

**MACON COUNTY BOARD OF COMMISSIONERS
JANUARY 12, 2016
MINUTES**

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

ANNOUNCEMENTS: Chairman Corbin noted that the commissioners had presented “years of service” awards to 41 county employees at a ceremony held prior to the meeting. Commissioner Shields recognized the passing of Nathan B. “Nat” Henry, a Macon County resident who survived six years as a prisoner of war in North Vietnam.

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

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

PUBLIC COMMENT: Prior to opening public comment, Chairman Corbin said that several individuals were signed up to speak to the issue of wilderness designation. **Bob Lundberg** addressed the board regarding property taxes and county expenses. He stated that devalued land was a burden on those trying to sell. He made a reference to the “gas guzzling buses around town,” but told the board that the greatest abuse of tax money in the county was on illegal immigrants. After citing some personal experiences, he concluded his comments with a demand for an accounting of services to illegal aliens provided by the health department. **Bud Angel** told the board that he wanted to go on record as being vehemently opposed to more wilderness areas in the county, adding that he was opposed to what he called the U.S. Forest Service practice of closing off roads without knowing the history of that road. **Brent Martin**, a member of the Bartram Trail Society, said that the U.S. Forest

Service has been locally underfunded as efforts shifted to fighting fires in the western part of the nation. He told the commissioners that this issue is “way more complex than standing up and attacking wilderness” and that he was attending the meeting in support of a presentation scheduled for later on the agenda. **Michelle Ruigrok** said that she is an employee of the Wilderness Society and a resident of Macon County, adding that “what we have is extremely special” and her belief that “everyone can have a little bit of something.” **Gary Wein**, a member of the Bartram Trail Society and the executive director of the Highlands/Cashiers Land Trust, said that his desire was to protect and conserve the integrity of the landscape, and that wilderness areas are one way to protect what he called “ecosystem services.” **Christian Moe** said that she is a county resident and wanted to go on record in support of wilderness. **David Jones** told the board that he works for Cook Bros. Lumber Company and that he does not support wilderness. He said that 10 percent of the sale of timber from U.S. Forest Service land goes to the county, and that the service removes areas from cutting that are part of the viewshed from the Appalachian Trail. He concluded that he is not in favor of more wilderness. **Jim Gray** read from a prepared statement, explaining that 46 percent of Macon County is national forest and that the commissioners have already adopted a resolution opposing additional wilderness areas. He said the new plan identifies 12 proposed wilderness areas totaling 93,000 acres. Other counties have passed resolutions similar to Macon’s, he said, later adding that the members of the hiking and environmental communities need to know that their trails are not in danger of the scenery being destroyed. He concluded by asking the commissioners to keep the existing resolution in place. **Jason McConnell** said he was a member of the Macon County Coon Hunters and was opposed to any further wilderness. For those seeking more wilderness areas, he asked them to look at “what was already in place that you fell in love with,” and warned that if more roads are shut down on federal land, it will limit access to areas for hunters and bears and other animals will become a nuisance.

ADDITIONS, ADJUSTMENTS TO AND APPROVAL OF THE AGENDA: There were no requests for additions to the agenda, and upon a motion by Commissioner Shields, seconded by Commissioner Tate, the board voted unanimously to approve the agenda as adjusted, as follows:

- To remove Item 13A, an appointment to the Planning Board, per the County Manager.
- To add discussion of two items per Commissioner Higdon; courthouse security under New Business as Item 11F and gun free zones on county property under New Business as Item 11G.
- Chairman Corbin noted Commissioner Beale’s absence, explaining that he had been appointed by Gov. McCrory to a Mental Health Task Force and was attending a meeting in Raleigh.

PRESENTATION OF THE FISCAL YEAR 2014-15 COMPREHENSIVE ANNUAL FINANCIAL REPORT: Jill Vang with Martin Starnes & Associates, CPAs, presented a PowerPoint presentation that provided the highlights from the firm’s audit of the county’s financials for the fiscal year ending June 30, 2015. Ms. Vang told the board that Martin Starnes was providing an “unmodified opinion,” meaning that the auditors found no material misstatements and that it is “the best opinion we can give you.” She said the county’s fund balance in the general fund grew by \$1,877,709 and now stands at 41.42 percent of the annual budget, or more than five months’ worth of expenditures. Ad valorem taxes remain the top revenue source, and there was a slight decrease in property tax revenue despite a slightly higher collection rate of 97.69 percent, up from 97.21 percent the previous year. There was a decrease in restricted intergovernmental revenue due to fewer dollars from federal and state grants, but local sales tax revenue was up 6.4 percent. The top three expenditures continue to be public safety (27 percent), human services (also 27 percent) and education at 21 percent. However, expenditures in each of those categories decreased slightly. Following brief comments on the solid waste enterprise fund, Ms. Vang concluded and asked the board members if they had any questions. There were none, and no action was required. A copy of the “Macon County North Carolina Comprehensive Annual Financial Report for the year ended June 30, 2015” is on file in the Deputy Clerk’s office.

PRESENTATION REGARDING U.S. FOREST SERVICE RECOMMENDATIONS FOR WILDERNESS IN THE NANTAHALA-PISGAH FOREST MANAGEMENT PLAN: Bill Van Horn explained that he was the spokesman for 13 different groups with a combined membership of more than 1,600 members, most of whom he said were Macon County residents. He referenced a letter contained in the board’s agenda packet, a copy of which is attached (Attachment 1) and is hereby made a part of these minutes, adding that he would also provide a resolution for the board’s consideration. The resolution asked that the board support the U.S. Forest Service (USFS) recommendations for wilderness in the final Nantahala-Pisgah Forest Management Plan. Mr. Van Horn said that 4 percent of the USFS land in Macon County is designated as wilderness, and stated that amount is not enough. He asked that the board defer to the public process of the USFS and spoke to the importance of public lands, noting that those who signed the letter support the traditional uses of hunting and fishing. Mr. Van Horn asked if the board had any questions, and when there were none, he again asked the board to support the resolution. Commissioner Higdon responded that he had “been here 66 years” and as a youngster “lived in the woods in the summertime on public land.” But he said that he has “continually watched that access become more limited,” adding he is not trustworthy of losing more access as the wilderness requirements are stricter. Chairman Corbin said the board did pass a resolution on July 8, 2014

opposing more wilderness, but told Mr. Van Horn “I’m amazed at how much we agree on.” Chairman Corbin said the disagreement stems from “what we are calling it and the percentages.” He said the board does support the public process and the commission’s passage of the resolution “created the conversation we have tonight.” He told Mr. Van Horn that he would not bring up the group’s resolution for consideration with one member of the board absent. He added that the recommendation for the local management plan would have to go to the USFS office in Atlanta and then Congress would have to approve any new wilderness areas – but that 11th District Congressman Mark Meadows would have to introduce the legislation to have new ones added in Macon County. Chairman Corbin suggested to the other board members that they not take any action at this time. This led to further discussion between some of the speakers from the Public Comment period, and Chairman Corbin concluded the matter by thanking both sides for a civil debate. No action was taken.

PUBLIC HEALTH BILLING GUIDE AND FEE SCHEDULES: Public Health Center Director Jim Bruckner first reviewed changes to the billing guide, explaining that a fee structure was added for primary care services as well as a second diabetes program aimed at prevention. As to the fee schedule, he said that the majority of items for which there was an increase stemmed from additional costs for vaccines. Some codes for new fees were added as well. Mr. Bruckner said the documents had been approved by the Board of Health. He also noted that with Animal Services, formerly Animal Control, now under Public Health, the department would begin microchipping all of the animals that are adopted out of the shelter at a cost of \$15. He pointed out that this is for identification purposes and is not a locater device. In closing, he said that fees for environmental health services have not changed but will be reviewed as part of the upcoming budget process. Upon a motion by Commissioner Higdon, seconded by Commissioner Shields, the board voted to approve the billing guide and fee schedules as presented. Copies of each document are on file in the Deputy Clerk’s office.

CHANGES TO BUILDING INSPECTIONS FEE SCHEDULE: The County Manager presented a slideshow presentation regarding his analysis of the county’s fee schedule for building inspections as compared to other neighboring counties. In one instance, he gave an example where the buyer of a house in Macon County that was 80 percent complete had to pay the full cost of a new permit, whereas in Jackson County that cost was \$50 for a permit transfer. He suggested that the board consider a fee structure similar to the following: (1) a structure that is between 75 percent complete to completed would be charged a \$100 permit fee, and (2) a structure that is less than 75 percent complete would have a prorated amount based on the number of inspections remaining before completion. The board did not take formal

action, but directed the County Attorney to prepare a proposal amending the county's building inspections ordinance to include this new method of calculating the fees for these types of situations.

GOLDEN LEAF FOUNDATION COMMITMENT LETTER: Lynda Parlett with Southwestern Community College (SCC) presented an updated project budget for The Smoky Mountain Region Ascent to Careers, a STEM (Science, Technology, Engineering and Math) curriculum initiative that includes Macon as well as Jackson and Swain counties. She told the board members that since her last presentation, the Golden LEAF Foundation had approved the submission of a full proposal, and that there had been a "huge change" as to the county's 20 percent match for its share of the project, which had dropped to \$60,950 instead of more than \$140,000. Commissioner Shields thanked Ms. Parlett for her work on the proposal, and also expressed his appreciation to Tommy Jenkins, the county's economic development director, who worked to bring together eight different groups to support the project. He went on to note that the county's Board of Education and the commissioners would make the ninth and tenth members of the "partnership." As to the effort to provide STEM education opportunities, Commissioner Shields said that our kids "need to speak the language," adding later that to make that happen, "Sometimes you have to spend a little money on the front end." He then made a motion to support the letter of commitment from Macon County pledging \$60,950 for the project. Following some discussion, Commissioner Tate seconded the motion, and after Macon County Schools Superintendent Dr. Chris Baldwin stated that he is "100 percent in favor" of the proposal, the board voted unanimously to approve the motion.

CHANGE ORDERS FOR UNION ACADEMY AND HIGHLANDS SCHOOL RENOVATION PROJECTS: Terry Bell with Macon County Schools began by providing a brief overview of the latest change orders for the Union Academy project. He explained that adding exit lights for the school's gym, a kitchen serving line and a floor scrubber totaled \$12,538.22 to the project, leaving \$185.54 in the contingency line item. For the Highlands School project, he said that the need to install a chain link fence around some exterior HVAC units would add \$3,172.93. After detailing some additional needs, he said the contingency balance for this project would be \$9,813.53, pending approval of the change order items, and that he has no plans for using the remaining funds. Commissioner Shields made a motion to approve the change orders for both projects as presented, and following some comments, Commissioner Tate seconded the motion, which passed unanimously. Copies of the change order logs for both projects are attached (Attachments 2 and 3, respectively) and are hereby made a part of these minutes.

Chairman Corbin declared a recess at 7:46 p.m.

Chairman Corbin called the meeting back to order at 7:58 p.m.

BOND COUNSEL ENGAGEMENT LETTER FOR 2016 FINANCING OF LANDFILL CONSTRUCTION: The Finance Director explained that the county is preparing to finance its \$8.5-million landfill expansion through the use of special obligation revenue bonds, and asked the board to approve the engagement letter with Sanford Holshouser, which will serve as bond counsel on the project at a cost of \$23,500. Upon a motion by Commissioner Tate, seconded by Commissioner Shields, the board voted unanimously to approve the request as presented. A copy of the Sanford Holshouser letter is attached (Attachment 4) and is hereby made a part of these minutes.

CLAY MACON REGIONAL HAZARD MITIGATION PLAN: Emergency Services Director Warren Cabe told the board that the county's current hazard mitigation plan will expire in August of this year. Noting that it is more of a "study" than a "plan," Mr. Cabe said that county emergency management officials must look at natural hazards and how they would respond to them. For the new plan, he said Macon was assigned with Clay County to do a regional plan, which also covers the municipalities within each county. He said the work was completed in June of 2015 and then submitted to FEMA for approval. The 410-page document is available on the county's website, and Mr. Cabe said it contains a lot of good statistical information. He asked the board to approve a "Resolution to Adopt the Clay Macon Regional Hazard Mitigation Plan," explaining the Clay County Board of Commissioners and the town boards of Hayesville, Franklin and Highlands will be asked to do so as well. Upon a motion by Commissioner Tate, seconded by Commissioner Shields, the board voted unanimously to adopt the resolution as presented, a copy of which is attached (Attachment 5) and is hereby made a part of these minutes.

RATIFICATION OF E-MAIL POLL: Following a review by the County Manager, and upon a motion by Commissioner Tate, seconded by Commissioner Higdon, the board voted unanimously to ratify the action called for in a December 28, 2015 e-mail poll of the board regarding the county pay for an appraisal of the so-called "co-op property" and to have the County Attorney draft a letter of engagement for appraisal services. A copy of the e-mail is attached (Attachment 6) and is hereby made a part of these minutes.

CONTRACT WITH KIMBELL'S COMMISSARY: Following a brief discussion with Sheriff Robert Holland, the County Attorney recommended that the board approve a service agreement with Kimbell's Commissary to provide commissary services to the inmates housed in the Macon County Jail. Upon a motion by Commissioner Tate, seconded by Commissioner Shields, the board voted

unanimously to approve the agreement as presented, a copy of which is attached (Attachment 7) and is hereby made a part of these minutes.

CONSIDERATION OF EASEMENT DISSOLUTION: The County Manager described a situation where the county has a sewer line easement on a piece of property off Mashburn White Road along Cartoogechaye Creek. The new property owner is now seeking to have that easement cancelled. The County Attorney advised the board that if there is no need for the easement, they should release it; however, he said if there is any need in the foreseeable future for it, the board needed to slow down and consider its options. The County Manager told the board he would “do a little bit more looking” and report back at the next meeting. No action was taken.

COURTHOUSE SECURITY/GUN FREE ZONES ON COUNTY PROPERTY: Commissioner Higdon led the discussion on courthouse security, saying that the building has a lot of “dead end” rooms and that workers on the first floor are “trapped.” He said the county needs to provide a safe environment for both workers and visitors. He noted there are four entrances to the courthouse, and most counties now have only one. Sheriff Holland said there is a report from the court system with recommendations for securing the courthouse, and he asked the board to allow him to form a committee to review it and bring back some suggestions to the commissioners. The sheriff and the commissioners agreed that it is time to be proactive. Chairman Corbin agreed to let the sheriff take the lead on this issue, and it was suggested that Superior Court Judge Bill Coward be included in the process. The County Manager asked that the focus be on the courthouse and the adjacent annex building. Moving on, Commissioner Higdon also stated his opposition to “gun free zones” on county property, adding that a concealed carry permit holder should not be restricted, which would allow employees with the permit to carry a weapon. There was much discussion on this topic, and the sheriff asked the board to allow him to form a group to study the issue and bring back a recommendation, and Chairman Corbin suggested that the board “let him (the sheriff) run with that.” No formal action was taken.

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 8, 2015 regular meeting and the December 16, 2015 continued session. **Budget amendments** – Approved the following budget amendments: #82 for Public Health to allocate \$20,000 for family planning based on a new agreement addedhum; #83 for the Tax Department to use \$1,441 in insurance settlement funds to equip a new departmental vehicle with safety items. (Revisions with corresponding numbers attached). **Tax releases** – Approved

tax releases in the amount of \$1,405.06. (A computer printout of the releases is on file in the Tax Department and the Deputy Clerk's office).

CLOSED SESSION: At 8:43 p.m., upon a motion by Commissioner Shields, seconded by Commissioner Tate, the board voted unanimously to go into closed session for the purpose of preserving the attorney-client privilege as found in North Carolina General Statute 143-318.11(a)(3). At 9:03 p.m., upon a motion by Commissioner Higdon, seconded by Commissioner Tate, the board voted unanimously to come out of closed session and return to open session. No action was taken.

RECESS: At 9:03 p.m., upon a motion by Commissioner Higdon, seconded by Commissioner Tate, the board voted unanimously to recess the meeting until Tuesday, January 26, 2016 at 1:00 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