

MACON COUNTY BOARD OF COMMISSIONERS
JULY 9, 2019
MINUTES

Chairman Tate 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 said he had received an email from the Town of Franklin regarding a joint meeting between the town council, the board, and the Town of Highlands Board of Commissioners. The meeting is scheduled for Tuesday, July 30, 2019 at 6 p.m. at the Franklin Fire Department, and the County Manager noted that the board would recess this meeting at the completion of tonight's business.

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

PLEDGE TO THE FLAG: Led by Finance Director Lori Hall, the pledge to the flag was recited.

PUBLIC HEARING ON TELECOMMUNICATION TOWER APPLICATION: Chairman Tate called the public hearing on the telecommunication tower application from Verizon Wireless for a 175-foot monopole at 575 CR Cabe Road to order at 6:02 p.m. Planning, Permitting and Development Director Jack Morgan provided a brief overview of the project, explained that the applicant had complied with the ordinance requirements, and recommended approval of the application to the board. At the recommendation of the County Attorney, the County Manager read aloud for the record two letters from Diane Dodge, who resides at 267 CR Cabe Road. Copies of both letters are attached (Attachments 1 and 2, respectively) and are hereby made a part of these minutes. She was in attendance at the meeting. In her first letter, dated June 28, 2019, Ms. Dodge asked for three things, (1) for the board to not vote on the application at this meeting, (2) for a reduction in the tower's height, and (3) for the tower to be disguised. In her second letter, dated July 10, 2018, she asked that the board make the applicant "lay out the benefits" of the proposed tower. **Jim LaPann**, who said he was a zoning specialist engaged by Verizon Wireless,

then went over items in what he referred to as an ordinance compliant statement. He noted that unless someone comes forward with “substantial evidence” as to why the tower should not be allowed, the board should not deny the application. This led to questions from board members, with Commissioner Shields and Commissioner Beale asking about what happens with “dead” towers that are constructed and then go unused for years. Mr. LaPann said that removal of such a tower could be a condition for board approval. Commissioner Gillespie then addressed Ms. Dodge’s concerns and asked Mr. LaPann to respond to those. Following this exchange and other questions from board members, Mr. LaPann stated that – after others had the opportunity to speak – he would ask that action on this matter be put off until the next meeting. The County Attorney told the board members that they can issue special conditions in conjunction with approval of the application, and that while they have that authority, changes at the state level have taken away certain matters of “decision making authority” from local boards. He further advised that the board members needed to be aware there are certain things they could not ask of the provider/applicant. He explained that the board can use some of the information that Mr. LaPann has provided in order to make its decision, and that the hearing could be continued to a “date and time certain.” Ms. Dodge then addressed the board, saying that under the provisions of the ordinance, there are some things the county can demand, and asked for proof that the tower needed to be 175 high. She also wanted to know the owner of “the tower across the valley” from her. **Geoff Studds** told the board that he lives at 285 CR Cabe Road, and that while he was not against the construction of the proposed tower, he did have two primary concerns. One is the proposed location, he said, and the other is the proposed height. He said the location hurts home values and added that the tower could be moved to the east side of CR Cabe Road. He also stated there is no proof that a 175-foot tower is needed. He asked the board to use the “special conditions” language in the ordinance to make the tower more compatible. **Chuck Sutton**, a resident of the Clarks Chapel community with a view of the site, told the board that he supports planned and deliberate development for economic growth, and that connectivity is now just as important as power, water or sewer. Following Mr. Sutton’s comments, Chairman Tate asked for responses from the audience to what others had said. Emergency Services Director Warren Cabe briefly discussed issues about other tower locations, and Diane Dodge addressed the board as well. At this point, the County Attorney said that additional evidence needs to be submitted in the context of this hear, and warned the board members that they cannot investigate this matter on their own, since “you sit as judges.” After further discussion, Commissioner Beale made a motion to continue the public hearing until Tuesday, August 13, 2019 at 6 p.m. in the commission boardroom on the third floor of the Macon County Courthouse in Franklin, NC, and Commissioner Gillespie seconded the motion. Chairman Tate asked for any final comment. Commissioner Gillespie thanked Mr.

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LaPann, noting he “has been very forthcoming with information.” The board voted unanimously to approve the motion, and the public hearing was recessed at 7:01 p.m.

PUBLIC COMMENT PERIOD: **Bob McCollum** gave the board a “brief update on how things are going at Cowee School.” He said that after more than seven years into the experiment at the Cowee School Arts and Heritage Center, things are going very well, with the addition of a music program and textile classes. He also spoke of grant opportunities, including a \$45,000 grant from the Cherokee Preservation Foundation “to tell the story of Cowee Valley.” He addressed the need to update recreation facilities at the center and asked if the board would be interested in helping with that.

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

- To remove Item 9A, “Update on VAYA Health and Community Crisis Plans,” per the County Manager.
- To add an additional item as Item 10A(1) under “Correction to Resolution Amending in part the bylaws for the Highlands Area TDC,” per the County Manager.
- To add a new item under New Business as Item 11D regarding approval of the Satulah Radio Communications Site, per the County Manager and County Attorney.
- To add a new item under New Business as Item 11E regarding a plaque designating the Women’s History Trail, per the County Manager.

SOUTHWESTERN COMMISSION ANNUAL REPORT: Sarah Thompson, the executive director of the Southwestern Commission, provided the board members with a copy of the organization’s “Year in Review” for 2018. The Southwestern Commission is the council of government, or COG, for North Carolina’s Region A, which covers Macon and the six other westernmost counties in the state and the 17 municipalities in those counties. Ms. Thompson outlined the agency’s structure, how it funded, and the three main areas in which it functions. No action was necessary.

UPDATE ON LBJ JOB CORPS CENTER: Author Phalo, the center director for the LBJ Job Corps Center, gave the board an update on center and concerns over continued federal funding for it. He repeatedly thanked the board for the county’s support of the center. He explained that some at the federal level believe that centers such as LBJ didn’t play a major role as part of the Department of Agriculture under which they are administered. He noted the many times the center has assisted the county with various projects and the continued need to “show our worth.” Following Mr. Phalo’s remarks,

Commissioner Beale briefly outlined a possible agreement with the center that would allow students to get on-the-job training in county offices under the direction of the County Manager. No action was taken.

CORRECTION TO RESOLUTIONS REGARDING TOURISM DEVELOPMENT

COMMISSIONS: Following a brief explanation by the County Attorney, and upon a motion by Commissioner Gillespie, seconded by Commissioner Beale, the board voted unanimously to approve the following documents: a “Resolution Amending in Part the Bylaws for the Highlands Area Tourism and Development Commission” and a “Resolution Amending in Part the Bylaws for the Franklin-Nantahala Area Tourism and Development Commission. These versions correctly refer to each as a “commission” and not a “district” as in the previous versions. Copies of each resolution (Attachments 3 and 4, respectively) are attached and are hereby made a part of these minutes.

SCC PARKING LOT PAVING PROJECT: The County Manager began by reminding the board that, at its meeting on June 11, 2019, a vote was taken to appropriate the remaining Fiscal Year 2018-19 contingency amount of \$46,365 to Southwestern Community College (SCC) to go towards the repaving of the parking lot at the Jerry Sutton Public Safety Training Center. However, the option to have Parker Paving Company, Inc. of Sylva to apply a tack coat and overlay on the existing pavement has been replaced with the option of removing and replacing the existing asphalt. The company’s proposal for the latter option is \$62,900, meaning that \$16,535 would be needed to move forward with the project. The County Attorney noted that the previous agreement with SCC would need to be amended. Following discussion, Commissioner Gillespie made a motion to appropriate the additional sum to cover the low bid and to change the contract from applying a tack coat and overlay to remove and replace the existing pavement. The motion also authorized the County Attorney to prepare a revised agreement and to authorize the County Manager to execute it, and to take the additional money from contingency. Commissioner Shields seconded the motion, and following additional discussion, the board voted unanimously to approve the motion as stated.

APPROVAL OF LOAN APPLICATION REQUEST FOR OTTO VOLUNTEER

FIRE AND RESCUE: Terry Rholetter, chief of Otto Volunteer Fire and Rescue, requested the board’s approval for the department to apply for a loan in the amount of \$404,238 for the purchase of a new fire engine. Chief Rholetter explained that the new vehicle will be the “first out truck” and that the department has the funds available to make the annual payment. He said the finance company requires the board’s approval in order to purchase the 2019 model pumper. Upon a motion by Commissioner Beale, seconded by Commissioner Shields, the board voted unanimously to approve the request as presented.

NCACC VOTING DELEGATE: Upon a motion by Commissioner Shields, seconded by Commissioner Gillespie, the board voted unanimously to designate Commissioner Beale as the voting delegate for the 112th annual conference of the North Carolina Associate of County Commissioners (NCACC), to be held in Guilford County on August 22-24, 2019.

OCCUPANCY TAX PENALTY WAIVER REQUEST: Following a brief explanation by the Finance Director, and upon a motion by Commissioner Gillespie, seconded by Commissioner Beale, the board voted unanimously – for good cause shown -- to waive an occupancy tax penalty in the amount of \$450 as requested by Linda Moore.

INTERLOCAL AGREEMENT REGARDING SATULAH RADIO COMMUNICATIONS SITE: Following brief comments by the County Attorney, who noted some small changes made by the Town of Highlands, upon a motion by Commissioner Higdon, seconded by Commissioner Shields, the board voted unanimously to approve a “Resolution Concerning Approval of the Entry and Execution of the Interlocal Agreement Concerning Cooperation and Joint Use of the Satulah Radio Communications Site. A copy of the resolution (Attachment 5) and the accompanying interlocal agreement (Attachment 6) and attached and are hereby made a part of these minutes.

WOMEN’S HISTORY TRAIL: Following an explanation by the County Manager, and upon a motion by Commissioner Shields, seconded by Commissioner Beale, the board voted unanimously to approve the placement of a plaque at the courthouse regarding the Women’s History Trail.

CONSENT AGENDA: Upon a motion by Commissioner Higdon, seconded by Commissioner Shields, the board voted unanimously to approve the following items on the Consent Agenda: the minutes of the May 14, 2019 regular meeting, the May 21, 2019 continued session and the June 3, 2019 continued session; the following budget amendments: #1 for the Department of Social Services to carry forward \$1,119 in foster care donations; #2 for the Department of Social Services to carry forward \$13,942 in federal adoption funds; #3 for Transit to appropriate fund balance amounts of \$9,959 and \$51,916 from Fiscal Year 2018-19 to Fiscal Year 2019-20; #4 for Solid Waste to carry forward \$222,863 for equipment that was not delivered by June 30, 2019 and to carry forward \$89,025 for improvements to recycling convenience centers that were placed on hold for various reasons; #5 for the Sheriff’s Department to carry forward \$25,930 in funds to Fiscal Year 2019-20; #6 for Macon County Schools to carry forward \$6,300 for the Franklin High School walkway resurface project and #7 for Special Appropriations to carry forward \$18,720 for the Upper Cartoogechaye Community Development Club’s Gillespie Chapel project (copies of each are attached); a Capital Project Ordinance

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Amendment for the Radio Communications Upgrade in the amount of \$1,395,360 (a copy of the document is attached); tax releases for June of 2019 in the amount of \$922.00 and the monthly ad valorem tax collection report, for which no action was necessary.

APPOINTMENTS: **(1) Macon County Airport Authority:** Upon a motion by Commissioner Gillespie, seconded by Commissioner Shields, the board voted unanimously to affirm the reappointment of Miles Gregory and Pete Haithcock to the Macon County Airport Authority, each for a term of six years. **(2) Town of Franklin Planning Board:** Upon a motion by Commissioner Beale, seconded by Commissioner Shields, the board voted unanimously to affirm the reappointment of Dave Jones to serve as the Extra-Territorial Jurisdiction (ETJ) representative on the Town of Franklin Planning Board. Term of appointment is for three years. **(3) Social Services Board:** Upon a motion by Commissioner Beale, seconded by Commissioner Shields, the board voted unanimously to appoint Anne Hyder as the county commission's appointment to the Social Services Board, replacing Darlene Green. **(4) Community Funding Pool Task Force:** Upon a motion by Commissioner Higdon, seconded by Commissioner Shields, the board voted unanimously to accept the resignation of Robert Smith from the Community Funding Pool Task Force and to accept Mr. Smith's recommendation that Bonnie Potts, the executive director of the Highlands Literacy Council, be appointed to take his place.

RECESS: With no other business, and at 7:58 p.m., upon a motion by Commissioner Higdon, seconded by Commissioner Gillespie, the board voted unanimously to recess the meeting until Tuesday, July 30, 2019 at 6 p.m. at the Franklin Fire Department, located at 49 Maple Street in Franklin, NC for the purpose of holding a joint meeting the with Franklin Town Council and the Town of Highlands Board of Commissioners.

Derek Roland
Ex Officio Clerk to the Board

Jim Tate
Board Chairman