. Luther explained that the authority has been awarded three grants, but that it needs “a little help from you guys” to secure the funding. Two of the grants are for airfield improvements, with the county required to put up a 10-percent local match of \$16,667 in order to draw down the \$150,000 in federal funding. The third grant would provide federal funding of \$2,250,000 toward the rehabilitation of the runway and parallel taxiway, with the county’s 10-percent match coming to \$250,000. Mr. Luther said the taxiway is in the “poor” to “failing” category in terms of its condition, but if the grant funding is awarded, construction on it could begin in late spring or early summer of 2016. Chairman Corbin said that he had met with Miles Gregory, the chairman of the airport authority, and that they had discussed initiating a 20-year plan for the airport, with Chairman Corbin stating that he would like to see that plan put in place. The discussion then turned to recent improvements that had been made at the airport. When the discussion turned back to funding, the Finance Director noted that the total local match for the three grants would equal \$283,334. Commissioner Higdon asked if there was some document that explained these grants, and Teresa McDowell, the clerk to the airport authority, said that she would provide him with that information. Commissioner Tate, the liaison to the authority, spoke to the direct and indirect impact of the airport on the county, saying that it opens doors for businesses to move here. He added that the county would likely lose some of its manufacturing base if the airport is not maintained. He said the county can “keep our largest employers happy” and “spend 10 cents on the dollar” to fund the local match for these grants, and made a motion to fund them by taking the money from fund balance. Commissioner Shields seconded the motion. After further discussion, and a comment from Commissioner Beale that he looked forward to the day when the authority did not have to come to the commissioners for money, the board voted unanimously to approve the motion.

CONSENT AGENDA: Upon a motion by Commissioner Tate, seconded by Commissioner Beale, the following items on the consent agenda were approved

unanimously: **Minutes** – Approved the minutes from the August 11, 2015 regular meeting. **Budget amendments** – Approved the following budget amendments: #32 for Public Health to allocate a \$300 donation received on September 10, 2015 from the Sharing Center Thrift Shop; #33 for the Department of Social Services to roll over \$1,993 in SHIPP grant funds. (Revisions with corresponding numbers attached). **Tax releases** – Removed tax releases from the Consent Agenda to allow further discussion.

TAX RELEASES: Commissioner Tate had requested to have the tax releases removed from the Consent Agenda due to the large amount (\$228,195.82) involved. Tax Collection Supervisor Teresa McDowell, who noted she was new to the job, explained that when tax bills go out in August for a new fiscal year, there are always a number of corrections to be made. In explaining some of those, she noted that the bulk of the releases centered around two properties, one of those being the Old Edwards Inn and Spa in Highlands and the other being the Holly Springs Shopping Center in Franklin, the former location of Walmart. Following further discussion, and upon a motion by Commissioner Higdon, seconded by Commissioner Tate, the board approved the \$228,195.82 in tax releases as presented. A copy of the tax releases is kept on file in the Deputy Clerk’s office.

APPOINTMENTS: (1) Highlands Area Tourism Development Commission: Upon a motion by Commissioner Beale, seconded by Commissioner Tate, the board voted unanimously to reappoint Jack Austin with the Old Edwards Inn (an at large representative) and Bill Futral of Futral Properties (also an at large representative) to the Highlands Area Tourism Development Commission, each for terms of three years, which will expire September 8, 2018.

CLOSED SESSION: Upon a motion by Commissioner Beale, seconded by Commissioner Tate, the board voted unanimously to go into closed session at 9:53 p.m. for the purpose of discussing possible property acquisition under NCGS 143-318.11(5). Upon a motion by Commissioner Tate, seconded by Commissioner Beale, the board voted unanimously to come out of closed session and return to open session at 10:22 p.m. No action was taken.

ADJOURN: With no further business, and at 10:22 p.m., upon a motion by Commissioner Shields, seconded by Commissioner Beale, the board voted unanimously to adjourn the meeting.

Derek Roland
Ex Officio Clerk to the Board

Kevin Corbin
Board Chairman