

**MACON COUNTY BOARD OF COMMISSIONERS
JULY 11, 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: Commissioner Beale pointed out that approximately 300 members of the World Changers were in Franklin at this time, helping provide home repairs to about 30 residences.

MOMENT OF SILENCE: Chairman Tate asked those in attendance to observe a moment of silence.

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

WAYNE MOSS FLOODPLAIN ORDINANCE APPEAL: The County Manager asked that this item be removed from the agenda as there was a “hiccup” with the notice process, and requested that it be placed on the agenda for the board’s regular meeting in August.

PUBLIC COMMENT PERIOD: **Bill Crawford** presented the board with a document entitled “Resolution of the Macon County, NC Commission, Supporting a State Goal of 100% Clean Energy by 2050 and the Creation of Green Jobs.” He said the resolution was part of a grass roots movement to encourage the switch from fossil fuels to solar and other types of energy and asked the board to add consideration of the resolution to the meeting agenda and to adopt it. **Joan Palmroos** told the board she was “representing a huge group of your constituents” and that by adopting the resolution “you will tell everyone you care.” She added that there is “no ‘Plan B’ for fixing the planet.” **Ed Morris** also encouraged the board to adopt the resolution, and outlined his personal experience of using solar energy. He told the commissioners to “think about your grandkids.” **John Gladden**, who said he was trained as a scientist, focused his comments on carbon and climate. He said the increased burning of fossil fuels increases the amount of carbon in the air and that increases

temperatures, adding that he is not sure if this can be reversed and that “we need to act now.”

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

- To add consideration of the “clean energy” resolution as presented earlier in the meeting as the new Item 11(A) under New Business, per Commissioner Shields.
- To add a report and a request to revise the scope of work from the Cullasaja Community Association as the new Item 10(B) under Old Business, per Commissioner Beale.
- To add consideration of Budget Amendments #11-14 under Item 12(B) on the Consent Agenda, per the Finance Director.
- To add consideration of the scrap tire recycling proposal as the new Item 10(C) under Old Business, per Solid Waste Director Chris Stahl.
- To remove Item 12(E), Macon County Public Health Billing Guide and Fee Schedule, from the Consent Agenda, per Chairman Tate.

WESTERN NORTH CAROLINA ASSOCIATION OF FIREFIGHTERS:

Emergency Services Director Warren Cabe introduced representatives of the Western North Carolina Association of Firefighters, who in turn presented checks to local volunteer fire departments for services provided during the recent wildland fire season. The funds came from a \$75,000 grant from Duke Energy, and the fire departments and amounts are as follows:

- West Swain (from neighboring Swain County) -- \$14,447
- Burningtown/Iotla -- \$2,100
- Cowee -- \$3,250
- Otto -- \$1,974
- Nantahala -- \$4,205
- Clarks Chapel -- \$3,322
- West Macon -- \$1,185
- Cullasaja Gorge -- \$2,485

Chairman Tate expressed thanks to the members of the association and Duke Energy, and recognized Lisa Leatherman with Duke Energy, who commented that it was an honor to see this money come back into the community. She also explained that the grant money covers materials that are not reimbursable by other funds. No action was necessary.

BROADBAND COMMITTEE UPDATE: The County Manager handed out copies of a document entitled “Macon County Broadband Committee Update,” saying he felt it would be good to give the commissioners something tangible after seven months of committee meetings. His remaining remarks focused primarily on the committee’s recommendations, which are attached (**Attachment 1**) and are hereby made a part of these minutes. (A copy of the entire report is on file in the Deputy Clerk’s office.) The five recommendations are as follows: (1) Work with Keith Conover and the North Carolina Broadband Infrastructure Office to organize and host a “provider meeting” in Macon County. (2) Request a review of the Telecommunications Towers Ordinance. (3) Request a review of the Macon County Subdivision Ordinance. (4) Work alongside the Southwestern Commission in their regional broadband/high-speed internet expansion efforts. (5) Authorize the Macon County Broadband Committee to continue moving forward with the broadband/high-speed internet expansion effort in Macon County. Mr. Conover was then introduced. He stated that the county was ahead in many respects as the committee was already formed and working and a survey had already been conducted. The next step, the provider meeting, is very important, he said, and explained his role as a neutral party in bringing the providers to the table. He said creativity was key, as “waiting and hoping for funding is not a strategy.” The county has several things in its favor, Mr. Conover said, including the Balsam West fiber line and being an Appalachian Regional Commission (ARC) county, which allows it to seek federal funds. He explained that he is one of three “techs” in the state broadband infrastructure office and that he serves 30 counties, with his work funded by the state. The provider meeting is scheduled for August 14th, and is not open to the public, he noted. One of the first items needed is a map of the county’s “vertical assets,” and the County Manager said those maps are coming together. He told the board that he would keep the members apprised of the committee’s progress. No action was taken.

LANDSCAPING AND PAVING AT THE ROBERT C. CARPENTER COMMUNITY BUILDING: The County Manager handed out copies of a bid tabulation regarding paving and landscaping at the Robert C. Carpenter Community Building, noting that these were separate projects from the ongoing interior renovations. He said the county was looking at creating a road around the back of the building, in addition to resurfacing the parking lot and other related items. He said the low bid for all of the work came in from Bryson Paving at \$120,221. However, due to a streambank restoration project along Cartoogechaye Creek being done by Macon County Soil and Water Conservation, the paving could not be done until after September of this year. The money for this would come from the county’s fund balance, he pointed out. He asked the board to authorize him to enter into a contract with Bryson Paving in an amount not to exceed \$120,221, and Commissioner Gillespie made a motion to do so, taking the money from fund balance. Commissioner

Shields seconded the motion, and all favored. As to the landscaping, the County Manager said the low bid was supplied by Jameson at \$31,199, and he requested authorization to move forward. Chairman Tate asked for time to personally review the bid, and no action was taken. Finally, the County Manager asked for \$3,000 from contingency for painting that was not a part of the original contract. Upon a motion by Commissioner Beale, seconded by Commissioner Shields, the board approved the request with the funds to come from contingency.

CULLASAJA COMMUNITY ASSOCIATION: Commissioner Beale explained that the county's agreement with the Cullasaja Community Association allowed the organization to spend a total of \$40,950 in four specific areas as it worked to renovate the Old Salem Church. He said there were two areas in which money was saved, and that the group desired to apply some of the unused money to painting and the reworking of some walls. Commissioner Beale made a motion to change the scope of the agreement by adding a fifth item – painting and wall repairs – but with no additional funding. Commissioner Gillespie seconded the motion, the County Attorney said it would require a simple modification to the existing agreement, and the board voted unanimously to approve the motion.

SCRAP TIRE RECYCLING REQUEST FOR PROPOSALS: Solid Waste Director Chris Stahl told the board that the county is required to provide scrap tire recycling and disposal, and had sent out a request for proposals regarding this service. There was only one respondent, US Tire, and Mr. Stahl said this was the only response he anticipated. He recommended that the county enter into a contract for this service with US Tire, but that certain items, such as a fuel surcharge and an annual Consumer Price Index (CPI) adjustment, needed to be negotiated prior to finalizing the agreement. During discussion, Commissioner Higdon asked if there were other options, and Mr. Stahl said there were not. If the board approved the vendor, Mr. Stahl said the County Attorney would need to draw up a contract. This same company has been performing this service on an interim basis for the county since January, Mr. Stahl noted. Upon a motion by Commissioner Beale, seconded by Commissioner Gillespie, the board voted to approve the recommendation as presented.

“CLEAN ENERGY” RESOLUTION: Commissioner Shields made a motion to approve the resolution as presented earlier in the meeting, with Commissioner Beale seconding the motion. Chairman Tate asked for time to review the document. Meanwhile, Commissioner Higdon said he would concede that we do have climate change, but would not concede that it was “simply human induced,” adding that he could not support the resolution. This led to an exchange between Commissioner Higdon and some of those who spoke during the public comment period. Commissioner Beale said the resolution simply

stated that this is the only place we've got to live and we want to try to protect it. Chairman Tate asked questions about the source of the resolution, adding that he didn't have issues with the resolution in principle but did have some issues with how it was written and would like to see it modified. The County Attorney said the final two paragraphs of the two-page document was the actual "resolution," with all of the "recitals" coming before that being what leads the board to pass it. Commissioner Shields said the resolution was supportive of a state goal, and "I think that's great." Chairman Tate asked the board to consider tabling the matter, which led to further discussion. Commissioner Gillespie questioned some of the specific wording in the resolution as did Chairman Tate. It was suggested that the preamble to the actual resolution be removed, and Commissioner Shields withdrew his motion and Commissioner Beale withdrew his second to the motion. Following more discussion, Commissioner Shields made a motion to adopt Section 1 and Section 2 of the original document, and Commissioner Beale seconded it. It reads as follows:

Now, therefore,

Be it resolved by the Macon County, NC Commission that it endorses the following:

SECTION 1. The State of North Carolina and the United States shall establish a transition from a fossil fuel-based economy to a 100% clean renewable energy for all energy sectors-based economy, by January 1, 2050 or sooner to avoid climate catastrophe, to promote job creation and economic growth, and to protect the Earth for current and future generations from climate catastrophe.

SECTION 2. This resolution is effective upon adoption.

The board voted 4-1 to approve the motion, with Commissioner Higdon opposing.

PUBLIC HEALTH BILLING GUIDE AND FEE SCHEDULE: Members of the board, Public Health Director Jim Bruckner and Environmental Health Section Administrator Kyle Jennings held a lengthy conversation stemming from a Macon County Board of Health decision to charge a fee for document research related to environmental health permits. The proposed fee change came up as part of Mr. Bruckner's request of the commissioners to approve the department's billing guide and fee schedule. It was pointed out that the research requests usually came from local realtors regarding well or septic system permits issued by the county. However, Mr. Bruckner pointed out that the "due diligence" aspect is being pushed onto health department staff when the answers to questions are not readily available in the department's database, lengthening the search time and prompting contact with other county departments, with the County Attorney adding that the staff members

at the Health Department are “basically doing title work.” The Board of Health was seeking a \$15 fee for every 30 minutes of research performed by a staff member, with Mr. Bruckner noting that most can be done relatively quickly, but some take considerably more time. Following continued discussion, and upon a motion by Commissioner Beale, seconded by Commissioner Gillespie, the board voted to approve the Macon County Public Health FY 17-18 Billing and Collection Policies and Fee Schedules, with the exception of the research fee. Copies of the Billing Guide (Attachment 2) and Fee Schedule (Attachment 3) are attached and are hereby made a part of these minutes.

Chairman Tate declared a recess at 8:09 p.m.

Chairman Tate called the meeting back to order at 8:21 p.m.

REQUEST FOR SECONDARY ROAD ABANDONMENT: Commissioner Beale spoke to a request from Andy Russell, the District Engineer for the North Carolina Department of Transportation (NCDOT). In a letter from Mr. Russell, he explained that the owners of Featherstone Subdivision have requested that NCDOT abandon the final 608 feet of State Route (SR) 1671, known as Gibson Road. He noted that all five of the property owners along the road had signed the abandonment petition. Bill Vernon also spoke to the request, saying that residents along the road have been “terrorized by partiers,” forcing the homeowners to call the sheriff’s office on a regular basis. He added that the residents wanted to put a gate up once the section of the road was formally abandoned. Upon a motion by Commissioner Higdon, seconded by Commissioner Beale, the board voted to approve the request pending the County Attorney’s approval of a written resolution. A copy of that resolution is attached (Attachment 4) and is hereby made a part of these minutes.

Following completion of this agenda item, Chairman Tate recognized former Macon County Board of Commissioners Chairman Kevin Corbin and his wife, Beth. Mr. Corbin is now the state representative for District 120 in the North Carolina House of Representatives, representing Macon, Cherokee, Clay and Graham counties. He told his fellow board members that he simply “came by to say hello.”

VEHICLE BID FOR SHERIFF’S OFFICE: The County Manager shared that Jacky Jones Ford was the lowest responsible bidder (of three bidders) for six patrol vehicles for the Macon County Sheriff’s Office. The price for each Ford Explorer was \$30,328.82 for a total bid of \$181,972.92. Upon a motion by Commissioner Beale, seconded by Commissioner Shields, the board voted unanimously to accept the low bid and authorize the County Manager to sign the necessary documents. A copy of the bid tabulation is attached (Attachment 5) and is hereby made a part of these minutes.

NCIC INMATE PHONE SERVICES CONTRACT: The County Attorney told the board that a copy of the “Inmate Call Engine Platform Agreement” with NCIC was contained in the board’s agenda packet. He said he had worked with Sheriff Robert Holland and Lt. Steve Stewart, the county’s Jail Administrator, to modify the document as needed, and, upon the board’s approval, the contract would be effective upon the County Manager’s signature. Upon a motion by Commissioner Gillespie, seconded by Commissioner Beale, the board voted unanimously to approve the contract as presented, a copy of which is attached **(Attachment 6)** and is hereby made a part of these minutes.

COMMUNITY CARE CLINIC OF FRANKLIN: The County Attorney reminded the board that each year the county health department enters into a number of arrangements for the use of space within the department. He said that he had prepared a resolution and the accompanying one-year lease regarding the Community Care Clinic of Franklin and the use of office and clinic space at Macon County Public Health. Upon a motion by Commissioner Higdon, seconded by Commissioner Gillespie, 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 of the Same by Macon County to Community Care Clinic of Franklin, Inc., a North Carolina non-profit corporation. A copy of the resolution **(Attachment 7)** and the accompanying Lease Agreement **(Attachment 8)** are attached and hereby made a part of these minutes.

COMMUNITY CARE CLINIC OF HIGHLANDS: The County Attorney again offered a brief explanation and said that he had prepared a resolution and the accompanying one-year lease regarding the Community Care Clinic of Highlands and the use of office and clinic space located on the lower level of Macon County Public Health Center’s Highlands facility off of Buck Creek Road in Highlands. Upon a motion by Commissioner Higdon, seconded by Commissioner Gillespie, 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 of the Same by Macon County to Community Care Clinic of Highlands-Cashiers, Inc., a North Carolina non-profit corporation. A copy of the resolution **(Attachment 9)** and the accompanying Lease Agreement **(Attachment 10)** are attached and hereby made a part of these minutes.

COMMUNITY CARE OF WESTERN NORTH CAROLINA: The County Attorney again offered a brief explanation and said that he had prepared a resolution and the accompanying 11-month lease regarding Community Care of Western North Carolina and the use of 144 square feet of office space located at Macon County Public Health Center. Upon a motion by Commissioner Higdon,

seconded by Commissioner Gillespie, the board voted unanimously to approve a “Resolution of the Macon County Board of County Commissioners Declaring Property to be Surplus and Approving an Eleven Month Lease of the Same by Community Care of Western Carolina, Inc., a North Carolina non-profit corporation. A copy of the resolution (Attachment 11) and the accompanying Lease Agreement (Attachment 12) are attached and hereby made a part of these minutes.

CHILDREN’S DEVELOPMENTAL SERVICES AGENCY: The County Attorney again offered a brief explanation and said that he had prepared a resolution and the accompanying one year lease with the State of North Carolina regarding the Children’s Developmental Services Agency (CDSA) and the use of 144 square feet of office space located at Macon County Public Health Center. Upon a motion by Commissioner Higdon, seconded by Commissioner Gillespie, 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 of the Same by the State of North Carolina. A copy of the resolution (Attachment 13) and the accompanying Lease Agreement (Attachment 14) are attached and hereby made a part of these minutes.

HIGHLANDS CHAMBER OF COMMERCE: The County Attorney told the board that the county’s contract with the Highlands Chamber of Commerce needed to be updated, essentially memorializing arrangements for a period covering July 1, 2015 through June 30, 2018. Following discussion, and upon a motion by Commissioner Gillespie, seconded by Commissioner Beale, the board voted unanimously to approve a Service Contract with the Highlands Area Chamber of Commerce, Inc., a copy of which is attached (Attachment 15) and is hereby made a part of these minutes.

FIREWORKS DISPLAY: James Fish with Grand Finale Entertainment, LLC in Greenville, SC had requested a permit to conduct a fireworks display on Saturday, September 30, 2017 at The Vineyard at 37 High Holly in Scaly Mountain, NC as part of a private wedding reception. It was noted that Macon County Fire Marshall Jimmy Teem had reviewed the documentation from Mr. Fish and had granted his approval to proceed. Upon a motion by Commissioner Shields, seconded by Commissioner Beale, the board voted unanimously to approve the request subject to review of the application by the County Attorney.

SATISFACTION OF SECURITY INSTRUMENT: Following an explanation by the County Attorney, and upon a motion by Commissioner Beale, seconded by Commissioner Gillespie, the board voted unanimously to approve a Satisfaction of Security Instrument for Laurel E. Barnes as recommended by Housing

Director John Fay. A copy of the document is attached (Attachment 16) and is hereby made a part of these minutes.

2017 NCACC ANNUAL CONFERENCE VOTING DELEGATE: After a brief discussion, and upon a motion by Commissioner Higdon, seconded by Commissioner Shields, the board voted unanimously to designate Commissioner Beale as the county's voting delegate at the 110th Annual Conference of the North Carolina Association of County Commissioners (NCACC) to be held in Durham County August 10-13, 2017.

CONSENT AGENDA: Upon a motion by Commissioner Higdon, seconded by Commissioner Gillespie, the board voted unanimously to approve the items on the consent agenda as follows: the minutes of the June 8, 2017 continued session and the June 12, 2017 continued session; the following budget amendments: #5 for the Health Department for an agreement addendum for funds to pay for June 2017 expenses that results in a budget decrease of \$23,407; #6 for the Health Department for an agreement addendum for funds to pay for June 2017 expenses that results in a budget decrease of \$5,602; #7 for the Health Department for an agreement addendum for funds to pay for June 2017 expenses that results in a budget decrease of \$5,000; #8 for the Health Department to allocate \$150,000 in new funds for a Community Health Grant; #9 for the Sheriff's Department to appropriate the fund balance of federal and state forfeiture funds into the 2017-18 budget in the amounts of \$4,821 (federal) and \$23,255 (state); #10 for Special Appropriations to carry forward unspent funds in the amount of \$33,709 for the Cullasaja Community Association and the Otto Community Development Organization. (Copies of the amendments are attached); approved a tax refund for Patrick Laughlin in the amount of \$317.11 stemming from the settlement of a case before the North Carolina Property Tax Commission, as recommended by Tax Administrator Richard Lightner.

APPOINTMENTS: (1) **Board of Health** – Upon a motion by Commissioner Beale, seconded by Commissioner Shields, the board voted unanimously to reappoint Dr. Nathan Brenner to the dentist slot on the Macon County Board of Health for a term of three years. **Community Funding Pool** – The board members discussed appointments to the Community Funding Pool but took no action and requested that openings on this committee and others be advertised on the county's website.

ADJOURN: At 8:41 p.m., with no other business and upon a motion by Commissioner Gillespie, seconded by Commissioner Beale, the board voted unanimously to adjourn.

Derek Roland
Ex Officio Clerk to the Board

Jim Tate
Board Chairman