

**MACON COUNTY BOARD OF COMMISSIONERS
SEPTEMBER 13, 2016
MINUTES**

Chairman Corbin called the meeting to order at 6:05 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: Those in attendance watched the “annual report” video from the North Carolina Association of County Commissioners (NCACC), which provided an update to the association’s membership on the activities of the preceding year leading up to the NCACC annual conference in August.

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. Following the pledge, Commissioner Beale asked those in attendance to remember the family of former county commissioner Fred Munger, who passed away on August 31st.

RESOLUTION HONORING SALLY G. KESLER AS AN HONORARY HISTORIAN OF MACON COUNTY: With no objection from the board members, Chairman Corbin moved directly to Item 9C on the agenda, and Commissioner Beale read into the record a “Resolution Designating Sally G. Kesler as an Honorary Historian of Macon County.” He then presented a framed copy of the resolution and a gift to Ms. Kesler. A copy of the resolution is attached **(Attachment 1)** and is hereby made a part of these minutes.

PUBLIC HEARING ON NEW ROADS AND RANGE OF ROAD NUMBERS, REQUESTED ROAD NAME CHANGES, RANGE OF ROAD NUMBER CHANGES REQUESTED AND REQUESTED ROAD DELETION: Chairman Corbin called the public hearing to order at 6:22 p.m. and recognized Angie

Kinsland, the county's 911 Addressing Coordinator, for comments. She gave the board an overview of all the proposed additions, changes and deletions. She pointed out one requested road name change, Lovely Way to Destiny Ridge Road, and explained that while she had no problem with the change, she was concerned about the timing. This led to comments from Lucille Green, who told the board that she named the road and that her neighbors "have yet to come to me" about changing the road name. She said she would be turning 95 years old in the next week and that she does not want to live out the rest of her life arguing over a road name. At this point, Mrs. Kinsland said her recommendation was to leave the road name as Lovely Way at this time. Jerry Denney spoke next and told the board that while he understood Mrs. Green's passion about the road name, he was trying to follow the county's protocol regarding road name changes. He said he voted to name the road Destiny Ridge Road to align it with the name of the subdivision, adding that the issue has become "just a big mess." Mr. Denney told the board he decided to take on the issue of renaming the road and initially did not speak with Mrs. Green about it but later "made peace" with her. The discussion then turned to the voting process for re-naming the road. Eventually, Commissioner Higdon told Mr. Denney that while he had a good plan and the justification, "I won't vote to change the name." Following more discussion, a second man spoke to the issue, saying that it seemed appropriate that the road name should be based on what the subdivision was to be named. After more discussion, Mrs. Kinsland reaffirmed her recommendation that she did not object to changing the road name, just not at this time. Chairman Corbin closed the public hearing at 6:41 p.m. and told the board members that they had a recommendation "in front of you." The County Attorney said that he had prepared the amendment to the ordinance and if the board wanted to change it he would need to revise it. Commissioner Tate made a motion to approve the amendment as presented and to leave the road name as Lovely Lane for now. Commissioner Higdon seconded the motion, and after further discussion, the board voted unanimously to adopt the "September 13, 2016, Amendment to Macon County Road Naming and Numbering System Ordinance Heretofore Codified as Chapter 14 of the Macon County Code." A copy of the amendment is attached (Attachment 2) and is hereby made a part of these minutes.

PUBLIC COMMENT: Narelle Kirkland offered her thanks to the County Manager for his handling of a situation along the Little Tennessee River Greenway. She also commented on how terrorists use a second bomb to injure first responders who come to the scene of an incident and suggested that the county consider using a drone in such situations to keep those first responders safe.

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

- To add an item under the existing Item 10B (consideration of amended and restated Wireless Telecommunication Facilities Ordinance) to allow Jack Morgan, the county's Director of Planning, Permitting and Development, to discuss a fee schedule change to the ordinance, per the County Manager.
- To add a change order on the landfill construction project under Old Business as Item 10C, per the County Manager.
- To add an item under the existing Item 11A (discussion regarding improvements to Wesley's Park and Robert C. Carpenter Community Building) to allow consideration of a resolution exempting architectural services as prepared by the County Attorney, per the County Manager.
- To add a report from the Rural Planning Organization meeting by Commissioner Beale and Mr. Morgan as Item 9C under Reports/Presentations, per Commissioner Beale. Commissioner Beale also requested time to report on his trip to Washington, DC to discuss the latest on the status of payment-in-lieu-of-taxes (PILT) by the federal government.
- To remove the appointments to the Planning Board (Item 13A) per Commissioner Shields.
- To add a report on library funding as Item 9D under Reports/Presentations, per Chairman Corbin.
- To add a sales tax report as Item 9E under Reports/Presentations, per Chairman Corbin.
- To remove the August 9, 2016 minutes of the regular meeting from the Consent Agenda (Item 12A) to allow the County Attorney to explain a needed correction to those minutes.

FRANKLIN CEMETERY ASSOCIATION: Dinah Mashburn, a trustee with the Franklin Cemetery Association, briefed the board on the current status of Woodlawn Cemetery. Attending the meeting on behalf of some other trustees, Mrs. Mashburn read from an e-mail to the board from R.S. Jones, Jr. In that e-mail, Mr. Jones explained "As it presently stands, the Board of Trustees is very concerned about the well-being and the continued maintenance of the cemetery and we have made a few advances to other individuals about taking over the project. We have someone who is interested but we did want to make the commissioners and the [Franklin] Town Board of Aldermen aware of the circumstances since the cemetery is there for public benefit. We want to insure, if at all possible, that it will continue to be operated for the benefit of the public in general and, in particular, the families of those individuals who have been buried there since the cemetery was founded in 1922." Mrs.

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Mashburn continued with a portion of the e-mail, which read, “The Franklin Cemetery Association which owns the Woodlawn Cemetery was formed as a non-profit organization early on and therefore, it has the benefit of not being subject to income taxes but is subject to the payment of local taxes and it must employ personnel to do all of the necessary maintenance and upkeep of the cemetery grounds. That, of course, is the biggest matter that affects the financial condition.” Mrs. Mashburn told the board that the association is not able to keep the cemetery maintained as it should be, and that the trustees have received a letter of intent regarding taking it over. She said the trustees felt the public should be made aware of the situation and that with most families no longer seeking traditional burials, “the money is just not there” for the upkeep of the cemetery. This was followed by some comments and questions from the board members. No action was taken.

APPALACHIAN TRAIL HIKER SURVEY: Commissioner Shields introduced representatives of Franklin’s Appalachian Trail Community Council, who presented a brief video and a PowerPoint presentation on a recent survey of hikers of the Appalachian Trail. In the survey of more than 500 hikers, many liked the convenience of having Macon County Transit available to transport them from the trail at Winding Stair Gap into Franklin. According to the survey, northbound hikers on the Appalachian Trail spent \$470,000 locally in 2016. There were a number of positive comments about the services available, but the best asset was “how friendly the local people were.” Bill Van Horn with the council thanked the board for the various ways in which it supports hikers. No action was taken.

RURAL PLANNING ORGANIZATION REPORT: Commissioner Beale and Mr. Morgan explained that two road projects affecting the county have been funded. The first is a truck climbing lane at the Cherokee/Macon county line and the second involves changes to US 441 South from the intersection of Siler Road to the intersection of Wide Horizon Drive. However, work on the latter project will not start until 2020. Commissioner Beale also noted that concerns were expressed over the route from Franklin to Highlands, with the Buck Creek Road renovation not scoring as well as potential improvements to Highway 106 from Highlands to the Georgia state line. Moving to the non-highway mode, the runway/taxiway extension at the Macon County Airport has been funded but will need to be included in a comprehensive plan and will require a letter of support from the commissioners. After additional discussion on other projects, and upon a motion by Commissioner Tate, seconded by Commissioner Beale, the County Manager was directed to write the required letter of support for the airport project.

LIBRARY REPORT: Chairman Corbin said he had asked the County Manager to prepare a report comparing the county’s spending for the Macon County

Public Library to that for counties and libraries in the rest of the Fontana Regional system. Chairman Corbin then reviewed a number of the statistics in the report, a copy of which is attached (Attachment 3) and is hereby made a part of these minutes. Among those, he noted that Macon spends 2.1 percent of its recommended budget for the library, compared to 1.6 percent in Jackson County and 1.2 percent in Swain County. "We fund our library higher than almost any other county," he said. The County Manager noted that when all library-related funding, such as utility bills, is accounted for, Macon spent \$1,362,863, or 2.85 percent of the county's operating budget, whereas other counties on average spend 1.67 percent. Macon is "at the highest level within our region," he noted. No action was taken.

SALES TAX REPORT: Chairman Corbin also provided another handout, with this one focused on sales tax information. He pointed specifically to the impact of the new Parker Meadows Recreational Complex by noting that in March of this year, two tournaments brought more than 400 ballplayers and their families to the county, and that sales tax revenue in March of 2016 was 34.79 percent higher than in March of 2015. "Parker Meadows is paying for itself," Chairman Corbin said, and later asked if the county should consider paying off the loan on the complex, especially if the trend with the increased sales tax revenue continues. "I just thought I'd throw that out," he told the board members. During the discussion, the Finance Director suggested waiting on the final numbers for 2016-17 before making a decision. Chairman Corbin pointed out that paying off the loan would free up \$200,000 in the budget. No action was taken.

SOUTHWESTERN COMMUNITY COLLEGE (SCC) BURN BUILDING: Emergency Services Director Warren Cabe said that the board members had requested an independent analysis of the status of the so called SCC "burn building," which is located on the college's Public Safety Training Center west of Franklin. Mr. Cabe then introduced Martin Phillips, an engineer with Construction Science and Engineering, Inc. of Westminster, SC. Mr. Phillips presented a PowerPoint presentation outlining his evaluation of the structure, and a copy of his "Summary of Visual Survey and Recommended Repairs" is attached (Attachment 4) and is hereby made a part of these minutes. Mr. Phillips reviewed in detail a number of issues with the 35-year-old facility, which he said is "showing significant signs of distress." Among his recommendations, Mr. Phillips said that "Plans should be made to replace the existing burn building with a new structure within the next 12 to 18 months," and that "Live fire training should be limited to the two rooms currently used for the next 12 to 18 months." He also said a structural review of the building should be made by a qualified professional engineer in 12 months. When questioned by Commissioner Shields, Mr. Phillips said that he could not give an opinion that the service life of the building could be extended

for an additional 10 years. SCC and the county could take advantage of bond funds that would pay the full cost to renovate the building, but the county would have to come up with a 25 percent match in order to replace the structure. Mr. Phillips said that eventually, SCC would not be able to allow people into the building due to safety issues. Following discussion, Commissioner Beale recommended that the County Manager and Mr. Cabe make a determination as to what a new building would cost, and Commissioner Shields suggested adding Curtis Dowdle from SCC to the group. Dr. Don Tomas, SCC's president, said the college does not have any funds to assist with the match money. Commissioner Beale noted that this matter becomes "another unfunded mandate." No formal action was taken.

PAYMENT IN LIEU OF TAXES: Commissioner Beale gave a report on his recent trip to Washington, DC to discuss issues regarding payment in lieu of taxes, or PILT, with federal lawmakers. He explained that Macon County has 144,000 acres of federally-owned land, which generates \$342,000 in PILT money for the county, which in turn goes to help fund the school system. He added that the "good news" is that PILT will be funded. No action was necessary.

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

Chairman Corbin called the meeting back to order at 8:25 p.m.

WIRELESS TELECOMMUNICATION FACILITIES ORDINANCE: The County Attorney reviewed the changes to the draft ordinance, one that the board had held a public hearing on at its August regular meeting. With those changes having been made, he said the board could feel free to proceed with adopting the ordinance. Commissioner Shields made a motion to approve the ordinance as presented, and Commissioner Tate seconded the motion. Prior to the vote being taken, Commissioner Shields said he was "here to eat a little bit of crow" for what he called "overextending the planning board" in terms of asking its members to study the issue of expanding internet and broadband services into the county. He said that lies beyond the scope of the board's duties, and suggested bringing together all of the parties involved in providing that service for a discussion. He asked the board to allow the County Manager to contact all of the major internet providers in the county and ask that they each have a representative at the October regular meeting to talk about future plans. This led to a lengthy and at times technical discussion. Following that, the board voted unanimously to adopt the ordinance as presented, a copy of which is attached (Attachment 5) and is hereby made a part of these minutes. In a related matter, Mr. Morgan advised the board that he had checked with surrounding jurisdictions regarding the level of fees they charged in connection with wireless telecommunication facilities, and that he had some recommended

changes in the county's fee schedule. He suggested a new tower application fee of \$1,000 to cover administrative costs, plus \$500 for the building and electrical fee to cover inspection and administrative expenses. For relocation improvements, he recommended a \$500 application fee and \$170 to cover the building and electrical inspection fee and the permit administrative costs. He told the board these amounts would cover the county's expenses. Commissioner Beale told the board that the new fees were "a break even deal" and were "more than fair compared to other counties," and made a motion to accept Mr. Morgan's recommendation as presented. The motion was seconded by Commissioner Tate, and after further discussion, the board voted unanimously to approve the revised fees.

CHANGE ORDER NUMBER ONE FOR LANDFILL CONSTRUCTION PROJECT: Solid Waste Director Chris Stahl presented a change order for the landfill Phase III construction project in the amount of \$62,363.80. He explained the need for the change order, which is related to stormwater outfalls located at the county Transit/Garage and Maintenance facilities, which are located adjacent to the new cell. A copy of Change Order No. 1 and a summary of the work to be performed are attached (Attachment 6) and are hereby made a part of these minutes. Following some discussion regarding the project schedule, and upon a motion by Commissioner Shields, seconded by Commissioner Higdon, the board voted unanimously to approve the change order as presented and to move the \$62,363.80 from the project's contingency account.

WESLEY'S PARK/ROBERT C. CARPENTER COMMUNITY BUILDING IMPROVEMENTS: The County Manager addressed the issue of Wesley's Park first, explaining that there have been numerous complaints about the state of disrepair at the park. He said that he and Parks and Recreation Director Seth Adams had met with a potential vendor regarding safety concerns, replacing damaged equipment and repairing the ground cover at the park. He estimated the cost of repairs to be in the range of \$100,000 to \$110,000. He told the board he was looking for consensus to move forward and go out for bids. Mr. Adams told the board that 10 years is the life span of park equipment and that the county is in "bonus time" now, but the most cost effective method is to fix what is there. The board agreed to have the County Manager take the next steps in the process. As to the Robert C. Carpenter Community Building, the County Manager said that he had received a projected scope of work from Franklin architect Tom Ritter for a complete renovation of the building. In addition to "bringing it up to today's standards," the renovation would make the building more aesthetically pleasing and energy efficient. This led to a lengthy discussion about making all county facilities more energy efficient and possibly having a third party make those changes and then use the resulting savings from the energy to pay for the loan. Going back to the community

building discussion, the county manager requested authorization to put the project out to bid. First, Commissioner Beale made a motion, seconded by Commissioner Shields, to approve a “Resolution Exempting Architectural Services Project for Renovation of Robert C. Carpenter Building from the Provisions of Article 3D of Chapter 143 of the North Carolina General Statutes, a copy of which is attached (Attachment 7) and is hereby made a part of these minutes. Prior to the vote, the board, County Manager and Mr. Ritter held a lengthy discussion regarding the project that included talk of the intended and future use of the community building, which was built in 1972, and the need for a convention center type facility to handle the kinds of events the community building cannot. The board then voted unanimously to approve the resolution as presented and to take the necessary funds for the fees, not to exceed \$17,000, from contingency.

CONSENT AGENDA: Upon a motion by Commissioner Higdon, seconded by Commissioner Beale, the following items on the consent agenda were approved unanimously. **Budget amendments** – Approved the following budget amendments: #34 for the Health Department to “roll” \$5,862 in unexpended grant money to the current fiscal year; #35 for the Health Department to allocate \$867 to cover the purchase of rabies vaccines that were prepaid by the patient; #36 for the Health Department to appropriate \$649 to cover the purchase of a credit card machine that was ordered in the prior fiscal year but received in the current fiscal year; #37 for the Department of Social Services to appropriate \$190,825 in additional TANF and TEA Foster Care revenues; #38 for Macon County Schools to carry forward the balance of \$5,492 for the enclosed batting cages project; #39 for the Parks and Recreation Department to appropriate \$2,931 in the general fund balance for youth football equipment replacement, as this is a carryforward from the prior fiscal year; and #40 for Macon County Schools to transfer one-half of the \$48,553 Golden Leaf Grant match from contingency. (Revisions with corresponding numbers attached). **Tax releases** – Approved tax releases for August 2016 in the amount of \$18,471.80. (A computer printout of the releases is on file in the Tax Department and the Deputy Clerk’s office.)

Upon a motion by Commissioner Beale, seconded by Commissioner Tate, the board voted unanimously to approve the minutes of the August 9, 2016 regular meeting as amended, following a correction by the County Attorney to strike the first sentence of the second paragraph under the topic heading of “Public Hearing on Wireless Telecommunication Facilities Ordinance.”

APPOINTMENTS: (1) Economic Development Commission (EDC): Upon a motion by Commissioner Tate, seconded by Commissioner Beale, the board voted unanimously to appoint Cory McCall to a three-year term on the county’s Economic Development Commission (EDC), replacing Farrell Jamison, and to

appoint Brett Murphy to fill the remaining term of Jim Bross on the EDC, with that term to expire December 31, 2017.

ADJOURN: With no other business, at 9:40 p.m., upon a motion by Commissioner Higdon, seconded by Commissioner Tate, the board voted unanimously to adjourn.

Derek Roland
Ex Officio Clerk to the Board

Kevin Corbin
Board Chairman