

**MACON COUNTY BOARD OF COMMISSIONERS
DECEMBER 12, 2017
MINUTES**

The County Manager called the meeting to order at 6:00 p.m. and welcomed those in attendance. All Board Members, the Deputy Clerk, Finance Director, County Attorney, members of the news media and interested citizens were present.

ELECTION OF CHAIRMAN: Per state statute, the County Manager conducted the election for the office of chairman, and opened the floor for nominations. Commissioner Beale nominated Commissioner Tate as chairman, and the nomination was seconded by Commissioner Gillespie. There were no other nominations. With no further discussion, the County Manager closed nominations and called for a vote on the motion, which was approved unanimously. The gavel was then passed to Chairman Tate.

ELECTION OF VICE-CHAIRMAN: Chairman Tate opened the floor for nominations for the office of vice-chairman, and Commissioner Shields nominated Commissioner Beale as vice-chairman. The nomination was seconded by Chairman Tate. There were no other nominations. With no further discussion, Chairman Tate closed nominations and called for a vote on the motion, which was approved unanimously.

EXAMINATION OF OFFICIAL BOND FOR PUBLIC OFFICIALS OF MACON COUNTY: The Finance Director explained that North Carolina General Statute (NCGS) 58-72 requires that the board annually examine the bonds of the public officers listed in NCGS 58-72.12, which includes the Finance Director, Tax Administrator, Register of Deeds and Sheriff. Following examination of the bonds and other pertinent documentation related to this matter, and upon a motion by Commissioner Beale, seconded by Commissioner Shields, the board voted unanimously to approve a resolution entitled "Examination of Official Bonds for Public Officials of Macon County," a copy of which is attached (Attachment 1) and is hereby made a part of these minutes, along with the supporting documentation presented at the meeting.

ANNOUNCEMENTS: There were no announcements.

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

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

PUBLIC COMMENT: **Lewis Penland** addressed the board regarding grading contractors. Noting that he was representing Penland Contracting, he said he wanted to express his thanks to the county's planning board for the "excellent job on this document," referring to the revisions to the proposed grading license segment of the county's Sedimentation and Erosion Control Ordinance. He said the existing requirements are "punishing the ones who want to do it right." He told the board that the State of Georgia has one of the best programs in the nation, adding that if contractors do not abide by the rules then state officials "come after you." He said that lack of enforcement of the current county ordinance was an issue, and told the commissioners "don't waste your time" with the revisions if they are not going to be enforced. **Howell Jacobs** told the board he had been a resident of the county for 53 years and lives in the Nantahala area. He said he had been told that if you come to Franklin to ask for anything you are wasting your time. He spoke to the condition of the community's recycling center and community building and said "all we want is to be even," but all that he hears is what can't be done. He told the board most people in the area would become Cherokee County residents if they could, and again compared the community's public facilities to those in the Franklin area. He said that Commissioner Higdon is "the only one who stands up" for the citizens of Nantahala. **Randy Shook** also addressed the grading license issue, and asked if the county does have a major erosion control problem, then why haven't citations been issued. Noting that he has a grading license, he asked how can you solve a problem if you don't have one. He stated that county residents were losing their property rights and he was against that. He placed blame on Jack Morgan, the county's Director of Planning, Permitting and Development, for adding more regulations. He asked for a show of hands from the audience of those who were against the revisions to the grading license, and several raised their hands. He concluded by telling the commissioners that he was "very disturbed by this," and that they haven't heard the last from him.

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

- To remove the update on Vaya Health under Reports/Presentations shown as Item 11(A), per the Deputy Clerk.

WORK FIRST ELECTING COUNTY PLAN: Department of Social Services (DSS) Director Patrick Betancourt asked the board to approve a revised Work First County Plan that will cover state fiscal years 2019-2022. He noted that if approved by the board, the plan would be forwarded to the state in time to meet a Friday deadline, and then after review, will be forwarded to the General Assembly for final approval. As the liaison to DSS, Commissioner Beale noted there are very few work first counties remaining in the state, and that the program has worked well here. He made a motion to adopt the plan as presented, and it was seconded by Commissioner Gillespie. With no further discussion, the board voted unanimously to approve the Macon County Department of Social Services Work First County Plan, a copy of which is attached (Attachment 2) and is hereby made a part of these minutes.

DISCUSSION OF SEDIMENTATION AND EROSION CONTROL GRADING

LICENSE REVISIONS: Mr. Morgan told the commissioners that he was here to discuss the recommendations of the county planning board as to the grading license portion of the Sedimentation and Erosion Control Ordinance. He noted that the planning board was asked to review this portion of the document after the commissioners voted earlier in the year to rescind the grading license program. He had provided the board with a two-page document entitled "License Requirements," a copy of which is attached (Attachment 3) and is hereby made a part of these minutes. He asked if the board had questions or comments, and a lengthy discussion followed, including what types of activity were exempted, the planning board's process in reviewing the standards of the program, and enforcement of the same. Commissioner Higdon expressed his displeasure of this portion of the ordinance, saying it is "just a feel-good thing" that is not recognized by the surrounding counties. He said he was opposed to it and doesn't think it is necessary. This led to further discussion, including questions about the open-book test that applicants must take in order to get the license. Commissioner Gillespie, the liaison to the planning board, said he had been involved in the process and added that the attempt was made to "strike a line somewhere in the middle that makes sense for everybody." After additional discussion, Commissioner Gillespie made a motion for the County Attorney to move forward with preparing the necessary amendment to the ordinance, and to hold a public hearing on the revisions. Commissioner Shields seconded the motion. During further discussion, Chairman Tate said that he did not see the changes as "inhibiting anyone's personal property rights." The board then voted 4-1 to approve the motion, with Commissioner Higdon opposing. The board agreed to hold the public hearing at its January 2018 regular meeting.

REQUEST FOR QUALIFICATIONS FOR ARCHITECTURAL SERVICES AT SOUTH MACON ELEMENTARY SCHOOL: The County Manager explained that three responses were received to the Request for Qualifications (RFQ) for

architectural services for the planned expansion of South Macon Elementary School. Of those three responses, the Novus firm received the highest scores from both the county's Board of Education and the county's own finance staff. He said the Board of Education voted to recommend Novus and that the county's evaluation would support that recommendation. Upon a motion by Commissioner Shields, seconded by Commissioner Beale, the board voted unanimously to find that Novus is the best qualified firm for the project, and that by statute, the county can begin contractual negotiations with the firm.

UPDATE ON EMERGENCY COMMUNICATONS PROJECT: Emergency Services Director Warren Cabe updated the board on the ongoing upgrade of the county's emergency communications project. He first explained that \$400,000 had been set aside to help fund the project, followed by another \$400,000. Plans to obtain a \$1 million grant from FEMA to purchase equipment did not materialize, he added. During last fire season, he said the county was forced to use the 800 mhz NC VIPER system, which he said worked really well. However, the county must keep the analog or legacy communications system that is still in use. However, he said plans are to add digital equipment and capabilities and to be ready when the technology changes. So for now, he told the board he plans to spend one-third of his funds on the VIPER system, one-third on the UHF system and the remaining third on the subscriber units, which will allow each volunteer fire department in the county to upgrade some equipment to digital. He also pointed out that \$55,000 will be spent to upgrade communications in the Nantahala area. He told the board he is being careful not to put all of the eggs in just one basket. With the county's topography, he said there will be "holes" but that attempts are being made to fix those. Then he switched to what he referred to as "the big money part" and requested approval of the purchase of a seven-channel Motorola radio system at a cost of \$265,203. He had explained that this is an expandable site radio subsystem and control stations allowing expansion of the NC VIPER system in the county to include channels/talkgroups for emergency service providers and allows full access to the system through the county's 911 telecommunications center. Motorola is the "sole source provider" of compatible equipment that meets the state Department of Public Safety's requirements and offers Houston-Galveston Area Council (HGACBuy) pricing, a system that the county is a member of. He told the board that in this case the county must "go with Motorola or not at all." This first-phase of the communications system upgrade has a 90-day turnaround, he noted. Chairman Tate, who is the liaison to emergency services, told the board it is "time to move forward." Upon a motion by Commissioner Gillespie, seconded by Commissioner Shields, the board voted unanimously to approve the quote from Motorola in the amount of \$265,203, a copy of which is attached (Attachment 4) and is hereby made a part of these minutes.

CHANGES TO US DEPARTMENT OF TRANSPORTATION DRUG AND ALCOHOL TESTING REGULATIONS: Macon County Transit Director Kim Angel spoke to the need of revising her department's drug testing standards in order to meet new federal guidelines that take effect on January 1, 2018. The changes involve modification to the drug testing panel due to the nationwide opioid crisis. Ms. Angel said this will directly affect safety sensitive positions in Transit and at the county garage. The County Attorney pointed out that this is one of those situations that if the county takes money to operate the system from the federal government, then compliance with the new standards is the only response. Following further discussion, and upon a motion by Commissioner Beale, seconded by Commissioner Shields, the board voted unanimously to approve the revised version of the "Drug and Alcohol Testing Policy" for Macon County Transit, a copy of which is attached (Attachment 5) and is hereby made a part of these minutes.

LEASE AGREEMENT WITH SOUTHWESTERN COMMUNITY COLLEGE REGARDING EXISTING BURN BUILDING PROPERTY: The County Manager pointed out that the existing lease between the county and Southwestern Community College (SCC) for the site of the existing burn building was entered into in 1998 and expires January 31, 2018. With the county and SCC now in discussions over a new site for a new burn building, he noted the county will need to consider the terms for a new lease agreement for the existing site going forward. Following discussion, it was agreed that a new proposal would be prepared for discussion at the January 2018 regular meeting, and no action was taken.

CONSENT AGENDA: Following a brief question and answer session regarding the recommended denial of a requested tax refund, upon a motion by Commissioner Shields, seconded by Chairman Tate, the board voted unanimously to approve the items on the consent agenda as follows: the minutes of the November 14, 2017 regular meeting; the following budget amendments: #92 to appropriate \$45,036 from the E911 Fund Balance to cover the cost of a server upgrade; #93 for the Sheriff's Department to appropriate \$30,330 in fund balance and donations for special fund expenses; (Copies of the amendments are attached); there were no tax releases for the month of November; denied a tax refund to Constance Green in the amount of \$1,085 as recommended by Tax Administrator Richard Lightner; monthly ad valorem tax collections report (no action necessary).

APPOINTMENTS: (1) Community Funding Pool: (A) Upon a motion by Commissioner Beale, seconded by Commissioner Gillespie, the board voted unanimously to appoint Karen Stiwinter to fill the remaining open seat on the newly reconstituted Community Funding Pool task force.

CLOSED SESSION: At 7:55 p.m., upon a motion by Commissioner Higdon, seconded by Commissioner Gillespie, the board voted unanimously to go into closed session for the purpose of preserving the attorney-client privilege. At 8:20 p.m., upon a motion by Commissioner Beale, seconded by Commissioner Gillespie, the board voted unanimously to come out of closed session and return to open session. No action was taken.

ADJOURN: With no other business, and at 8:20 p.m., upon a motion by Commissioner Shields, seconded by Commissioner Higdon, the board voted unanimously to adjourn.

Derek Roland
Ex Officio Clerk to the Board

Jim Tate
Board Chairman