

**MACON COUNTY BOARD OF COMMISSIONERS
FEBRUARY 9, 2016
MINUTES**

Chairman Corbin called the meeting to order at 6:04 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: There were no announcements. Those in attendance watched a video from the North Carolina Association of County Commissioners (NCACC) that provided an update on recent NCACC activities.

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

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

PUBLIC COMMENT: **Jim Geary** told the board that he had been a resident of Franklin for 10 years, and that he had collected toys for more than 60 years. He said he came up with the idea of displaying them in a toy museum, and in conjunction with the Macon County Historical Society, was searching for a location for the “Down Memory Lane Toy Museum.” He asked if the county might provide the space for the museum, and suggested that if it was in a building with an apartment, he and his wife would move in and oversee the museum. Mr. Geary said he has thousands of toys, all of which are now in storage, along with 17 display cases. He said there is only one other museum in the state dedicated to toys and dolls. Commissioner Beale asked him how much space he was looking for, and Mr. Geary said 2,000 to 2,500 square feet. Chairman Corbin asked how the museum would be funded, and Mr. Geary said admission would be charged. Chairman Corbin told Mr. Geary that “we’d be open to a conversation,” and suggested having the county’s economic development director, Tommy Jenkins, meet with Mr. Geary. **Patrick Trawick**

explained that he was the pastor of Biltmore Baptist Church in Franklin, and in discussing ways to serve the community, it was decided that providing a meal to county employees is a service they would like to pursue sometime this spring. He said he had approached the County Manager with the idea and it was suggested Pastor Trawick discuss the matter with the board members. Following further discussion, Chairman Corbin told him that “I see no problem with that” but asked the County Attorney to review the county’s ethics policy to make sure the county did not “run afoul of anything.”

OUTSTANDING CITIZENSHIP AWARD: Chairman Corbin announced a special presentation that was not on the agenda. He recognized Cameron O’Conner, who is 13 years old. Cameron was getting off of his school bus on February 2nd when he noticed that his 89-year-old neighbor had fallen. He dialed 911 and then waited with the elderly woman until EMTs arrived and transported her to the hospital. His mother, Jennifer O’Conner, posted an account of her son’s good deed on social media, which caught the attention of Sheriff Robert Holland, who in turn relayed the story to some of the commissioners and the County Manager. Commissioner Beale presented Cameron with a framed “Outstanding Citizenship Award” and some other gifts from the county commissioners. Chairman Corbin and Commissioner Beale praised Cameron for his actions that day, and Sheriff Holland and Deputy Blake Buchanan treated Cameron to dinner following the presentation.

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

- To move Item 11G, a flood damage assessment by the County Manager, from New Business to Reports/Presentations as Item 9B.
- To add consideration of a request from Friends of Founders Park as the new Item 11G under New Business, per the County Manager.

MACON NEW BEGINNINGS 2015 HIGHLIGHTS: Bob Bourke with Macon New Beginnings began his presentation by thanking the board for its leadership and support of his organization, saying that, without it, the community “would not get behind this.” From September through December of 2015, Mr. Bourke said Macon New Beginnings served 92 people, including 60 in what he described as the “prevention” category, who needed “rent money and something to get by.” The organization’s new program is called backpacks for the homeless, and Mr. Bourke said 20 backpacks containing water, food, clothing and toiletry items had been distributed, which can help someone in need for a couple of days. He said the community has helped supply the items for these and the backpacks have been provided to volunteers so that they can hand them out as the need arises. In January, Macon New Beginnings

provided assistance to 24 individuals, and Mr. Bourke said that four local motels have stepped up to help out as well. Mr. Bourke told the commissioners that “we wanted to let you know what we’ve been doing,” and Chairman Corbin thanked the organization for its efforts on behalf of the homeless.

FLOOD DAMAGE ASSESSMENT: The County Manager provided the board with a flood damage assessment following what he described as the “Christmas holiday flood event that was one of the most substantial in recent memory.” The county suffered \$67,000 in damage from the event, but the County Manager pointed out that the “special zones” in which the flooding occurred have a \$500,000 deductible. That leaves the county with a gap in coverage, and also no way to get assistance from the state. While private insurance coverage would be available, the County Manager said it does not make sense to pay the premiums if the county will not have enough in damages to meet the deductible. In going over the individual items on the list, he explained that the total amount of damage to the county was only \$13,832, while the majority of the cost (\$40,960) was to shoulder pads and helmets belonging to Macon County Youth Football. Macon County Soccer also incurred damage to netting and an irrigation pump totaling \$5,300. The County Manager said Parks and Recreation Director Seth Adams has been working with both groups, and that both need these items replaced before their respective seasons begin. The County Manager noted that no previous board had ever found it necessary to buy flood insurance, and this led to a lengthy discussion regarding what action to take. Chairman Corbin suggested that the funds could come from the county’s undesignated fund balance, with a “not to exceed” amount of \$67,000, and with funds to be paid upon receipt of invoices. The County Attorney advised having each group sign a simple contract, and the County Manager suggested having a “not to exceed” amount in each contract. Following further discussion, and upon a motion by Commissioner Shields, seconded by Commissioner Beale, the board voted unanimously to allocate \$67,000 from fund balance to pay for the damages as outlined above. A copy of the “Flood Damage Assessment” is attached **(Attachment 1)** and is hereby made a part of these minutes.

AMENDMENT TO BUILDING INSPECTIONS ORDINANCE: The County Attorney distributed copies of a document entitled, “An Ordinance Amending ‘Appendix: Inspections Fee Schedule’ to Chapter 150, Building Regulations” and briefly reviewed the history leading to the amendment. The amendment makes changes to the fee where there is a change in the owner/contractor of an active permit on two levels – whether the structure is 75 percent or more complete or less than 75 percent complete. Commissioner Beale told the board that these types of circumstances “happen more than you think,” and later added this is a “fair and equitable way to resolve the situation.” Upon a motion

by Commissioner Beale, seconded by Commissioner Higdon, the board voted unanimously to adopt the amendment as presented, a copy of which is attached (Attachment 2) and is hereby made a part of these minutes.

PROPOSED REVISIONS TO TELECOMMUNICATIONS ORDINANCE: County Planner Matt Mason and Planning Board Chairman Chris Hanners provided the board members with a brief summary of proposed changes to the county's telecommunications ordinance. Mr. Mason pointed out a change in the minimum notice requirements and the removal of one entire section involving the variance process, which he cited as unnecessary as the county has no zoning. Mr. Hanners said one of the goals of the planning board is to get internet service throughout the entire county. He said the existing ordinance at times repeated itself and at other times contradicted itself, and he thanked the County Attorney for his assistance on the revisions. Commissioner Beale questioned that if and when a tower is put up, can the county make someone put communications equipment on it, noting that a tower was erected on Rainbow Springs two years ago and still has nothing on it. Following further discussion, Chairman Corbin said that this matter would be placed on the agenda for the March regular meeting. No action was taken.

NEW PLANNING BOARD TASK: Chairman Corbin stated that two of the most important things today are internet use and cell phone use, adding that he would like to task the planning board with developing a map of the "dead spots" in the county and to identify areas that need high-speed internet service. Following further discussion, Mr. Hanners said the planning board would "take it (the assignment) and run."

PLANNING BOARD APPOINTMENTS: At this time, Commissioner Shields suggested that the board take up the agenda item regarding appointments to the planning board. Commissioner Tate made a motion to appoint Rick Trevathan to fill the unexpired term of Derek Taylor as the Town of Highlands representative on the county planning board. Commissioner Beale seconded the motion, and all favored. Commissioner Shields made a motion to appoint Evan Harrell and Elizabeth (Betty) Waldroop to the planning board, each for terms of three years. Commissioner Tate seconded the motion, and all favored.

Chairman Corbin declared a recess at 7:20 p.m.

Chairman Corbin called the meeting back to order at 7:38 p.m.

TRANSIT DRUG AND ALCOHOL TESTING POLICY: Macon Transit Director Kim Angel presented the department's updated Drug and Alcohol Testing Policy for the board's consideration. She explained that the board's existing policy was reviewed in December of 2015 and recommendations were made to bring it

in line with federal policy. The County Attorney told the board that one of the assurances that the commission makes is that such a policy is up to date, and Chairman Corbin, as the liaison to the transit department, recommended adoption of the updated policy. Upon a motion by Commissioner Tate, seconded by Commissioner Shields, the board voted unanimously to adopt the Drug and Alcohol Testing Policy for Macon County Transit as presented, a copy of which is attached **(Attachment 3)** and is hereby made a part of these minutes.

COUNTY BODY STORAGE: Emergency Services Director Warren Cabe told the board that, as they are aware, each county has a local medical examiner who conducts investigations of deaths under certain circumstances, and in Macon County, that individual is Jim Ledford. Most often, the investigation takes place at the residence or location where the death occurred, but Mr. Cabe said there are times when the body must be transported. He went on to explain that he and the County Manager learned of a state statute (NCGS 130A-381) which states in part that, "Each county shall provide or contract for an appropriate facility for the examination and storage of bodies under Medical Examiner jurisdiction." Mr. Cabe noted that in Franklin, there is no morgue and that Angel Medical Center has no such facility, and asked that the board designate Macon Funeral Home as the place where any examination would take place. He said there is no money involved, and added that individuals at the county's other funeral home, Bryant Grant, understand the process. The County Attorney said a contract between the county and the funeral home would be needed. Upon a motion by Commissioner Tate, seconded by Commissioner Beale, the board voted unanimously to name Macon Funeral Home as the designated facility.

MCGILL ASSOCIATES CONTRACT FOR LANDFILL CONSTRUCTION CONTRACT ADMINISTRATION: Solid Waste Director Chris Stahl asked the board to approve a contract with McGill Associates for services with regard to Phase III of the landfill construction in an amount not to exceed \$221,600, with those services to include construction administration. The County Attorney stated that the 10-month construction period would begin in April, not March, and the contract language would need to be revised to reflect that. The County Attorney said the county would also need documentation of McGill's compliance with E-Verify, along with an updated copy of the company's fee schedule. With the changes outlined above, he said he could recommend approval of the contract. Commissioner Beale pointed out that the word "inspection" is not found in the document, and Mark Cathey from McGill said that the firm's legal counsel has advised against the use of that term, noting instead that McGill officials would be "observing." This led to a lengthy discussion. Mr. Cathey explained that a McGill official would be on site an average of two times per week over the 10-month period. Upon a motion by

Commissioner Higdon, seconded by Commissioner Shields, the board voted unanimously to approve the Proposal for Construction Administration Services from McGill Associates, subject to the changes outlined by the County Attorney, and authorized the County Manager to execute the contract. A copy of the proposal is attached (Attachment 4) and is hereby made a part of these minutes.

DRAPER ADEN ASSOCIATES CONTRACT FOR CONSTRUCTION QUALITY ASSURANCE (CQA) SERVICES IN THE CONSTRUCTION OF PHASE III, CELL 1 OF THE LANDFILL: Mr. Stahl recommended that the board approve a contract with Draper Aden Associates as a qualified firm to provide Construction Quality Assurance (CQA) services for the landfill construction project as listed in the county's scope of work for the project, in an amount not to exceed \$226,000. The County Attorney advised that language in the contract that allows Draper Aden to reserve the right to cancel the contract after 90 days should be stricken. Like the McGill contract, he also wanted to see Draper Aden's compliance with E-Verify, and that a pre-audit certificate would be attached to the document. He also pointed out that Draper Aden's contract language says the fee will be based on construction duration of 28 weeks, whereas McGill's says 10 months, adding that this needs to be resolved. Following further discussion, and upon a motion by Commissioner Higdon, seconded by Commissioner Tate, the board voted unanimously to approve the Proposal for Engineering Services from Draper Aden Associates, subject to the changes outlined by the County Attorney, and to authorize the County Manager to execute the contract. A copy of the proposal is attached (Attachment 5) and is hereby made a part of these minutes. Prior to addressing the next issue, the board members, County Attorney and Mr. Stahl discussed what will constitute a "work day" on the project. The current language calls for 7 a.m. to 6 p.m. Monday through Friday, and Mr. Stahl said that potential contractors have questioned if they can work "daylight to dark Monday through Saturday." A lengthy discussion ensued, and the consensus of the board was to allow Mr. Stahl to "make the call" on this matter. No formal action was taken.

RESOLUTION EXEMPTING AN ENGINEERING PROJECT ESTIMATED TO BE BELOW \$50,000 FROM NORMAL BIDDING PROCEDURES: The County Attorney provided a handout of a "Resolution Exempting Engineering Project For Piezometer Abandonments For Phase 3 From The Provisions Of Article 3D Of Chapter 143 Of The North Carolina General Statutes." Mr. Stahl provided the board with the background information on this matter, which involves the abandonment of 26 piezometers – devices which measure the level of groundwater at a specific point – that are located within the Phase III expansion area. Upon a motion by Commissioner Higdon, seconded by Commissioner Tate, the board voted to approve the resolution as presented, a

copy of which is attached (Attachment 6) and is hereby made a part of these minutes. Upon a motion by Commissioner Higdon, seconded by Commissioner Tate and subject to the addition of E-Verify compliance as recommended by the County Attorney, the board voted unanimously to approve a Proposal for Piezometer Abandonments for Phase 3 from Bunnell-Lammons Engineering with an estimated fee of \$47,600, and to authorize the County Manager to execute the agreement. A copy of the proposal is attached (Attachment 7) and is hereby made a part of these minutes.

LOCAL GOVERNMENT COMMISSION (LGC) RESOLUTION: The Finance Director pointed the board's attention to the third paragraph of the "Resolution supporting an application to the Local Government Commission for its approval of County special obligation bonds for the landfill expansion project (Phase 3 Cell 1), which states in part: "The County will issue bonds to pay the design, permitting, construction and finance costs in an amount estimated as not exceeding \$9,800,000." Upon a motion by Commissioner Higdon, seconded by Commissioner Tate, the board voted unanimously to approve the resolution as presented, a copy of which is attached (Attachment 8) and is hereby made a part of these minutes.

PROPOSAL TO RELOCATE PUBLIC WATER LINE ALONG PANSELL LANE: Mr. Stahl asked the board to consider a proposal for an ancillary project related to the development of the new landfill cell. The project would be to offer public water supply to seven residences located on the east side of the future landfill along the right-hand side of Pannell Lane. The county would cover the cost of connecting the homeowners to the Town of Franklin's water supply in exchange for those homeowners abandoning their existing wells. Mr. Stahl projected the cost of project at between \$56,000 and \$81,600, explaining that this action would essentially eliminate a problem before there is a problem. He further explained that an initial discussion with town officials about the project had raised some new issues, but he was working to resolve those. He asked if the board was amenable to the idea, and the County Attorney pointed out that the cost has already been calculated into the \$9.8-million bond figure. In a memo to the County Manager, Mr. Stahl said that while the project "is about public service and public perception," it also has value to the county in that the wells in question would have to be monitored for decades, which potentially could cost hundreds of thousands of dollars. "I believe that the potential future financial impact more than justifies this recommendation," he wrote. Following further discussion, the consensus of the board was to proceed with the project. A copy of Mr. Stahl's memo is attached (Attachment 9) and is hereby made a part of these minutes.

RESOLUTION SUPPORTING PREVENTION PARTNERS STATEWIDE WELLNESS INITIATIVE: Upon a motion by Commissioner Beale, seconded by

Commissioner Tate, the board voted unanimously to adopt a resolution “Supporting Prevention Partners Statewide Wellness Initiative,” as adopted by the North Carolina Association of County Commissioners (NCACC) in January of 2016. A copy of the NCACC resolution is attached (Attachment 10) and is hereby made a part of these minutes.

RESOLUTION SUPPORTING CONNECT NC BOND ACT: Upon a motion by Commissioner Shields, seconded by Commissioner Beale, the board voted 4-1, with Commissioner Higdon opposing, to adopt a resolution “Supporting Connect NC Bond Act,” as adopted by the North Carolina Association of County Commissioners (NCACC) in January of 2016. A copy of the NCACC resolution is attached (Attachment 11) and is hereby made a part of these minutes. During discussion, it was noted that Western Carolina University and Southwestern Community College would each receive significant financial assistance if the referendum passes. Commissioner Higdon took exception to the fourth paragraph of the resolution, saying it provides nothing for public education in terms of local schools. Chairman Corbin said that while the state has not done what it should have for K-12 public education, Western Carolina University would be the single largest recipient of funds from the bond, which would allocate some \$121-million to our region.

FUNDING FOR FOUNDERS PARK: Commissioner Beale provided copies of an e-mail from Nicholas Bazan, the president of Friends of Founders Park, Inc., in Highlands, NC requesting \$50,000 in grant funding from the county to finish Phase II of the Kelsey-Hutchinson Founders Park. A copy of the e-mail is attached (Attachment 12) and is hereby made a part of these minutes. Commissioner Beale said this item was “overlooked” at the board’s mid-year review, and that the group is trying to complete the work by May 31st. Following discussion, Commissioner Beale made a motion to fund the \$50,000 request, and it was seconded by Commissioner Shields. Following more discussion, the motion included that \$49,559 of the allocation would come from the money remaining in the line item established to make a payment on the QZAB loan that did not have to be paid in this fiscal year, and the remaining \$441 would come from contingency. As one of the contractors on the project, Commissioner Tate asked to abstain from voting and did not participate in any of the discussion on this item. The board then voted 4-0, with Commissioner Tate abstaining, to approve the \$50,000 grant as requested.

CONSENT AGENDA: Upon a motion by Commissioner Tate, seconded by Commissioner Higdon, the following items on the consent agenda were approved unanimously: **Minutes** – Approved the minutes from the January 12, 2016 regular meeting and the January 26, 2016 continued session. **Budget amendments** – Approved the following budget amendments: #93 for

Social Services to allocate \$3,439 in additional HCCBG funds; #94 for Social Services to allocate \$1,375 in additional energy funds from Haywood Electric; #95 for Housing to allocate \$25,714 from the Duke Helping Homes Health & Safety Appliance Replacement fund per the memorandum of understanding; #96 for Housing to allocate \$60,000 from the Duke Helping Homes HVAC Repair & Replacement fund per the memorandum of understanding; #97 for Economic Development to appropriate \$4,000 in donations to be spent towards the purchase of a sign for the Industrial Park. (Revisions with corresponding numbers attached). **Tax releases** – Approved tax releases in the amount of \$19,112.23. (A computer printout of the releases is on file in the Tax Department and the Deputy Clerk’s office). The board also received a memo from the tax collections supervisor reporting the total amount of unpaid taxes for the current fiscal year. No action was necessary, and a copy of the memo is attached.

Prior to going into closed session, the County Attorney asked if the board wished to review the proposed revisions to the county’s Wireless Telecommunication Facilities Ordinance or schedule a public hearing on the matter, and after brief discussion, Chairman Corbin said the hearing would be held at the March regular meeting.

CLOSED SESSION: The County Manager requested a brief closed session for the purpose of discussing matters related to land acquisition as allowed under NCGS 143-318.11(a)(5), and at 8:55 p.m., upon a motion by Commissioner Tate, seconded by Commissioner Higdon, the board voted unanimously to go into closed session. At 9:01 p.m., upon a motion by Commissioner Tate, seconded by Commissioner Beale, the board voted unanimously to come out of closed session and return to open session. No action was taken.

ADJOURN: With no other business, and at 9:01 p.m. upon a motion by Commissioner Tate, seconded by Commissioner Beale, the board voted unanimously to adjourn.

Derek Roland
Ex Officio Clerk to the Board

Kevin Corbin
Board Chairman