

MACON COUNTY BOARD OF COMMISSIONERS
MAY 15, 2012 – 6 P.M.
CONTINUED SESSION
MINUTES

Chairman Corbin convened the continued session at 6:02 p.m. in the Commissioners' Boardroom on the third floor of the courthouse as recessed from the May 8th meeting. All Board Members, the County Manager, Deputy Clerk, Finance Director, County Attorney, interested citizens and members of the news media were present.

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

- To add a presentation by Sandra Queen from CareNet under Reports/Presentations as Item 8A, per Commissioner Beale.
- To add consideration of the award of the bid for parking pads at the Highlands Transfer Station under New Business as Item 10I, per Solid Waste Director Chris Stahl.
- To add consideration of a resolution that would allow the governing body of the Town of Highlands to issue permits for fireworks displays under New Business as Item 10J, per the County Attorney.
- To add consideration of an amendment to the greenway ordinance regarding the dog park under New Business as Item 10K, per the County Attorney.
- To add discussion regarding facilities at the recreation park under Reports/Presentations as Item 8B, per Chairman Corbin.
- To add Budget Amendments #186 and #187 under the Consent Agenda in Item 11B, per the Finance Director.
- To hold a Closed Session under Item 13 for the purpose of preserving the attorney/client privilege.

CARENET: Commissioner Beale introduced Sandra Queen, the new executive director of the Macon County Care Network, known as CareNet, who gave the board an update on the non-profit ministry's activities. Ms. Queen noted that CareNet has seven paid staff and 80 volunteer workers. She said that all donations go back into giving to the community, and that sales from items at the organization's thrift store help pay for operations. CareNet owes \$165,000 on its building on Bidwell Street in Franklin. She said CareNet spent \$67,000 on food last year, is involved in the backpack program in the school system, which provides weekend

meals for children, and is working with Macon Program for Progress (MPP) this summer as a host site for MPP's free lunch program. She pointed out several needs the organization has, and asked for the board members' prayers. Commissioner Beale responded that the commissioners would take those needs into consideration.

RECREATION FACILITIES: Chairman Corbin explained that he had been talking with Parks and Recreation Director Seth Adams in regard to aging facilities at the county's recreation park, particularly the swimming pool. Chairman Corbin said he had also had conversations with Commissioner Koppers, the board's liaison to the recreation board and department. After further discussion, the board agreed by consensus to task Commissioner Koppers with developing a plan for improvements to the pool and other facilities.

OFFICIAL APPOINTMENT OF CHESTER JONES AS COUNTY ATTORNEY: The County Manager explained that Chester Jones has filled in as interim county attorney for the past two years, during which time the County Manager said that he has kept Mr. Jones very busy and that he has done a commendable job. Adding that he probably should have done this some time ago, the County Manager recommended that the board remove the "interim" label from Mr. Jones' title and officially designate him as County Attorney. Upon a motion by Commissioner Haven, seconded by Commissioner Tate, the board voted unanimously to approve the recommendation.

PRESENTATION OF THE PROPOSED FISCAL YEAR 2012-13 BUDGET: The County Manager delivered a PowerPoint presentation on the proposed FY 2012-13 budget, which is balanced with revenues and expenditures of \$44,275,869. He noted that the board would need to schedule work session dates, with a hearing on the budget already set for 6 p.m. on June 5th and with anticipation of adopting the budget on June 12th. He said the county remains in a strong financial position, and then reviewed a list of accomplishments and ongoing projects. He pointed out there is no growth in the new budget, which contains no tax increase. A copy of the County Manager's budget message (**Attachment 1**) is attached and is hereby made a part of these minutes. The board agreed to hold a work session on May 21st at 6 p.m. and tentatively scheduled another work session for May 23rd at 3:30 p.m.

RESOLUTION REQUESTING THE GENERAL ASSEMBLY POSTPONE MAKING CHANGES TO THE STRUCTURE OF MENTAL HEALTH BOARDS: Commissioner Beale informed the board that the resolution would not be necessary, and the item was withdrawn from the agenda.

RENEWAL OF LEASE WITH FRANKLIN GEM & MINERAL SOCIETY:

The Franklin Gem & Mineral Society requested a renewal of the lease of the old county jail property located at 25 Phillips Street for continued use as a museum for another five-year period, with the current lease set to expire on June 3, 2012. The County Attorney explained that due to the length of the proposed lease, the board would need to advertise its intent to renew the agreement, and that he could prepare the proper resolution for the board's consideration at its June regular meeting, although there would be a small gap in the term. Upon a motion by Commissioner Beale, seconded by Commissioner Haven, the board voted unanimously to accept the County Attorney's recommendation.

REQUEST FOR USE OF COUNTY PROPERTY BY THE FRANKLIN ARCHERS:

Chairman Corbin explained that The Franklin Archers had requested the use of some county property located behind South Macon Elementary School for use as an archery range. The County Manager provided a map showing the 21-acre parcel that was split off from the original purchase for the school, noting that the archers want to use a small portion on the southern end of it. Commissioner Beale said he had met with the group, which started at the old Cartoogechaye School, and expressed his desire to see the property used for this purpose. The County Attorney said that safety issues would need to be addressed and that a lease arrangement would be best, with the county dictating the access to the property. The County Manager suggested a one-year lease that could be revisited on a year-to-year basis. Upon a motion by Commissioner Beale, seconded by Commissioner Koppers, the board voted unanimously to authorize the County Attorney and County Manager to prepare a lease agreement, based upon the items presented, with the County Attorney pointing out that the group would need to add the county as an additional insured under its liability policy.

DENTURE FEE PLAN: Health Center Director Jim Bruckner presented a denture fee plan for the board's consideration, explaining that the health department does not currently provide this service. He said the new initiative is expected to be a break-even proposition, with the fee schedule including a sliding scale where the Medicaid rate will normally cover 50 percent of the costs. He said the center is not competing with private dentists, but there is a need for the service, which can be provided by the new adult dentist now on staff. He said there would be no cost to the county for the program. Upon a motion by Commissioner Koppers, seconded by Commissioner Haven, the board voted unanimously to approve the fee plan as presented (Attachment 2), a copy of which is attached and is hereby made a part of these minutes.

Chairman Corbin declared a recess at 7:34 p.m.

Chairman Corbin called the meeting back to order at 7:49 p.m.

Chairman Corbin read a letter to the board members from Dorothy and John Crawford, which read as follows:

“John and I are deeply humbled and honored that you named the Senior Center building for us, yesterday April 27. May we always honor your decision. We assure you we will continue to advocate for seniors and others in need of services. Thanks also for the Macon County emblem and the bucket of goodies. We were deeply touched by your positive comments. They will be treasured always. In deep appreciation, Dorothy R. and John L. Crawford.”

CHANGE ORDER ON IOTLA VALLEY ELEMENTARY SCHOOL PROJECT: The County Manager explained that the new on-site sewer system at the school has a series of underground treatment pods, and in order to make sure that there is proper drainage, it was necessary to install an underdrain for the area as a precaution that should help avert any flotation problems in the future. He recommended that the board approve Change Order #3 on the project (Attachment 3) in the amount of \$4,700, and upon a motion by Commissioner Koppers, seconded by Commissioner Haven, the board voted unanimously to approve the change order, a copy of which is attached and is hereby made a part of these minutes.

FRANKLIN FIREWORKS DISPLAY: The County Manager explained that the Franklin Area Chamber of Commerce had requested permission to conduct the annual July 4th fireworks display at the Macon County Veterans Memorial Park on July 4, 2012. Upon a motion by Commissioner Beale, seconded by Commissioner Haven, the board voted unanimously to grant permission for the display.

DISCUSSION REGARDING VIDEO SWEEPSTAKES MACHINES: The board discussed the proliferation of the video sweepstakes machines throughout the county. Sheriff Robert Holland told the board that while he gets complaints, he had been told by the District Attorney not to file charges against owners of these establishments, and Brian Welch, the staff attorney for the sheriff’s department, said there are cases within the state’s Court of Appeals and Supreme Court that are pending. Chairman Corbin asked what could be done, and it was noted that Henderson County was also grappling with the situation, with the County Manager

pointing out Henderson has county-wide zoning and therefore can direct the location of the sweepstakes establishments. After further discussion, the board agreed to obtain a copy of the resolution being considered in Henderson County and to contact officials there for insight into how they are dealing with the issue. Chairman Corbin said the board members could also discuss this matter with legislators when they are in Raleigh later this month for County Assembly Day. No action was taken.

AWARD OF BID FOR PARKING PADS AT HIGHLANDS TRANSFER STATION: Solid Waste Director Chris Stahl recommended that the board approve a bid of \$62,720 from Taylor and Murphy of Asheville to install two parking pads at the Highlands Transfer Station. The pads will hold trailers that are used to transport waste from the station to the landfill in Franklin. There are drains installed in the pads that will drain to an on-site septic tank, collecting any leachate that drips from the trailers and keeping it from entering stormwater ditches at the facility. Upon a motion by Commissioner Haven, seconded by Commissioner Koppers, the board voted unanimously to award the bid to Taylor and Murphy as presented. A copy of the Recommendation of Award from McGill Associates and the bid tabulation (Attachment 4) are attached and are hereby made a part of these minutes.

RESOLUTION REGARDING HIGHLANDS FIREWORKS DISPLAYS: The County Attorney explained that he had prepared a resolution that would authorize the board of commissioners for the Town of Highlands to issue permits pursuant to Article 54 of Chapter 14 of the state's General Statutes for pyrotechnics to be exhibited, used or discharged within the corporate limits of the town for use in connection with public exhibitions. He added that the county's granting of this authority to the town via this resolution is essentially a matter of convenience. Upon a motion by Commissioner Tate, seconded by Commissioner Beale, the board voted unanimously to adopt the resolution as presented (Attachment 5), a copy of which is attached and is hereby made a part of these minutes.

AMENDMENT TO GREENWAY ORDINANCE REGARDING DOG PARK: The County Attorney explained that he had prepared an ordinance amending the ordinance regulating the use of the Little Tennessee River Greenway to allow for a gated "dog park," as this would carve out an exception to the general rule of dogs having to be on leashes, crated or caged while on the greenway. He read the ordinance into the record, noting that the date listed on the bottom of page 1 would need to be changed from May 8th to May 15th. Upon a motion by Commissioner Haven, seconded by Commissioner Tate, the board voted unanimously to

approve the ordinance amendment as presented (Attachment 6), a copy of which is attached and is hereby made a part of these minutes.

CONSENT AGENDA: Upon a motion by Commissioner Koppers, seconded by Commissioner Beale, the following items on the consent agenda were unanimously approved: **Minutes** – Approved the minutes from the April 9th, April 10th, April 19th and April 26th meetings. **Budget amendments** – Approved the following budget amendments: #182 for the Health Department to allocate additional funding of \$183,920 for the Community Transformation Grant; #183 for the Soil Conservation Department to appropriate \$2,500 in grant money received from Wal-Mart. The county had to apply for the grant on behalf of Mountainview Intermediate School and is acting as a pass-thru agent. #186 for the Health Department to allocate funds to the proper line item from an insurance claim check for damage to a refrigerator and #187 for the Department of Social Services for an additional allocation of \$918 for Haywood Electric Energy Assistance. (Revisions with corresponding numbers attached.) **Tax releases** – There were no tax releases for the board’s consideration at this time. **Resolution Requiring Tax Certification Prior to Recording Deeds in Macon County** – The County Attorney explained there is no certification required for recording deeds of trust and that the county is still in accord with the resolution adopted by the board of commissioners in August 2004.

APPOINTMENTS: Chairman Corbin asked the board for the liberty to move Agenda Item 12H (Planning Board) to the front of the list, and the board agreed without objection.

Planning Board: Chairman Corbin explained that his goal for the planning board was to move forward in a thoughtful way. The county had received nine applications for the planning board, and then two of those were withdrawn. Without objection from the board, three of the applicants were present, and Chairman Corbin suggested that each one be allowed to speak and then the commissioners could ask questions of each. **Mark West**, a current member of the board, told the commissioners he was withdrawing his name from consideration at this time, and the commissioners expressed their appreciation for his service. **Peggy Patterson** told the commissioners she was a 5th generation Maconian who had developed subdivisions and said the planning board needs people who have been on the land. **Susan Ervin**, also a current member of the board, said she was honored to have served many years on the planning board and had not been afraid to strongly express her opinions, but was willing to compromise. Chairman Corbin asked both candidates if they could take a common sense, civil and level-headed

approach to their duties, and both had agreed they could. Saying that diversity is very important, Commissioner Haven made a motion to appoint Ms. Patterson and Ms. Ervin to the board, which was seconded by Commissioner Kupperts and approved unanimously by the board. Terms of appointment are for three years and will expire on May 15, 2015.

Airport Authority: Commissioner Kupperts said the members of the authority have asked the board to postpone the appointment until June so that they could submit a recommendation, and the board agreed to do so.

Board of Adjustment: Upon a motion by Commissioner Kupperts, seconded by Commissioner Beale, the board voted unanimously to reappoint Sue Waldroop, Dwight Vinson and Gary Drake to the Board of Adjustment, and to acknowledge the resignation of Larry Stenger. Term of appointment is for three years and will expire May 15, 2015.

Community Funding Pool: Upon a motion by Commissioner Kupperts, seconded by Mr. Haven, the board voted unanimously to reappoint Bobbie Contino, Sandy Vinson and Frances Dewitt to the Community Funding Pool. Term of appointment is for three years and will expire May 15, 2015.

Economic Development Commission: Economic Development Director Tommy Jenkins requested that any action regarding the appointment of Joe Collins be postponed until conflicting information could be reviewed, and the board agreed.

Farmland Preservation: Upon a motion by Commissioner Beale, seconded by Commissioner Kupperts, the board voted unanimously to reappoint John McCall, Rickie James, Charles "Butch" Deal and Larry Sheffield to the Farmland Preservation committee. Term of appointment is for three years and will expire May 15, 2015.

Health Board: Commissioner Kupperts said that the term of Russell Stevenson needed to be checked prior to any action being taken. Commissioner Kupperts then made a motion to appoint Molly Phillips to fill the unexpired term of Paul Higdon, which expires June 30, 2012, and to appoint Stacy Shannon to a three-year term that would begin on July 1, 2012 and expire on June 30, 2015. Commissioner Beale seconded the motion and it was unanimously approved. It was noted that Ms. Phillips would need to complete an application and, pending that, the board could consider appointing her for a full term.

Jury Commission: Upon a motion by Commissioner Beale, seconded by Commissioner Haven, the board voted unanimously to reappoint Sue Waldroop to the Jury Commission. Term of appointment is for three years and will expire May 15, 2015.

Recreation Board: Upon a motion by Commissioner Kupperts, seconded by Commissioner Tate, the board voted unanimously to reappoint Dennis Conley and Tex Davis to Recreation Board. Term of appointment is for three years and will expire May 15, 2015.

Tourism Development Committee (TDC) (Franklin/Highlands): Upon a motion by Commissioner Haven, seconded by Commissioner Beale, the board voted unanimously to accept the TDC's recommendation to appoint Katie LaFlamm to the TDC. Term of appointment is for three years and will expire May 15, 2015.

Franklin (Town) Board of Adjustment/Extraterritorial Jurisdiction (ETJ) representative: Upon a motion by Commissioner Beale, seconded by Commissioner Kupperts, the board voted unanimously to reappoint Janet Greene as a county representative from the ETJ on the Franklin Board of Adjustment. Term of appointment is for three years and will expire May 15, 2015, with the motion noting it is contingent upon Ms. Green's ability to continue to serve.

Watershed Review Board: Upon a motion by Commissioner Kupperts, seconded by Commissioner Beale, the board voted unanimously to reappoint Joe Deal and Mike Bryson to the Watershed Review Board. Term of appointment is for three years and will expire May 15, 2015. Commissioner Kupperts said he would check on the status of the four other members.

CLOSED SESSION: At 9:07 p.m., and upon a motion by Commissioner Beale, seconded by Commissioner Kupperts, the board voted unanimously to go into closed session to preserve the attorney/client privilege under G.S. 143-318-11(3). At 9:34 p.m., and upon a motion by Commissioner Beale, seconded by Commissioner Kupperts, the board voted unanimously to come out of closed session. No action was taken.

RECESS: At 9:35 p.m., upon a motion by Commissioner Beale, seconded by Commissioner Kupperts, the board voted unanimously to recess the meeting until Wednesday, May 21st, 2012 at 6 p.m. in the commissioners' boardroom on the third floor of the Macon County Courthouse at 5 West Main Street in Franklin, NC.

Jack Horton, County Manager
Clerk to the Board

Kevin Corbin
Board Chairman