

**MACON COUNTY BOARD OF COMMISSIONERS
CONTINUED SESSION
MARCH 31, 2015
MINUTES**

Chairman Corbin reconvened the meeting at 6:03 p.m. as recessed from the March 10, 2015 regular meeting and welcomed those in attendance. All board members, the County Manager, Deputy Clerk, Finance Director and County Attorney were present, as were members of the news media and interested citizens.

PUBLIC HEARING ON NUISANCE ORDINANCE: Chairman Corbin opened the public hearing on the proposed Macon County Nuisance Ordinance at 6:04 p.m. and recognized County Planner Matt Mason and Chris Haners, the chairman of the Macon County Planning Board and requested that they provide an overview of the ordinance. Chairman Corbin also pointed out that nine individuals had signed up to speak.

Mr. Mason explained how noise can become a nuisance, and gave a definition from the ordinance of what constituted a “loud, unnecessary and disturbing” noise. He further explained that the ordinance does not pertain to barking dogs, and that sounds from firearms are among the items that are exempted. He did point out that, if adopted, the ordinance would be in effect “all day, every day.” Chairman Corbin then recognized the members of the planning board who were in attendance. He also recognized Sheriff Robert Holland, and asked the sheriff if he would support and enforce the ordinance, with Sheriff Holland replying that he would. Chairman Corbin pledged that if the ordinance is adopted, that the board would “revisit” it in six months or so to determine how well it was working.

Chairman Corbin called on **Linda Kocur** as the first speaker. After stating that she had made a call to the county regarding an animal control issue that had never been returned, Ms. Kocur noted some e-mail correspondence between her and Chairman Corbin. She told the board that there was “more work to be

done” on the proposed ordinance, and that it needed to define “intent,” because not to do so left a “glaring loophole” and led her to question if this was “an intentional oversight.” She also took issue that the ordinance did not address barking dogs.

Kevin Champion discussed his neighbors riding four-wheelers “every afternoon for four hours,” which he said aggravated the dogs and caused them to bark. He also said that the neighbors have a Chevy truck on which they open the door and play music “as loud as it can go.”

Bob Kier told the board, “I think the noise ordinance is really needed.” He said that his neighbors play music really loud, which prompted him to call the law. He said the neighbor then used profanity with him for doing so. Mr. Kier said he plays his television louder than needed, but can still hear the neighbor’s music. In closing, he told the board he would like to see the ordinance passed, and used as a “deterrent.”

James Burch complained about barking dogs, saying that dogs have more rights than human beings. “I cannot take a barking dog,” he told the board, adding that the problem with them is “out of hand and has been.” He concluded by telling the board members, “It’s a big problem in Macon County” and asked that they “do something about it.”

Pam Elliott voiced her concerns about gunshots being fired near South Macon School and that children in that area were afraid to go outside. When questioned about this, Sheriff Holland told the board that the guns in question were being used legally on the owner’s property.

James Giles said that the ordinance would be “pitting neighbor against neighbor” and that any such issues should be handled on a case by case basis. He told the board that he bought property in Macon County because it was unrestricted, and said he felt that the ordinance “shouldn’t be a 24/7 thing” and there should be a time limit on when it is in effect. “We’re supposed to get along,” he said, adding that those with problems should talk with their neighbor.

Pat McCall stated that she was a life-long resident of the county, and using a number of statistics, told the board that one-tenth of one percent of the population is “dictating” how everyone is governed. She asked how enforcement of the ordinance would be paid for, and suggested that the commissioners should let the people decided by tabling any decision on the ordinance and allowing it to be voted on countywide.

Randall McCall told the board that he had been on both sides of this issue, having once lived next door to what he called “a drug house.” As the ordinance goes, he said it was not a bad one, but later added that it was “a shame we’ve had to come to this point.” He also told the board that having the ordinance in effect “24 hours a day is a might much.”

Kevin Tillit said that he came to Macon County 17 years ago, and had run a plumbing business on his property. Saying that he had helped his neighbor (Mr. Kier that spoke earlier), Mr. Tillit asked why Mr. Kier had not called him to request that he turn his music down. Noting that he too had bought unrestricted property, Mr. Tillit told the board that “You’re gonna put neighbor upon neighbor” and that this issue “needs to go to the ballot.” He concluded with, “I’m having a real problem with this,” adding, “You’re affecting my life now.”

Chairman Corbin asked if anyone else wished to speak, and those who had already spoken and wanted to offer a rebuttal were not allowed to do so. Chairman Corbin then asked if any of the commissioners had questions for the planning board members, and Commissioner Higdon commented that he felt the ordinance “was a well-drafted document” and that he was “sympathetic to those with bad neighbors.” Chairman Corbin then closed the public hearing at 6:48 p.m.

CONSIDERATION OF THE NUISANCE ORDINANCE: Chairman Corbin asked the board members if they wished to act on the ordinance at this time or take it under advisement. Saying that the ordinance may cause some neighbors to have conversations and that county officials “have to have something to start with,” Commissioner Shields made a motion to approve the proposed ordinance as presented, and the motion was seconded by Commissioner Beale. A lengthy discussion followed. Commissioner Beale said, “I think this is a start,” saying that it was “common sense” but that the burden would be on the sheriff to enforce it. Noting it was “a good ordinance to start with,” Commissioner Beale said he would support it. Commissioner Tate said that he was proud of how the planning board had handled this issue, and explained that he was going to break confidentiality and tell a story about a man named Hammond Raurers, who recently died of cancer. Commissioner Tate said Mr. Raurers had shown him photographs of large speakers that were aimed directly at Mr. Raurers house, and that loud music had put Mr. Raurers “basically at his wit’s end” during the last months of his life. “I’m going to support this ordinance because of him,” Commissioner Tate said, but noted that “something drastic is not the right answer.” Commissioner Higdon again noted that the ordinance was “a good document” but that it is difficult to measure noise. He said that county boards of commissioners usually keep or add to ordinances, and while there are dogs and a donkey near where he lives, “I can’t support any more

ordinances.” Chairman Corbin responded that this board has a history of reviewing and even reducing regulations. After responding to some of those who spoke during the hearing, Chairman Corbin said the ordinance is “a happy medium I can support.” He likened the current situation to the Autobahn in Germany where there is no speed limit and you can “do what you want.” While neighbors should be able to agree, he said that doesn’t always happen, and pointed out that Sheriff Holland’s officers “will have to use some discretion” in enforcing the ordinance. The board then voted 4-1, with Commissioner Higdon dissenting, to approve the proposed ordinance as presented, a copy of which is attached (Attachment 1) and was submitted to the board in its agenda packet for this meeting and is hereby made a part of these minutes. The County Attorney pointed out that because the board was voting on passage of an ordinance and because it did not pass by a unanimous vote, this would be considered the first reading and that a second reading, or vote, must take place at the next meeting on April 14th. If the ordinance is approved by a majority vote at that time, then it can be implemented, he explained. Those members of the planning board that were present were presented Macon County lapel pins by Commissioner Shields, the commission’s liaison to the planning board.

CONSIDERATION OF PLANNING BOARD’S NEXT ASSIGNMENT: Chairman Corbin then turned the discussion to the next steps for the planning board, and asked the individual commissioners for their input. Commissioner Tate suggested bringing the county’s telecommunications ordinance up to speed, along with discussion of a site for a new high school plus reviewing the high impact ordinance. Commissioner Beale said he would like to see the planning board get more involved in transportation issues, such as helping to find a solution for the traffic woes between Siler Road and Wide Horizon Drive on U.S. 441 South. Chairman Corbin said a review of the high impact ordinance, which he said has some regulations that go too far, and the telecommunications ordinance would be his priorities. Commissioner Higdon said that with such varied backgrounds on the planning board, he would like to see the board tackle what affects the most people in the county, particularly impediments to small businesses, although he acknowledged that was “a broad target.” This led to a lengthy discussion between members of the commission and the planning board that touched on a number of topics above and beyond those already mentioned. One item that was stressed was better communication between the planning board and other boards such as the Economic Development Commission and the schools liaison committee. Mr. Mason said that the review of the telecommunication ordinance could go relatively quickly, the review of the high impact ordinance would take longer, and that there is “an opportunity now” to have an impact on the Siler Road to Wide Horizon Drive corridor. Jack Morgan, the county’s Planning, Permitting and Development Director, said the planning board needs good information and there needs to be some process to distribute that information and then “let

them plan.” Although no formal vote was taken, the consensus of the commission was to task the planning board with review of the telecommunications ordinance, the high impact ordinance, to look at education issues (with input from the commissioners first) and to examine things that may be hindering small businesses. The commissioners gave the planning board members a round of applause for their work.

Chairman Corbin declared a recess at 7:35 p.m.

Chairman Corbin called the meeting back to order at 7:48 p.m.

ADJUSTMENTS TO AND APPROVAL OF THE AGENDA: The board members agreed to remove Item #6 on the agenda (Update on WorkFirst Electing County Plan) and to add a presentation from Chuck Sutton of Macon Program for Progress (MPP) in its place. No formal vote was taken.

APPROVAL OF SCOREBOARD SPONSORS FOR PARKER MEADOWS RECREATIONAL COMPLEX: Jack Morgan referred the board to a map contained in its agenda packet for an outline of the sponsors for the eight baseball fields at the Parker Meadows Recreational Complex. Because the Corbin Agency is one of the eight sponsors, Chairman Corbin explained that he would remove himself from the discussion and the vote on the matter. Following a brief discussion, and upon a motion by Commissioner Tate, seconded by Commissioner Beale, the board voted 4-0 to approve the names as submitted, with Chairman Corbin abstaining. The field numbers and their sponsors are as follows: (1) Maize Dental, (2) Farm Bureau, (3) Remax Elite, (4) Fatz Café, (5) Franklin Rotary, (6) NCI, (7) Corbin Agency and (8) Macon Bank. Sponsorship of the soccer field remains available.

MACON PROGRAM FOR PROGRESS PRESENTATION: Commissioner Beale, as the liaison to MPP, explained that Chuck Sutton, the agency’s executive director, was asking for \$5,000 from the county in order to supplement MPP’s HUD program through the end of June. “We’re trying to sustain this program,” Mr. Sutton told the board. Commissioner Beale made a motion to provide the \$5,000 to supplement MPP’s HUD rental assistance program, with the money to come from the county’s contingency fund. Commissioner Tate seconded the motion. Commissioner Higdon pointed out that the county has supplemented MPP’s administrative operations twice before. Mr. Sutton said this is “a continuing need” as he is looking at shortfalls of \$25,000 to \$30,000 annually in a program that currently serves 167 families in Macon County. The board voted unanimously to approve the motion.

RECOMMENDATIONS OF THE COUNTY HEALTH INSURANCE COMMITTEE:

Chairman Corbin noted that there has been lots of discussion regarding health insurance for county employees and the “need to get a handle on cost” and that the County Manager has been seeking options. The County Manager then presented a PowerPoint presentation as well as a handout that addresses proposed changes to the Macon County Health Insurance Plan as recommended by the Health Insurance Committee. The County Manager started by pointing out the “urgent need for changes” in the plan, stating that this has been his “number one issue since I started as county manager,” as it affects 408 employees and retirees as well as their covered dependents. Stating that he was “just the mouthpiece” for the committee, the County Manager provided an overview of the expenditures, revenues and the current “net position” of the county’s health insurance fund, which is headed toward a deficit without significant changes. He then reviewed in detail the individual recommendations made by the committee, which are summarized as follows: to decrease expenditures by (1) reducing coverage levels, (2) implementing disease management and tobacco cessation programs, (3) to start an employee health clinic, (4) to move to a flat 55 percent contribution rate for dependent coverage and (5) to change third party administrators and networks by moving from Crescent Health Solutions to BlueCross BlueShield of North Carolina. To increase revenue, the changes call for (1) increasing the county’s contribution, (2) increasing employee contributions and (3) to once again have the county budget for paying for retiree coverage. The County Manager also noted that the committee will remain intact in order to monitor implementation of the new health plan and to make additional recommendations to the commissioners as needed. A copy of his handout to the board is attached **(Attachment 2)** and is hereby made a part of these minutes. He explained that the committee was asking the board for authorization for him to move forward with implementation of the changes as presented. In the discussion that followed, Commissioner Higdon voiced his displeasure at having to “cough up” almost \$600,000 for the county’s portion of the additional cost, which he said was due to “bad management.” Chris Stahl, a member of the committee, told the board that plans call for policies to be put in place that will keep the health insurance reserve fund from dropping below minimal levels, to which Commissioner Higdon was highly agreeable. Chairman Corbin praised the County Manager for an “outstanding job,” and asked if there was a motion for him to “go forward.” Commissioner Beale made a motion authorizing the County Manager to proceed, and it was seconded by Commissioner Shields. Commissioner Tate asked if the board could postpone taking any action until the April 14th regular meeting, as he said he had a number of questions he would like to ask before voting, although he said he will vote to proceed. One of Commissioner Tate’s questions centered around why the county would offer a “gold” level plan instead of the more common “silver” one, and the County Manager pointed out that it was to remain competitive in term of employee retention and

recruitment with the “peer counties” that were studied. In closing, Commissioner Higdon praised the committee’s work and said, “That’s the way I’m going,” and the board voted unanimously to authorize the County Manager to proceed as presented.

QZAB FUNDING: Chairman Corbin explained that there was “more work to do” to prepare for applying for QZAB funds for the school system, as he said the County Attorney was working on some “technical issues.” The board agreed to table the matter until the April 14th regular meeting.

JOINT RESOLUTION WITH JACKSON AND SWAIN COUNTIES CELEBRATING SOUTHWESTERN COMMUNITY COLLEGE’S 50th ANNIVERSARY: Upon a motion by Commissioner Shields, seconded by Commissioner Higdon, the board voted unanimously to adopt a proclamation honoring Southwestern Community College’s 50th Anniversary. A draft copy of the proclamation is attached **(Attachment 3)** and is hereby made a part of these minutes.

MEMORANDUM OF UNDERSTANDING WITH SCC: The County Attorney presented a proposed Memorandum of Understanding between the county and Southwestern Community College (SCC) stemming from SCC’s master plan regarding expansion of its Macon County campus located off Siler Road in Franklin. Chairman Corbin noted that the document was for the board members’ review and that it would be placed on the commission’s April 14th agenda for consideration. No action was taken.

SCC APPOINTMENT: Upon a motion by Commissioner Shields, seconded by Commissioner Beale, the board voted unanimously to recommend to the Jackson County Board of Commissioners that Terry Bell be reappointed to serve on the college’s Board of Trustees for a term of four years, beginning July 1, 2015 and ending June 30, 2019. Mr. Bell currently serves as the board’s chairman.

RATIFICATION OF E-MAIL POLL OF THE BOARD: Upon a motion by Commissioner Tate, seconded by Commissioner Shields, the board voted unanimously to ratify the actions as contained in an e-mail from the County Manager dated March 18, 2015 as follows:

As work at the Parker Meadows Project continues to progress, consensus is needed on a couple of items ASAP. We will ratify these actions at our upcoming board meeting on March 31, 2015 if all board members are in full support.

1. **Acceptance of Duke Energy Water Resources Grant.** If you will recall, Doug Johnson with Macon County Soil and Water came before the board some time back and got the “go ahead” to

apply for grant funding to construct two canoe access points at the Parker Meadows Project. Macon County received a letter earlier this week from the granting agency informing us that we have been awarded this grant in the amount of \$29,257. The acceptance letter must be signed and returned to the granting agency by Friday, March 20, 2015 (this Friday). No Match Money is required.

2. **Authorization for Serv. Pro to begin work on Batting Cages at Parker Meadows Project.** Serv. Pro will donate all materials and labor for the construction of two fully equipped batting cages at the Parker Meadows Project, and would like to get started as soon as possible. These will be constructed on a poured concrete slab. In anticipation of this generous donation, we have made provisions for power hook-ups at this site. Construction of these cages will not require disturbance of an archaeological area, and no county money is involved. Serv. Pro will have a sign on these cages. We have posed the question to our sign contractor as to whether or not this would create a conflict within her scope of work and she assured us that it will not. Jack Morgan who is overseeing construction at the project and Seth Adams both support the location/construction of these batting cages.

Please respond to each item individually with a yea to proceed or a nay to hold off and further discuss at the meeting.

BUDGET AMENDMENTS: Upon a motion by Commissioner Beale, seconded by Commissioner Tate, the board voted unanimously to approve the following budget amendments: #139 for the Department of Senior Services to make adjustments for year-end projections in a number of line items; #140 for Macon County Public Health to budget \$3,000 in additional funds awarded from the state for the diabetes program; #141 for Macon County Public Health to budget \$117,333 in grant funding for chronic disease management over four separate line items; #142 for Soil & Water Conservation to appropriate a \$29,257 grant award from the Duke Energy Water Resources Fund through the NC Community Foundation for the Cartoogechaye Creek canoe launch and stream access; and #143 for Solid Waste to appropriate \$290,400 from the solid waste fund balance for professional fees for McGill Associates, Inc. contract for engineering services on the landfill expansion project. (Copies of the budget amendments are attached as noted and are hereby made a part of these minutes)

CLOSED SESSION: At 9:36 p.m., upon a request and motion by Commissioner Beale, seconded by Commissioner Tate, the board voted unanimously to go into closed session to protect the attorney-client privilege as allowed under NCGS 143-318.11(3). Upon a motion by Commissioner Tate, seconded by Commissioner Shields, the board voted unanimously to come out of closed session and return to open session at 9:45 p.m. No action was taken.

ADJOURN: At 9:46 p.m., upon a motion by Commissioner Tate, seconded by Commissioner Shields, the board voted unanimously to adjourn.

Derek Roland
Ex Officio Clerk to the Board

Kevin Corbin
Board Chairman