

**MACON COUNTY BOARD OF COMMISSIONERS
JANUARY 10, 2017
MINUTES**

Chairman Tate 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: Chairman Tate pointed out that some members of the board and the County Manager were leaving after the meeting to travel to Raleigh for the upcoming North Carolina Association of County Commissioners (NCACC) Legislative Goals Conference. The County Manager reminded the board of the need to choose a voting delegate for the conference. Those in attendance then watched a video from the association that provided an update on recent NCACC activities.

MOMENT OF SILENCE: Chairman Tate 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.

PUBLIC COMMENT PERIOD: **Jeff Pritz** addressed the board regarding what he termed as deceptive towing practices. He explained that he was recently involved in an accident and following it, wanted to have his vehicle towed to his home. However, he said the driver for the wrecker service informed him that the vehicle must be towed to their shop, and Mr. Pritz said that he eventually told the driver that if that was the case then he would call the sheriff and have the driver charged with kidnapping. He then described another incident where he said a woman was involved in an accident and the tow bill was \$200, but due to a \$34 per day fee to store the vehicle, the bill ended up in excess of \$500 and the woman was told she could either pay it or bring in her title. He said the woman was never informed of the storage charge, and told the board

he would like to see that people are told about all of this up front, that it be provided in written form and the driver of the vehicle would need to sign an acknowledgment of receiving it. This led to discussion among the board members and the County Attorney as to whether the county has any role in this matter, with Chairman Tate telling Mr. Pritz that he was “not sure this is anything we have authority over.” The County Attorney said this was regulated by the state, and could possibly rise to the level of unfair and deceptive trade practices. **Narelle Kirkland** spoke to the board regarding the Little Tennessee River Greenway, and said that since the aftermath of Hurricane Ivan, no repairs had been made to the greenway and she wanted to “urgently request” that the County Manager designate someone to walk the greenway and check for damage and needed repairs.

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

- To add as Item 10C under Old Business liaison assignments for the board members, per Chairman Tate.
- To remove Item 11A under New Business (Sanders Road Resolution Request) and to replace it with another matter concerning the North Carolina Department of Transportation, per the County Manager.
- To add as Item 11F under New Business the designation of a voting delegate for the NCACC Legislative Goals Conference, per Chairman Tate.
- To add a presentation by Bob McCollum regarding the Macon County Heritage Center as Item 9C under Reports/Presentations, per Commissioner Beale.

PRESENTATION OF THE ANNUAL AUDIT REPORT: Jill Vang with Martin Starnes & Associates, CPAs, presented a PowerPoint presentation on the county’s annual financial report for the fiscal year ended June 30, 2016. Among the highlights, she told the board that her firm gave an “unmodified opinion,” which means that they found no material misstatements and is the best opinion they can give. She said there were no findings or questioned costs and no material internal control weaknesses were identified. She also commented on the pleasant and cooperative staff in the Finance Department. She said the county’s fund balance increased by \$3,443,116 to \$25,438,347, explaining that fund balance serves as a measure of the county’s financial resources available. She then offered an explanation of “available fund balance,” adding that the county’s total stands at \$21,885,857. The available fund balance as a percent of the county’s general fund is equal to 48.31 percent, or a little more than six months’ worth of operating expenses. She provided an overview of general fund revenues and expenditures, with ad valorem taxes accounting for 58 percent of the county’s revenue. She said that

property tax revenue increased approximately \$1.3 million over the prior year with a collection rate of 98.25 percent. The top three expenditure categories continue to be public safety, human services and education, which together account for 74 percent of total expenditures, and expenditures for all three increased from the prior year. Ms. Vang concluded her presentation with brief comments regarding the status of the county's Solid Waste Enterprise Fund. She asked if the board had any questions, and Commissioner Higdon asked her did the amount of the county's fund balance "throw up a flag" in the eyes of the auditors, and she responded that the firm could do a comparison with other counties having similar populations. No formal action was required.

HOME-USE MEDICAL WASTE DISPOSAL: Solid Waste Director Chris Stahl presented a PowerPoint presentation regarding SHARPS management in Macon County and the need to protect the department's personnel. He also presented the board members with copies of a draft brochure entitled "Home-Use SHARPS Disposal." He explained that there is an inherent risk to workers that cannot be managed effectively once sharps are in the waste stream, saying that regardless of the container used or the markings on it, it is extremely unlikely that those containers placed in the waste stream will make it through intact during the disposal process. Over the past 15 years, he said three solid waste employees have had needle sticks requiring follow-up monitoring for communicable diseases. Adding to the problem, Mr. Stahl said regulations and precautions for the disposal of home-use SHARPS are virtually non-existent and that these devices do not even meet the definition of medical waste. "Once it is thrown in the trash can, we lose the ability to control it," he told the board. Therefore, he said he wants to provide more public information about the issue to provide best management practices for disposing of the SHARPS. The main thing for solid waste, he said, is that if residents bring the SHARPS to the recycling centers, they need to be placed in a separate container. In addition to dedicated drop-off containers at each convenience center, he also noted there are kiosks that could be placed at certain locations where the SHARPS could be dropped off at no charge. He also suggested that the board might need to amend the county's solid waste ordinance to require proper disposal, pointing out that the program is for home use and not healthcare service providers. He concluded by telling the board that the estimated expenditure associated with the program could be as much as \$10,000, and the consensus of the board was for Mr. Stahl to move forward. No formal action was taken.

COWEE SCHOOL ARTS & HERITAGE CENTER PRESENTATION: Bob McCollum, the chairman of the advisory board at the Cowee School Arts & Heritage Center, gave the board an overview of the activity at the center, explaining that it had been county funded for three and a half years and it was now time for a "re-evaluation." He said the center began with a business plan that had 11 goals, all of which have been met, with one of those being

increased self sufficiency and an expected decline in dependence on county government. He said this fiscal year the center had been allocated \$35,000 to operate on a six-month basis, and it was now time to revisit the funding issue. He described the five business enterprises operating the main part of the building as well as the three operating out of the center's commercial kitchen, saying those businesses might not exist otherwise. He also talked about other tenants who rent educational space, the types of special events held there and a list of activities and services provided. He went over a number of statistics related to the center's growth, saying it was being "recognized as a true Macon County facility" and that the "future potential there is great." In closing, Mr. McCollum said he wanted to emphasize how far the center had come, and would welcome the opportunity to "sit down and talk board to board" if possible. Following further discussion, Chairman Tate suggested that Commissioner Higdon, Commissioner Beale and the County Manager meet with representatives of the center, and a meeting date of Thursday, January 26th at 6 p.m. was arranged, with Chairman Tate adding that the meeting would include a discussion of the funding needed to finish this fiscal year and for the upcoming one. No formal action was taken.

Chairman Tate declared a recess at 7:27 p.m.

Chairman Tate called the meeting back to order at 7:36 p.m.

SONCVET INTERLOCAL AGREEMENT AMENDMENT: Macon County Transit Director Kim Angel and the County Attorney explained that the existing regional veterans transportation program was being expanded to include Graham County and Mountain Projects, Inc., with Macon County continuing to serve as the lead agency. Ms. Angel said the new agreement would bring the entire region together under one software system. Following discussion and the County Attorney noting some minor changes to the agreement, upon a motion by Commissioner Beale, seconded by Commissioner Gillespie, the board voted unanimously to approve a "Resolution Concerning Approval of the Entry and Execution of the Second Amendments to the Interlocal Agreement and Contract Concerning the SoNCVet: Southwestern NC One-Call One Click Center for Veterans Transportation project." A copy of the resolution (**Attachment 1**) and the accompanying amendments to the interlocal agreement and contract (**Attachment 2**) are attached and are hereby made a part of these minutes.

WATER LINE PROJECT ON PANNELL LANE: Mr. Stahl told the board he was seeking authorization to proceed with replacing an existing water line along Pannell Lane as an ancillary project associated with the construction of the new landfill cell. Mr. Stahl said that he had approached all of the property

owners individually and all were willing to grant access. He showed the board a map outlining the location of the line and there was discussion regarding the abandonment of the property owners' drinking water wells. The County Attorney raised the issue of the need for a resolution to exempt the project from the bid process for engineering services, and Commissioner Gillespie asked questions about the ownership and cost of the water line. This was followed by discussion of doing a request for proposals for the engineering work and how that would affect the timeline for the project. Following further discussion, Commissioner Shields made a motion to adopt a resolution exempting the project from the bid process for engineering services, as it was less than \$50,000. Commissioner Beale seconded the motion, and during discussion, Commissioner Gillespie voiced his "reservations," as did Commissioner Higdon and Chairman Tate. The board then voted 4-1, with Commissioner Gillespie opposing, to adopt the resolution, a copy of which is attached (Attachment 3) and is hereby made a part of these minutes. The board then turned its attention to the proposal for engineering services for the water line relocation from McGill Associates in the amount of \$31,600, a copy of which is attached (Attachment 4) and is hereby made a part of these minutes. Commissioner Shields made a motion to approve the proposal as presented. Commissioner Beale stated that he would second the motion because it would make Mr. Stahl's work easier, especially in terms of working with the Town of Franklin, which uses McGill Associates as its primary engineer. During discussion, Chairman Tate told Mr. Stahl that the right thing to do is to keep the project moving. Commissioner Higdon expressed his displeasure with the process, and the board voted 4-1 to approve the proposal, with Commissioner Gillespie opposing. The board also gave its consensus for the County Attorney to proceed with any of the necessary legal work involved in the project.

2017 COMMITTEE LIAISON ASSIGNMENTS: Chairman Tate presented his list of commissioner liaison assignments along with a list of committees that he felt needed to be eliminated, a copy of which is attached (Attachment 5) and is hereby made a part of these minutes. The County Attorney suggested that the board take formal action in regard to eliminating those committees and Commissioner Beale made a motion to do so "until such time as they may become necessary." Commissioner Gillespie seconded the motion and it was approved unanimously. The discussion then turned to the assignments, particularly the ones regarding the Board of Health. Following discussion, the board agreed by consensus to send the Board of Health a letter stating that Commissioner Higdon has resigned from his seat on that board and Chairman Tate has been appointed to serve the remainder of the term.

WAIVER OF TIPPING FEE FOR LITTER PICKUP: Keith Blazer, an engineer with the North Carolina Department of Transportation (NCDOT) asked the board to consider a waiver of the landfill tipping fee for a private contractor who

is picking up litter along the main highways of the county. Mr. Blazer explained that NCDOT has entered into an agreement with Birchfield Contracting LCC to provide litter pickup in the county six times a year along each of the major thoroughfares – a total of 141 “shoulder” miles. He noted that the county was under no obligation to waive the fee, but explained that it was done in other counties. The waiver would only pertain to litter picked up in Macon County. Mr. Stahl noted that only the board can waive the tipping fee. Chairman Tate suggested having the County Manager and County Attorney work with NCDOT to negotiate the appropriate agreement, and the board agreed by consensus to move forward and have the County Manager report back at a future meeting. No formal action was taken.

CONTRACT FOR SCRAP TIRE DISPOSAL: Mr. Stahl told the board that he learned in the week prior that the county’s current vendor for scrap tire recycling, Northeast Georgia Tire, has sold their assets to another vendor, US Tire. However, he said US Tire has agreed to collect and process scrap tires from the county under the terms of the contract with Northeast Georgia Tire for a period lasting up to April 28, 2017. To that end, he asked the board to approve a Recycling and Disposal Contract with US Tire and to authorize the County Manager to execute it. He said this will allow for the opportunity to complete the bid process for a new long-term service provider. Following questions from the board members, and upon a motion by Commissioner Gillespie, seconded by Commissioner Shields, the board voted unanimously to approve the contract as submitted and to authorize the County Manager to sign it. A copy of the contract is attached (Attachment 6) and is hereby made a part of these minutes. In closing, Mr. Stahl informed the board that the grading and construction of new landfill cell is complete.

SCALY MOUNTAIN RECREATIONAL AGREEMENT: The Finance Director presented an updated version of the “Agreement to Provide Recreation Opportunities” between the county and the Scaly Mountain Historical Society, Inc. She explained that this was the annual agreement by which the county provides \$5,000 in funding to the society and requested approval of the document. Upon a motion by Commission Beale, seconded by Commissioner Gillespie, and following further discussion of similar agreements with other community-based organizations, the board voted unanimously to approve the agreement as presented, a copy of which is attached (Attachment 7) and is hereby made a part of these minutes.

RATIFICATION OF DECEMBER 12, 2016 E-MAIL POLL OF THE BOARD: Following a brief explanation by the County Manager, the board ratified the action taken stemming from a December 12, 2016 e-mail poll of the board regarding the county acting as its own general contractor for the renovations of the Robert C. Carpenter Building. A copy of the initial e-mail is attached (Attachment 8) and is hereby made a part of these minutes.

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RATIFICATION OF DECEMBER 28, 2016 E-MAIL POLL OF THE BOARD:

Following an explanation by the County Manager, the board ratified the action taken stemming from a December 28, 2016 e-mail poll of the board regarding the revised pictometry contract. The previous contract called for six annual payments, and the new one will have two lump sum payments, one in July of this year and another in 2021 in order to be compliant with state statute. A copy of the initial e-mail is attached (Attachment 9) and is hereby made a part of these minutes.

NCACC VOTING DELEGATE: Upon a motion by Commissioner Gillespie, seconded by Commissioner Shields, the board voted unanimously to appoint Commissioner Beale as the county's voting delegate for the NCACC Legislative Goals Conference to be held in Wake County January 12-13, 2017.

CONSENT AGENDA: Upon a motion by Commissioner Higdon, seconded by Commissioner Shields, the board voted unanimously to approve the items on the consent agenda as follows: (A) the minutes of the December 13, 2016 regular meeting; (B) the following budget amendments: #93 for the Department of Social Services to allocate a \$300 Christmas donation for foster care; #94 for Transit to add \$2,353 in additional revenue from the sale of replaced Transit vans; #95 for the Sheriff's Department to appropriate \$3,406 from an insurance settlement; #96 for the Sheriff's Department to appropriate a \$35,000 donation to the department; #97 for the Sheriff's Department to appropriate \$36,185 in donations, \$12,225 in calendar sales and to carry forward \$3,378 from fund balance for a total of \$51,788; #98 for Emergency Medical Services to appropriate \$2,500 in donations and #99 Emergency Management to appropriate \$6,000 for tower rent from the radio station (copies of the amendments are attached); (C) tax releases for December 2016 in the amount of \$761.84. (A computer printout of the releases is on file in the Tax Department and the Deputy Clerk's office.)

TAX SETTLEMENT: Following a brief explanation by the County Attorney, and upon a motion by Commissioner Beale, seconded by Commissioner Higdon, the board voted unanimously to approve a tax settlement with Peter Knoop in the amount of \$144.88 as recommended by Tax Administrator Richard Lightner.

RECESS: With no other business, and at 9:01 p.m., Chairman Tate recessed the meeting until Friday, February 3, 2017 at 12 p.m. in the commission boardroom on the third floor of the Macon County Courthouse, 5 West Main Street, Franklin, NC. Commissioner Gillespie requested that staff minimize the amount of documentation related to agenda items that the board members receive at the meeting and asked that it be placed in the agenda packet so that it could be reviewed prior to the meeting. Chairman Tate noted that the

purpose of the continued session was to hold the annual budget kickoff work session and for the board members to be thinking about the direction for the upcoming fiscal year.

Derek Roland
Ex Officio Clerk to the Board

Jim Tate
Board Chairman