

**MACON COUNTY BOARD OF COMMISSIONERS
OCTOBER 13, 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: There were no announcements.

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.

RECOGNITION OF EMPLOYEES INVOLVED IN JUNE 4, 2015 INCIDENT AT SOUTH MACON ELEMENTARY SCHOOL: Chairman Corbin announced that the public hearing scheduled for 6:05 p.m. would be held at a later time and moved directly to Agenda Item 8A under Reports/Presentations, and he, Commissioner Beale, Macon County Board of Education Chairman Jim Breedlove and Macon County Schools Superintendent Dr. Chris Baldwin recognized six individuals for their roles in an incident that took place earlier in the year at South Macon Elementary School. "Recognition of Valor" plaques were presented to Alice Bradley, a school bus driver, and five members of the Macon County Sheriff's Department – Corporal Jonathan Philips, Sergeant Mike Langley and Deputies Blake Buchanan, Anthony Hopkins and Audrey Parrish. The plaques read as follows: "During the early morning hours of June 4, 2015, two armed individuals threatened the safety and well being of students and faculty at South Macon Elementary School. At risk to your own safety, you moved to eliminate the immediate threat. Your actions demonstrated great courage and played a significant role in bringing a dangerous situation to a safe conclusion." In presenting the plaques to each individual, Chairman Corbin said that "a lot of people did their jobs well" and that they "exceeded expectations" and "saved lives." He also noted that the armed individuals "picked the wrong bus driver," adding, "I would not mess

with Miss Alice.” Chairman Corbin then recognized Macon County Sheriff Robert Holland, who introduced Mike Anderson with the Center for Safer Schools. Mr. Anderson explained that he was representing Governor Pat McCrory’s office as well as Secretary Frank Perry of the North Carolina Department of Public Safety, of which the center is a division. Mr. Anderson thanked each of the officers and Ms. Bradley and made presentations to each of them on behalf of the governor’s office recognizing their courage and commitment. Sheriff Holland then thanked the board members and state officials for recognizing “six ordinary citizens who did extraordinary things,” telling the six that, “I am honored to serve with you all.” This was followed by a brief pause in the meeting to allow for photo opportunities.

PUBLIC HEARING FOR TRANSIT PROGRAM APPLICATIONS: Chairman Corbin opened the public hearing at 6:16 p.m. and recognized Macon County Transit Director Kim Angel, who joined the meeting via videoconference from Raleigh, NC. Chairman Corbin explained that Mrs. Angel was attending the North Carolina Department of Transportation fall conference for rural transit systems, and announced that Mrs. Angel was recognized by the state Public Transportation Division as the director of the year for the western district. She then explained that the public hearing was being held to receive comment on the Community Transportation Program Application (Section 5311) as well as the Elderly Individuals and Individuals with Disabilities Program Application (Section 5310). Chairman Corbin pointed out that no one signed up to speak during the hearing, and asked Mrs. Angel to explain the highlights of each application. For the Section 5311 application, she said the county is seeking \$189,529 for administrative purposes, with that total including a local 15 percent match of \$28,419. In addition, \$317,979 for capital expenditures is sought, with includes a 10 percent match of \$31,799. The capital portion of this grant application would fund five new vehicles, new officer chairs, a document scanner, a new TV/DVR for training purposes, bi-fuel kits to convert the new vans to use propane instead of gasoline, and lettering/logos for the new vans. As to the Section 5310 program application, she said it calls for \$53,836 for capital needs (to replace a lift-equipped van) and \$153,500 for operating expenses. The capital portion calls for a 20 percent local match (\$10,768) and a 50 percent portion for the operating expense (\$76,750), with Mrs. Angel pointing out that other revenue sources, not county dollars, are used for the match. The total funding request for Fiscal Year 2016-17 is \$714,844. With no questions or comments from the board members, the County Attorney suggested opening the floor for comments from the public one more time. With none, Chairman Corbin closed the hearing at 6:26 p.m. Upon a motion by Commissioner Beale, seconded by Commissioner Shields, the board voted unanimously to approve the Community Transportation Program Resolution (Section 5311) as presented. A copy of the resolution is attached **(Attachment 1)** and is hereby made a part of these minutes. Upon a motion by

Commissioner Shields, seconded by Commissioner Tate, the board voted unanimously to approve the Public Transportation 5310 Program Resolution as presented. A copy of that resolution is also attached **(Attachment 2)** and is hereby made a part of these minutes. The County Manager acknowledged the work of Lynn Wright and Nick Birchard with the county's Information Technology Department for their work in allowing Mrs. Angel to join the meeting.

COUNTY GOVERNMENT PARTNERSHIP AWARD: Alan Durden, the county's Cooperative Extension Director, introduced Sheri Schwab, the Director of County Operations for North Carolina Cooperative Extension, and Eric Caldwell, the West District Director for Cooperative Extension. Ms. Schwab presented extension's County Partnership Award to the board as a state award recipient "in recognition of the outstanding partnership with Cooperative Extension through commitment of resources, inclusiveness in county government and advocacy and involvement." Ms. Schwab noted that Mr. Durden and his team (three county staff members were also present at the meeting) put together the nomination for the county, and in addition to the plaque for the boardroom, she presented each commissioner with an individual plaque. As the liaison to the county extension service, Commissioner Beale praised the local group as "the best cooperative extension in North Carolina" and thanked Mr. Durden for the nomination and the recognition.

PRESENTATION TO JEANNIE BEETS GARRETT: Commissioner Beale recognized Jeannie Beets Garrett, the former director of Macon Citizens Abilities. He said that "heroes come in all different shapes and sizes" and that some people "dedicate their lives for other folks." He recounted Mrs. Garrett's history with what started as the Macon Sheltered Workshop before becoming Macon Citizens for the Handicapped, of which Mrs. Garrett was the first employee back in 1988. Former county manager Jack Horton, representing what is now known as Macon Citizens Abilities, joined Commissioner Beale for the presentation, and said he had known Mrs. Garrett for three generations. He noted that Mrs. Garrett has the three things that most successful people have in common - passion, persistence and perseverance. He went on to state that she "never gave up on her mission," and joined Commissioner Beale in presenting her with a plaque of appreciation for her years of service to the organization.

PUBLIC COMMENT PERIOD: Ruby Shaheen of 144 Raven Ridge Road in Scaly Mountain presented the board with a petition "to remove vicious attack dogs from home of Ken and Mandy Narron, 676 Browns Mountain Road, Scaly Mountain, NC." Mrs. Shaheen told the board that she was threatened by a pit bull and a bulldog owned by Narrons when she was out walking on June 23, 2015, and that her dog was injured by those dogs when it tried to protect her.

She told the board she was at the meeting to ask that the dogs be removed from the Narron home and to ask the county to develop more restrictions on possessing vicious dogs. This led to a lengthy discussion, with the County Manager explaining that he and Animal Control Director John Hook met with Mrs. Shaheen in June, but at this time, the County Manager stated that Animal Control “has done all they can unless the animals are running loose in the community.” The discussion then turned to whether this was a civil matter. Eventually, Chairman Corbin suggested passing the matter along to the county’s dangerous dog committee. **Bettie Ashby-Art** said that she had signed up to speak in regard to the “Macon Animal Shelter,” but said that in noticing that it was not on the agenda, declined further comment. **Bob Bourke** with Macon New Beginnings gave the board an update on the organization’s efforts since mid-summer. In addition to hosting a symposium and opening a thrift store, he said his organization has been reaching out to the community in an effort to discuss how the Franklin community should deal with homelessness. He went on to outline his group’s efforts to tackle the issue, and told the board members, “We’ve been working hard.”

At the close of public session, Chairman Corbin recognized Michael Kelly with the North Carolina Association of County Commissioners (NCACC), who is working with the county regarding some insurance-related issues at the Parker Meadows Recreational Complex.

CLOSED SESSION: Chairman Corbin explained the reason for the closed session, noting that it would normally not occur at this point in the meeting. However, he said there are three items that require discussion under attorney-client privilege to determine if those items need to be placed on this evening’s agenda. Upon a motion by Commissioner Beale, seconded by Commissioner Tate, the board voted unanimously to go into closed session at 7:19 p.m. as allowed under NCGS 143.318.11(a)(3). At 7:59 p.m., upon a motion by Commissioner Tate, seconded by Commissioner Shields, the board voted unanimously to come out of closed session and return to open session.

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

- To add an item under New Business as Item 10I for the purpose of discussion and consideration of moving the county’s Animal Control Department under Macon County Public Health, along with revisions to the county’s Animal Control Ordinance.
- To add an item under Old Business as Item 9C for the purpose of considering a resolution to display the national motto “In God We Trust” on county property.

ROBOTICS PROGRAM FOR MIDDLE SCHOOL STUDENTS: Representatives of Must-Innov8.inc presented a PowerPoint presentation about an afterschool STEM program, which encourages middle-school students to engage in teams to promote science, technology, engineering and mathematics skills and knowledge. They showed a video from the Forsyth County 2011 Robot Run, in which students built robots out of Lego blocks. They said it takes about \$3,500 to fund one team in the program, adding that Franklin businessman Phil Drake said he will match money pledged to fund the teams on a dollar-for-dollar basis. Superintendent Dr. Chris Baldwin told the board that the county school system would likely have five or six teams, and Commissioner Beale suggested that the board take the matter under advisement, allow the board's two liaisons to meet with school officials, and they would bring back a recommendation. No action was taken.

BUILDING INSPECTIONS AND ENVIRONMENTAL HEALTH FEE ANALYSIS: The County Manager explained that back in June, the board directed him "to analyze fees in both the Macon County Building Inspections and Environmental Health Departments. This analysis was conducted within our seven-county western region, and I felt a regional fee average would establish an appropriate baseline for what is customary and expected." The County Manager then addressed a number of statistical measures, which are in his report, a copy of which is attached (Attachment 3) and is hereby made a part of these minutes. In his conclusions, one significant factor he discovered was that the county's average on-site wastewater permit fee was 56.3 percent above the regional average, which essentially sparked this discussion. He said the only way to correct this was to find a way to offset the decrease in revenue from cutting this fee, a number estimated at \$52,000. He went on to note that only \$155,000 remained in the county's contingency fund for the fiscal year, and suggested that this might be a topic for discussion during next year's budget deliberations. Commissioner Tate said the contingency fund was not an option, and agreed to discuss it in the next budget. Commissioner Higdon said he wanted to see the fee reduced as a matter of fairness, and that he wanted the county to be competitive, especially with Jackson County. It was noted that the county's Board of Health would not recommend a reduction in the fees at this time. Commissioner Beale, stating that this was a health board decision, pointed out that he had not heard Health Director Jim Bruckner say that he could find \$52,000 in his budget. No action was taken.

CHANGE ORDERS FOR UNION ACADEMY AND HIGHLANDS SCHOOL: Terry Bell with Macon County Schools presented change orders for the Union Academy and Highlands School QZAB renovation projects. He first reviewed change orders #9 through #12 on the Union Academy project, which totaled \$1,073.88, which would leave \$12,354.76 in the project's contingency fund.

For the Highlands School project, Mr. Bell presented change orders #6 through #11, which brought a credit of \$784.98 back to the project contingency fund, leaving it at \$58,234.19. Following a discussion about completion dates for each project, and upon a motion by Commissioner Tate, seconded by Commissioner Shields, the board voted unanimously to approve all of the change orders as presented. Copies of the Change Order Log for Union Academy (Attachment 4) and Highlands School (Attachment 5) are attached and are hereby made a part of these minutes.

“IN GOD WE TRUST” MOTTO: The County Attorney read into the record a “Resolution by the Board of Commissioners Supporting the Display of the National Motto ‘In God We Trust’ in a Prominent Location at the Courthouse in Macon County, North Carolina.” Commissioner Shields made a motion to adopt the resolution as presented, and Commissioner Higdon seconded the motion. The County Attorney then explained that it would be appropriate for the board members to individually express or discuss their purpose in adopting the resolution. After each one did so, the board voted unanimously to adopt the resolution as presented, a copy of which is attached (Attachment 6) and is hereby made a part of these minutes.

AGREEMENTS WITH J&B DISPOSAL: The board members, County Attorney, Solid Waste Director Chris Stahl and J&B Disposal President Bonita Hamstra discussed at length the details of a franchise agreement and a “haul” agreement between J&B and the county, as the current agreements are nearing expiration. The County Attorney noted that because these are franchise agreements, the board would need to vote on them twice, once at this meeting and again at the November 10, 2015 regular meeting, in addition to taking two separate votes on an ordinance granting an exclusive franchise. Maps of J&B’s service area were discussed in detail, and Commissioner Tate raised questions about the Highlands area being charged a slightly higher fee as well as an ongoing fuel surcharge from J&B. The County Attorney addressed the dates that would need to be filled in on all three of the documents, which was followed by a discussion regarding recycling. Commissioner Tate also questioned the guaranteed minimums on the haul agreement, stating, “I just don’t like it.” Following further discussion about the effective dates of the documents, Mrs. Hamstra expressed her appreciation for the 20-year working relationship with the county and Mr. Stahl. Mr. Stahl said that while he and J&B “are not always on the same page,” they work things out, adding that the county gets “a lot of home-cooking discounts” in working with a locally-based business. Commissioner Beale, “in light of the record,” made a motion to approve the exclusive franchise ordinance as well as both of the agreements as presented with the proper dates filled in and with a slight change in wording as recommended by the County Attorney. Commissioner Higdon seconded the motion, and it passed unanimously. Attached and hereby made a part of these

minutes are the unexecuted copies of the following documents: “Ordinance Granting Exclusive Franchise Agreement to J&B Disposal, Inc., for the Collection and Disposal of Solid Waste” (Attachment 7); “Exclusive Franchise Agreement for the Collection and Disposal of Solid Waste Outside of the Incorporated Cities and Towns Within Macon County, North Carolina” (Attachment 8) and the “Agreement to Collect and Haul Solid Waste from County Convenience Center Sites and Highlands Transfer Station and to Maintain County Convenience Center Sites” (Attachment 9). At the conclusion of the discussion, Commissioner Beale pointed out that Mr. Stahl is the new president of the state’s solid waste association.

COMMUNITY FUNDING POOL RECOMMENDATIONS: Karen Wallace presented the recommendations for the distribution of the \$75,000 available from the Community Funding Pool. She noted that 20 agencies had submitted requests totaling \$123,909. She gave the board a list of the 14 organizations and their projects and amounts that were recommended for funding, and that list is attached (Attachment 10) and is hereby made a part of these minutes. Commissioner Tate made a motion to approve the recommendations as presented. It was seconded by Commissioner Beale, and passed unanimously. Ms. Wallace noted that the funding pool task force is looking looking for additional members.

LEASE AGREEMENT WITH VITRUM-LA COLLEZIONE, LLC: Economic Development Director Tommy Jenkins presented a proposed resolution and lease agreement that would allow Vitrum-La Collezione, LLC to rent 900 square feet in the county’s Business Development Center for one year at a cost of \$150 per month, commencing on October 14, 2015. Mr. Jenkins said the company manufactures, assembles and installs backsplashes for high-end kitchens. Upon a motion by Commissioner Tate, seconded by Commissioner Beale, the board voted unanimously to approve a “Resolution of the Macon County Board of County Commissioners Declaring Property to be Surplus and Approving a One Year Lease to Vitrum-La Collezione, LLC, a North Carolina Limited Liability Company.” A copy of the resolution is attached (Attachment 11), along with the lease (Attachment 12), and both are hereby made a part of these minutes.

UPDATE ON E-WASTE RECYCLING: Mr. Stahl told the board that he was following up on an e-mail that he had sent to them the previous month regarding a potential repeal of the manufacturer’s responsibility for e-waste, along with the compounding impact of market prices for e-waste products, all of which is resulting in a significant increase in costs for the county to manage such products. Mr. Stahl said he has contacted a number of companies in an attempt to get a better deal for these used products, but due to market conditions, it will probably cost the county between \$3,000 and \$4,000 a month to deal with this. While he will attempt to absorb the cost as long as

possible, he alerted the board that a budget amendment will likely be needed by the end of the fiscal year, as this is essentially turning into an unfunded mandate. "I'm giving you a heads up on this," he concluded. No action was taken.

CHANGE ORDER NUMBER ONE FOR CULLASAJA PARK: Doug Johnson with Macon County Soil and Water Conservation appeared before the board seeking approval of Change Order Number 1 on the Cullasaja Park project. Mr. Johnson explained that the \$2,253.31 increase was due to additional matting, seeding, straw and labor that was needed due to significantly more erosion having occurred after the initial design work was completed. Upon a motion by Commissioner Beale, seconded by Commissioner Shields, the board approved the change order as presented, making the new contract amount \$65,653.31. A copy of the change order is attached (Attachment 13) and is hereby made a part of these minutes.

LEASES FOR COMMUNITY CARE CLINICS: Following an explanation by Chairman Corbin and the County Attorney, and upon a motion by Commissioner Shields, seconded by Commissioner Tate, the board voted unanimously to approve the following documents: (1) a "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 Community Care Clinic of Franklin, Inc., a North Carolina Non-Profit Corporation" (Attachment 14), (2) the accompanying lease agreement (Attachment 15), a "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 Community Care Clinic of Highlands-Cashiers, Inc., a North Carolina Non-Profit Corporation" (Attachment 16), along with an accompanying lease agreement (Attachment 17). The new lease agreements will take effect November 1, 2015.

SCALY MOUNTAIN HISTORICAL SOCIETY AGREEMENT: Following a brief explanation by the County Attorney, and confirmation of the financial amount of \$5,000 by the Finance Director, upon a motion by Commissioner Tate, seconded by Commissioner Beale, the board voted unanimously to approve an "Agreement to Provide Recreation Opportunities" with the Scaly Mountain Historical Society, a copy of which is attached (Attachment 18) and is hereby made a part of these minutes. The agreement is for the period of July 1, 2015 through June 30, 2016.

RATIFICATION OF E-MAIL POLLS: Upon a motion by Commissioner Beale, seconded by Commissioner Shields, the board voted unanimously to ratify the action taken as a result of two e-mail polls of the board, as follows: (1) the September 11, 2015 e-mail from the County Manager regarding NCDOT

priorities, a copy of which is attached (Attachment 19) and is hereby made a part of these minutes, along with (2) the September 18, 2015 e-mail from the County Manager regarding the revised concession stand contract for the Parker Meadows Recreational Complex, a copy of which is also attached (Attachment 20) and is also hereby made a part of these minutes.

CHANGES IN ANIMAL CONTROL: The County Manager told the board that lots of thought and deliberation had gone into the best way to provide animal control service in the county, and stated his belief that a change in structure will result in a higher level of public service. The procedure of the Animal Control Director reporting directly to the County Manager is in the minority across the state, as a majority of these departments are under either the sheriff's department or public health. The County Manager noted there are many requirements placed on health directors as to rabies control, and that the health director is mentioned 20 times in the county's Animal Control Ordinance. The current structure creates an extra step, which hinders efficiency, which the County Manager said makes him a coordinator and not a problem solver. Moving the animal control function under public health will result in timely reporting and improved communication, and with a licensed veterinarian on staff, public health is well equipped to take this on, he said. The budget for animal control will continue to be funded with county dollars, and the former Animal Control Director would become a lead animal control officer under the new structure, with the animal control staff to be supervised by Dr. Jimmy Villiard. The County Attorney handed out copies of "An Ordinance of the Macon County Board of Commissioners Making Revisions to Chapter 90. Animals, of the Code of Ordinances of the County of Macon, North Carolina." With the revisions, animal control will become a section of public health and a section administrator position will be created. Because the positions will now fall under state personnel, all four of the positions in the former department are reclassified and must be readvertised, as the revised ordinance would take effect on November 1, 2015. The County Attorney noted that the county will need to enter into new resolutions in order for the revised ordinance to be effective and enforced within the town limits of Franklin and Highlands. Following further discussion about operating procedures, Commissioner Tate made a motion to approve the revised ordinance. The County Attorney noted at this point that the Macon County Board of Health was consulted on this matter, took no official action, but had no objections to the changes. Commissioner Shields seconded the motion, and the board voted unanimously to approve the revised ordinance, a copy of which is attached (Attachment 21) 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 September

8, 2015 regular meeting. **Budget amendments** – Approved the following budget amendments: #43 for Public Health to allocate a \$2,472 for two new staff members who received reimbursement from the state for CIT (Centralized Intern Training) and mileage; #44 for the Department of Social Services to allocate \$24,634 in Energy Administration funds for a part-time employee for energy programs; #45 for Public Health for a reduction of \$1,318 stemming from receipt of a new agreement addendum that reduces funding for family planning; #46 for Parks and Recreation to appropriate \$1,773 in insurance settlement money received during FY 2014-15 for stolen property; #47 for the Housing Department to move \$96,209 in budgeted funds into various line items; #48 for Public Health to allocate \$2,000 based on a new agreement addendum for additional funds for a communicable disease program; and #49 for Macon County Schools to carry forward a \$10,252 balance for a project for enclosed batting cages. (Revisions with corresponding numbers attached). **Tax releases** – Approved tax releases in the amount of \$2,530.82. (A computer printout of releases is on file in the Tax Department and the County Manager’s office). **Tax refund** – Upon the recommendation of Tax Administrator Richard Lightner, approved a tax refund to Kay Coriell in the amount of \$360 for the years of 2011 through 2015 for landfill fees paid on a building that had been torn down. **Monthly ad valorem tax collection report** – No action necessary.

APPOINTMENTS: The board agreed by consensus to table consideration of the appointment to the Town of Franklin Extra-Territorial Jurisdiction (ETJ) Board.

RIGHT-OF-WAY AGREEMENTS WITH NCDOT: The County Attorney explained that the right-of-way agreements sought by the North Carolina Department of Transportation were subject to approval from the Clean Water Management Trust Fund (CWMTF). However, NCDOT is “most anxious to move forward,” and the CWMTF board won’t meet until November. With NCDOT officials having received a letter saying there is no problem from the CWMTF side as to the right-of-way agreements, the County Attorney suggested that the board could approve the documents and deliver them to NCDOT for the money promised the county. Upon a motion by Commissioner Shields, seconded by Commissioner Beale, the board voted unanimously to follow the County Attorney’s recommendation.

ADJOURN: With no other business and at 10:47 p.m., upon a motion by Commissioner Tate, seconded by Commissioner Beale, the board voted unanimously to adjourn.

Derek Roland
Ex Officio Clerk to the Board

Kevin Corbin
Board Chairman