

**MACON COUNTY BOARD OF COMMISSIONERS
JANUARY 13, 2015
MINUTES**

Chairman Corbin called the meeting to order at 6:00 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: The County Manager noted that the board would recess this meeting until Tuesday, January 20, 2015 at 12:30 p.m. in the commission boardroom for the purpose of holding the board's mid-year review and budget work session. He said an agenda for the meeting would be available the next day, and Chairman Corbin pointed out that the meeting was open to the public.

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

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

PUBLIC COMMENT: **Randall McCall** addressed the board regarding the proposed noise ordinance, saying that he was not in favor of it. In response, Chairman Corbin expressed the board's position, stating that he did not think the commissioners would vote for "anything that's a 'quote' noise ordinance." Commissioner Tate suggested that Mr. McCall could learn more about the process by attending the meetings of the planning board.

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 a report on the Macon County service area with Jackson County as Item 8B under Reports/Presentations, per Commissioner Tate.
- To add a report regarding the recent National Association of Counties (NACo) conference in Washington, D.C. as Item 8C under Reports/Presentations, per Commissioner Beale.
- To remove Item 9B (contract for signage at Parker Meadows Recreational Complex) from the agenda, per the County Attorney, with the understanding that this item could be addressed at the continued session on January 20th.

PROCLAMATION RECOGNIZING MACON VALLEY NURSING AND REHABILITATION CENTER: Chairman Corbin read the proclamation into the record, which recognizes Macon Valley Nursing and Rehabilitation Center for being awarded the status of the Silver Award for “Achievement in Quality” by the American Health Care Association, one of 77 facilities nationwide to achieve this status and one of only three in North Carolina. Upon a motion by Commissioner Higdon, seconded by Commissioner Beale, the board voted unanimously to approve the proclamation as presented, a copy of which is attached (Attachment 1) and is hereby made a part of these minutes. Richard Brady, the center’s administrator, thanked the board members for the recognition.

MACON COUNTY SERVICE AREA WITH JACKSON COUNTY: Commissioner Tate explained that he and others had been “working on this issue for some time,” referring to the discrepancy over the boundary line between Macon and Jackson counties. He explained that at times the property lines overlapped “like a double helix,” and the areas include properties in some of the country clubs and there is “a lot of tax value and money there.” He went on to explain there are 332 parcels in Jackson County that are “landlocked” in the sense that the only way to access them is through Macon County, and those 332 properties represent more than \$1,215,000 in tax revenue to Jackson County. However, Macon County is the primary provider of fire, EMS, garbage, school and recreation services, which costs Macon approximately \$160,000 annually. Commissioner Tate referenced an e-mail from the County Manager to Jackson County Manager Chuck Wooten, and stated that “Macon County needs to do the right thing” in terms of providing services, but that Jackson County also needs to reimburse Macon for doing so. The County Manager said the total tax value of the 332 properties was approximately \$445 million, and said he was looking forward to the discussion with Jackson officials. In his e-mail to Mr. Wooten, the County Manager wrote, “In sum, I would respectfully request for the Jackson County Board of Commissioners to consider reimbursing Macon County in the amount of \$159,811 (13% of the \$1,215,098.32 in projected revenue to be received by Jackson County from these 332 properties) for landfill utilization, fire protection, 911 communications and EMS services which we continue to provide those properties located in the Macon County

Service Area for FY '14-'15.” (A copy of the e-mail is attached **(Attachment 2)** and is hereby made a part of these minutes.) Meanwhile, both counties continue to await the outcome of a state survey of the boundary line between the two. Following discussion among the board members, Commissioner Tate concluded, “All we want to do is break even,” saying Macon would “start fresh” and not look back in an attempt to collect revenue from previous years. No action was taken.

REPORT ON NACO MEETING: Commissioner Beale gave a report on his trip to Washington, D.C. for the annual National Association of Counties (NACo) meeting. In addition to meeting with both of the state’s U.S. Senators and 11th District Congressman Mark Meadows, Commissioner Beale said one of the main topics of discussion was the federal government’s payment in lieu of taxes. Closer to home, he said that Medicaid will dominate the upcoming session of the state General Assembly, and that the North Carolina Association of County Commissioners (NCACC) is preparing to hold its Legislative Goals Conference in Moore County. With that in mind, he pointed out the board needed to select a voting delegate for the conference, and upon a motion by Commissioner Tate, seconded by Commissioner Beale, the board voted unanimously to appoint Chairman Corbin as the voting delegate.

RATIFICATION OF E-MAIL POLL: Upon a motion by Commissioner Beale, seconded by Commissioner Shields, the board voted unanimously to ratify the results of an e-mail poll conducted on December 31, 2014 concerning a proposed Memorandum of Understanding (MOU) between Macon County and the North Carolina Community Action Association (NCCAA) regarding the county’s participation as a service provider for Duke Energy’s Helping Home Fund. Through the MOU, Macon County will be provided \$102,230, which the county’s Housing Department will use for energy efficient appliance replacement and HVAC replacement in homes of low income customers. The County Manager explained that the county received notice of the fund on December 22nd, but was required to accept the funding no later than January 9th, which prompted the e-mail poll.

RIGHT-OF-WAY AGREEMENT WITH DUKE ENERGY: The County Attorney told the board that Duke Energy was looking to replace power lines at the existing county recreation park, and that the existing underground service had been there for some time. He said Duke was seeking an easement and that he had reviewed the agreement and recommended the board’s approval of it. Upon a motion by Commissioner Tate, seconded by Commissioner Shields, the board voted unanimously to approve the right-of-way agreement as presented, a copy of which is attached **(Attachment 3)** and is hereby made a part of these minutes.

MACON CITIZENS HABILITIES LINE OF CREDIT: Commissioner Beale recognized Executive Director Jeannie Garrett and Assistant Director Robert Edwards with Macon Citizens Habilities (MCH) and explained the agency's request for an increase in its revolving line of credit with Macon Bank. MCH was seeking the county's approval for an increase in its line of credit from \$100,000 to \$200,000, which is collateralized by the property located at 909 Lake Emory Road in Franklin, in which the county has an interest. Commissioner Beale recommended approval of the increase and did so in the form of a motion. The County Attorney explained that a subordination agreement would be required, due to provisions in the deed regarding the property, in order for the bank to agree to the increase. He further explained that Fred Jones, the attorney for MCH, had prepared the subordination agreement. Upon a recommendation from the County Attorney and a second to the motion by Commissioner Shields, the board voted unanimously to approve the agreement as submitted, a copy of which is attached **(Attachment 4)** and is hereby made a part of these minutes.

REQUEST FOR QUALIFICATIONS FROM MCGILL ASSOCIATES: Solid Waste Director Chris Stahl appeared before the board seeking acceptance and approval of a Request for Qualifications (RFQ) from McGill Associates for consultant services in conjunction with the design and construction of Phase III of the landfill. Mr. Stahl noted that McGill was the only firm to respond to the request, adding that McGill Associates was qualified to provide these services. He asked the board to authorize him and the County Manager to negotiate and enter into a contract with McGill Associates for the proposed scope of work. Following discussion, and upon a motion by Commissioner Shields, seconded by Commissioner Higdon, the board voted unanimously to approve McGill Associates as recommended.

SKY VALLEY (GA) MUTUAL AID AGREEMENT: Emergency Services Director Warren Cabe explained that he was asking the board to consider a "fairly typical" mutual aid agreement between the county and the City of Sky Valley, GA. Mr. Cabe pointed out that the road systems along the common boundary between the county and Sky Valley run in and out of North Carolina and Georgia. The County Attorney noted the need for one small change in the agreement regarding 2015 and also noted the assistance of attorneys from Georgia in helping to ensure that the agreement met the applicable state laws there. Upon a motion by Commissioner Tate, seconded by Commissioner Beale, the "Emergency Management Mutual Aid and Assistance Agreement Between Macon County, North Carolina and City of Sky Valley, Georgia was approved as presented. A copy of the agreement is attached **(Attachment 5)** and is hereby made a part of these minutes, with the maps referenced by the agreement on file in the office of the Emergency Services Director.

MACON COUNTY PUBLIC HEALTH FEE SCHEDULE CHANGES AND BAD DEBT WRITE-OFF REPORT: Upon a motion by Commissioner Higdon, seconded by Commissioner Tate, the board voted unanimously to approve changes to the Macon County Public Health Fee Schedule, all five of which stemmed from the increased cost of vaccines. The board also accepted an updated report regarding bad debt written off by the Macon County Board of Health. Copies of the fee schedule changes (Attachment 6) and the bad debt report (Attachment 7) are attached and are 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 December 9, 2014 meeting. **Budget amendments** – Approved the following budget amendments: #101 for Maintenance to allocate an insurance settlement of \$3,648; #102 for the Department of Social Services to appropriate \$600 in foster care donations; #103 for the Sheriff’s Department to allocate an insurance settlement of \$12,256 for vehicle repairs; #104 for Macon County Public Health to allocate \$12,985 in additional grant funding from The WNC Partnership for Public Health to help support the coordination and collaboration of regional public health functions; #105 for Macon County Housing to appropriate \$30,669 in funding from the Duke Helping Homes Fund to be used for Health & Safety and Appliance Replacement; #106 for Macon County Housing to appropriate \$71,561 in funding from the Duke Helping Homes Fund to be used for HVAC Repair and Replacement; #107 for Macon County Public Health to appropriate \$2,533 in additional TANF funds from the state. (Revisions with corresponding numbers attached) **Tax releases** – Approved tax releases in the amount of \$3,165.87 (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 Debra Ammons in the amount of \$131.40 regarding a mobile home that was moved. **Monthly ad valorem tax collection report** – No action necessary.

(A) APPOINTMENTS: **(1) Joint Community Advisory Committee for Long Term Care:** Upon a recommendation by Larry Reeves, the Long Term Care Ombudsman for Region A, and a motion by Commissioner Beale, seconded by Commissioner Shields, the board voted unanimously to reappoint Merritt Fouts, June Hawkins and Lisa Henry to the Joint Community Advisory Council for Long Term Care, each for three-year terms. **(2) Voluntary Agricultural District Board:** Upon a motion by Commissioner Tate, seconded by Commissioner Beale, the board voted unanimously to reappoint Pamela Bell, Kathy Tinsley and Tony Ashe to serve on the local Voluntary Agricultural District Board of Advisors, with

replacements to be sought for outgoing board members Clint James and Ben Ledford. **(3) Franklin/Nantahala Tourism Development Commission:** Upon a motion by Commissioner Beale, seconded by Commissioner Shields, the board voted unanimously to appoint Connie Grubermann to replace Mike Grubermann as a small accommodation representative on the Franklin/Nantahala TDC. **(4) Planning Board:** The Deputy Clerk informed the board that the term of John Underwood as the Town of Highlands representative on the Macon County Planning Board would expire on January 12, 2015, adding that town officials will be notified and their recommendation will be forwarded to the commissioners at an upcoming meeting.

CLOSED SESSION: At 7:01 p.m., upon a motion by Commissioner Beale, seconded by Commissioner Tate, the board voted unanimously to go into closed session for the purpose of consulting with the attorney under NCGS 143-318.11(a)(3). At 7:48 p.m., upon a motion by Commissioner Shields, seconded by Commissioner Tate, the board voted unanimously to come out of closed session and return to open session.

RECESS: At 7:48 p.m., upon a motion by Commissioner Shields, seconded by Commissioner Tate, the board voted unanimously to recess the meeting until Tuesday, January 20, 2015 at 12:30 p.m. in the Commission Boardroom on the third floor of the Macon County Courthouse, 5 West Main Street, Franklin, NC. The purpose of the continuation meeting will be to hold a mid-year review and budget work session, and to address any other items that come before the board.

Derek Roland
Ex Officio Clerk to the Board

Kevin Corbin
Board Chairman