

**MACON COUNTY BOARD OF COMMISSIONERS**  
**APRIL 14, 2015**  
**MINUTES**

Chairman Corbin called the meeting to order at 6:02 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:** Commissioner Beale noted that the North Carolina Association of County Commissioners (NCACC) Board of Directors meeting would be held in Macon County on April 23-24 at the Macon Bank Corporate Center. Commissioner Beale is currently serving as president of the NCACC.

**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 HEARING ON PROPOSED NAMES FOR NEW ROADS:** Chairman Corbin called the public hearing to order at 6:04 p.m. and recognized Angie Kinsland, the county's 911 Addressing Coordinator. She explained that the public notice for the hearing as well as the list of proposed road names and the range of road numbers associated with them had been advertised and posted as required by state statute. Chairman Corbin pointed out that no one signed up to speak during the hearing. The County Attorney explained that he would have an amendment to the county's road naming ordinance for the board's consideration following the close of the hearing, and the list of new road names and number ranges would be attached as Exhibit A to that amendment. Chairman Corbin closed the public hearing at 6:06 p.m. Upon a motion by Commissioner Beale, seconded by Commissioner Tate, the board voted unanimously to approve a document entitled "April 14, 2015 Amendment to

Macon County Road Naming and Numbering System Ordinance Heretofore Codified as Chapter 14 of the Macon County Code,” a copy of which is attached (Attachment 1) and is hereby made a part of these minutes.

**NANTAHALA HIKING CLUB PRESENTATION:** Due to the standing-room only crowd in the boardroom, Chairman Corbin moved Item 8A – a presentation by the Nantahala Hiking Club – to the next item on the agenda, and recognized Olga Pader, the club’s president, who presented a PowerPoint presentation. She explained that the Nantahala Hiking Club was one of 31 such clubs that maintain the Appalachian Trail (AT) under the umbrella of the Appalachian Trail Conservancy (ATC). The club was officially formed in 1968 and currently has 290 members, several of whom were in attendance at the meeting. Ms. Pader said the club members maintain 58.6 miles of the AT as well as 10 trail shelters from the Georgia/North Carolina border to the Nantahala Outdoor Center in Wesser, plus an additional 30 miles of trails in the Standing Indian area. She said that members donated a total of 7,030 volunteer hours during 2014, which has an equivalent monetary value of \$158,526.50. She also pointed out that Franklin was the first AT Community, initially designated in March 2010 and just recently re-designated on April 6<sup>th</sup>. In addition to trail maintenance, Ms. Pader outlined the club’s efforts in regard to schools and education, recreational hikes, and community outreach. Then she reviewed the club’s contributions to Macon County in the areas of tourism, economic development and physical and mental wellbeing. After asking the club members who were present to stand up and be recognized, Ms. Pader told the board members that the club’s intent was to “develop a closer working relationship with each one of you.” She also asked that the commissioners continue to inform and consult with the club regarding issues concerning the AT and connecting trails and impacts on viewsheds. In thanking Ms. Pader for her presentation, Chairman Corbin suggested that perhaps the board members could consider adding a liaison from the commission to the club. Commissioner Beale questioned whether the club had taken a position on the current statewide legislative issue of Sunday hunting, and said the commission would welcome a letter on that matter from the club.

**MEMORANDUM OF UNDERSTANDING WITH SOUTHWESTERN COMMUNITY COLLEGE:** Chairman Corbin asked the board members to then move to Item 9C on the agenda, “Discussion of Memorandum of Understanding with Southwestern Community College” (SCC). Chairman Corbin recognized Dr. Don Tomas, the president of the college, and asked the County Attorney to comment on the proposed Memorandum of Understanding (MOU) between the county and SCC. The County Attorney noted that there had been one change to the previous draft of the MOU, this one to accommodate the Fire Training Center as shown in Phase I of the long range planning process. Chairman Corbin explained that this would “encumber or promise” approximately 29

acres of county property for SCC's expansion of its Macon County campus off Siler Road in Franklin, adding that this had been the intent of the board for many months. On behalf of the SCC trustees and students, Dr. Tomas thanked all of those who had been involved in "a long process," but one he felt would be "well worth the endeavor." Commissioner Tate made a motion to approve the MOU as presented, and the motion was seconded by Commissioner Shields. During further discussion, there was a question regarding the timeframe for the MOU, which was five years, as well as the need for an exact survey of the property once approval and/or funding for the expansion had been secured. The board voted unanimously to approve the Memorandum of Understanding, a copy of which is attached (Attachment 2) and is hereby made a part of these minutes.

**SHAWNEE MEADOW HOLDINGS, LLLP TAX APPEAL:** Chairman Corbin stated that the Board of Commissioners would now sit as a Board of Equalization and Review in order to hear an appeal with regard to ad valorem taxes on behalf of Shawnee Meadow Holdings, LLLP. Because this case dates back to 2014, and because the regular Board of Equalization and Review for 2014 has adjourned, the commissioners will act as the equalization and review board for this matter. The County Attorney explained the process, and noted that representatives of Shawnee Meadow Holdings had the right under state statute (NCGS 105-312 (k)) to petition the commissioners as they hold the "Power to Compromise." Richard Boger, representing Shawnee Meadow Holdings, explained that the property was located at 670 North 4<sup>th</sup> Street in Highlands. Mr. Boger then outlined the events that led to his appeal, which he stated was based on "fairness" as well as the board's "power to compromise" on the taxes, and was requesting refunds as outlined in his Executive Summary, a copy of which is attached (Attachment 3) and is hereby made a part of these minutes. Mr. Boger then introduced Rick Robson, a real estate appraiser, who went over his appraisal of the property in question and provided a copy of that appraisal to the board. Tax Administrator Richard Lightner then presented the county's case, and in his "Answer to Executive Summary," a copy of which is attached (Attachment 4) and is hereby made a part of these minutes, he explained that while Mr. Boger "followed the rules in his interaction with other agencies involved in the building and permitting of this improvement...failed to list the improvement with the Macon County Tax Office." Mr. Lightner told the board that under state law, that "burden is always shifted to the taxpayer" and until that is changed, "it's what we have to live with." Granting the appeal would set a precedent, Mr. Lightner said, adding that the commissioners could or would be held financially responsible for the amount of the refund. After a brief legal discussion centered on a possible "immaterial irregularity" as it pertained to the appeal, Commissioner Higdon questioned the board's exact role in this matter. The County Attorney explained that the board was being asked to compromise or adjust the taxes, and if it said "no," that was it, but if

it said “yes,” then it would need to determine an amount. The County Attorney also noted that at least one state tax official had determined that if the taxes had already been paid, then the board had no right to compromise on them. Commissioner Beale noted that he had served as the chair of the Board of Equalization and Review for several years, and that while the state’s “Machinery Act” is “antiquated,” made a motion to deny the appeal and the petition to compromise, which was seconded by Commissioner Tate. After further discussion, the board voted unanimously to approve the motion.

**PUBLIC COMMENT:** **Randall McCall** appeared before the board again to voice his opposition to the nuisance ordinance. Mr. McCall said that he is not for it because “somebody besides me is deciding what I’m gonna do on my property,” adding, “That’s bothersome.” **Pat McCall** also voiced her opposition to the nuisance ordinance again. Saying that there are two sides to every story, she suggested letting the court system settle such issues when they arise between neighbors, and to allow county voters to decide on the passage of the ordinance. **Jon Houglum** told the board that he wanted to say something positive about the Macon County Heritage Center at the old Cowee School. An artist who does oil paintings, Mr. Houglum said the center has provided “a marvelous opportunity” for him to pursue his work and to teach classes. With its other offerings of pottery, weaving and bluegrass music, he said he views the center as “a little John C. Campbell,” referring to the folk school in Brasstown, NC, adding that he is “happy to be a part of it.”

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

- To add a report from Chairman Corbin as the liaison to the county recreation commission as Item 8D under Reports/Presentations.
- To add a request from Macon County Health Center Director Jim Bruckner for approval for the department to be the lead agency regarding a new grant opportunity as Item 8E under Reports/Presentations.
- To add consideration of a resolution regarding an application for funding from a state building reuse program for Hospice House as Item 9F under Old Business, per the County Attorney.
- To add a list of items involved in a change order on the Parker Meadows Recreational Complex project as Item 9G under Old Business, per the County Manager.
- To add discussion regarding Macon County Transit providing transportation from the Appalachian Trail trailhead on Winding Stair Gap to Franklin as Item 10B under New Business, per Commissioner Higdon.

**MACON COUNTY HERITAGE CENTER:** Bobby Koppers presented a PowerPoint presentation on the Macon County Heritage Center at the Historic Cowee School. Mr. Koppers briefly reviewed the mission for the center and shared the highlights of efforts made thus far. He told the board that the first piece of good news is that all of the rooms are in use, either by rent-paying tenants or “community partners,” as well as other “recurring users” of the facility. There are two working art studios at the center, plus Cowee Textiles, Cowee Pottery, and space for the Eastern Band of Cherokee and the Macon Historical Society. Mr. Koppers also noted that the Cowee Farmers Market is open every Tuesday from May through October at the center. There are two major festivals held each year, the Cowee School Celebration in August and Cowee Christmas. In addition, the Heritage Center Music Series features bluegrass music in the school’s old gymnasium. Mr. Koppers thanked community volunteers who dedicated more than one thousand hours in the past year maintaining the facility. He also listed all of the center’s partners and noted that the center has received \$117,100 in grants. In the near future, the center will serve as a stopping point for the Smoky Mountain Relay, and will host the Folk Heritage Association this summer, along with having regular hours for the center to be open. Following some closing comments, Mr. Koppers recognized Teresa Bouchennet, the operator of Cowee Textiles, who told the board about a young man who is autistic and learned to weave at an incredible rate. Mr. Koppers then thanked the board for its support of the center.

**APRIL IS PUBLIC HEALTH MONTH PROCLAMATION:** Chairman Corbin recognized Dawn Wilde Burgess, the community health promotion supervisor with Macon County Public Health, who asked that the board proclaim the week of April 6-12, 2015 as National Public Health Week 2015 and April 2015 as Public Health Month in Macon County. Upon a motion by Commissioner Higdon, seconded by Commissioner Shields, the board voted unanimously to approve the proclamation as presented, a copy of which is attached (Attachment 5) and is hereby made a part of these minutes.

**RECREATION COMMISSION REPORT:** As the liaison to the Macon County Recreation Commissioner, Chairman Corbin reported that the new Parker Meadows Recreational Complex will open sometime in July or early August, weather permitting. He said that Penland Contracting had advised not to overuse the park’s playing fields until the grass matures. Chairman Corbin said that local use of the facility is planned for August through October, with a limited tournament schedule that includes a girls and a boys tournament in September as well as one each in October. Those four tournaments will include an estimated 145 teams, 60 of those planned for the October 23-25 boys’ baseball tournament that will utilize all 13 county-owned fields. He added that tournament schedulers have already been in contact with the recreation

department about 2016 tournaments beginning as early as March, with two or three tournaments expected for each month through October. Jack Morgan, the county's director of planning, permitting and development who has been overseeing the Parker Meadows project, said there is a lot of work to go and that while weather has been a big issue, he anticipates a July opening.

**LEAD AGENCY/GRANT OPPORTUNITY FOR PUBLIC HEALTH:** Macon County Health Center Director Jim Bruckner told the commissioners that he was asking for the board's support as the health center has been asked to partner with the state on a regional tobacco initiative. Mr. Bruckner quoted statistics that one of every three cancer deaths in the US is linked to tobacco use, and that for every death, there are 30 other people who will become ill or disabled due to tobacco use. He explained that Macon is being asked to be the regional lead county on the project, and with the grant the county would receive \$75,000 annually for five years with no county matching funds required. The funding will come from a Centers for Disease Control (CDC) Core Tobacco Grant, and activities will focus on reducing exposure to second hand smoke, decreasing tobacco use among adults and youth, and decreasing the initiation of tobacco use among youth and young adults. He said the county would be required to establish a regional leadership team, consisting of the eight county health directors, for Macon to hire a regional tobacco control program manager, and to establish a regional tobacco free collaborative. He pointed out that this proposal had not yet gone before the county's Board of Health for its approval, but if approved, would begin July 1. Upon a motion by Commissioner Higdon, seconded by Commissioner Shields, the board voted unanimously to allow Macon County to be the lead agency for the project as presented.

**SECOND READING ON NUISANCE ORDINANCE:** After passing 4-1 on an initial vote at the board's March 31<sup>st</sup> continuation meeting, the commissioners considered adoption of the Macon County Nuisance Ordinance on second reading. The County Attorney pointed out that if adopted, the ordinance would go into effect on this date. Upon a motion by Commissioner Shields, seconded by Commissioner Beale, the board voted 4-1 – with Commissioner Higdon opposing – to adopt the Macon County Nuisance Ordinance as presented and to make the ordinance effective on April 14, 2015. A copy of the ordinance is attached (Attachment 6) and is hereby made a part of these minutes.

Chairman Corbin declared a recess at 8:10 p.m.

Chairman Corbin called the meeting back to order at 8:21 p.m.

**UPDATE ON STATUS OF QZAB FUNDING:** The County Manager, members of the board, the Finance Director and representatives of Macon County Schools

held a lengthy discussion about the next steps in the process for applying for Qualified Zone Academy Bonds (QZAB) funding in order to make improvements to Union Academy and Highlands School. A portion of the discussion centered on security for the loan and the use of the property of the two schools as collateral. Now that the county has received documentation of a new QZAB allotment, the Finance Director pointed out that the county would need to contact the state Local Government Commission (LGC) about the loan approval, would need to adopt a resolution to make application for the funding, would need to solicit architectural services and would need to adopt a reimbursement resolution to cover any “up front” money spent on the project. The need to do asbestos abatement at Union Academy was also discussed. Commissioner Tate and Commissioner Shields both expressed the urgency to get all of these items in order as quickly as possible. Commissioner Shields, who toured Union Academy with Commissioner Higdon, stated that students there were “not being treated like those in other communities,” and that the current facility was “not a learning environment,” to which Commissioner Higdon agreed. Anticipating that the necessary documents could be prepared and ready in one week, the board members took no action and agreed to recess the meeting until April 21<sup>st</sup> at 6 p.m. Commissioners Shields and Higdon were to meet with county staff and school system officials on Thursday (April 16<sup>th</sup>) to for additional discussion on the project.

**HIGHLANDS TRACK AND SOFTBALL FIELD RENOVATIONS:** The County Manager said there would be more “clarity” on these issues after meeting with school officials on Thursday, April 16<sup>th</sup>.

**LEASE AGREEMENT WITH THE DIVISION OF WORKFORCE SOLUTIONS:** The County Manager explained that Dale West, the manager of both the Macon and Haywood County NCWorks Career Centers, “needed a place to go” once the state chose not to renew the lease for the center’s former facility on Harrison Avenue in Franklin. In working with officials from Southwestern Community College (SCC), the County Manager acquired the use of two classrooms, the office and lobby space in the former SCC Annex located behind the courthouse. He said the staff from the Macon NCWorks Center has been moved into that space and the County Attorney has prepared a lease agreement with the state formalizing this arrangement. Upon a motion by Commissioner Tate, seconded by Commissioner Shields, the board voted unanimously to approve a “Resolution of the Macon County Board of County Commissioners Approving a Two Year Lease by Macon County to the State of North Carolina, North Carolina Department of Commerce,” a copy of which is attached (Attachment 7) and is hereby made a part of these minutes. A copy of the lease agreement, which is in the amount of \$1 and will expire on March 31, 2017, is also attached (Attachment 8) and is hereby made a part of these minutes.

**BUILDING REUSE GRANT:** The County Manager asked that the board consider a resolution supporting an application for a \$100,000 grant for the Hospice House Foundation of WNC, Inc. The County Attorney pointed out three conditions that were outlined in the resolution, one of which is a commitment to a cash match of five percent of the grant request amount. Commissioner Beale recognized the representatives of Hospice House, and Michelle Alderson thanked the board for its support of the application. Commissioner Beale made a motion to approve the resolution as presented, seconded by Commissioner Tate. During further discussion, Chairman Corbin asked if he should vote on the matter, as he is a member of the state board that will decide on whether to fund this application. The County Attorney stated that the chairman was “obligated to vote on it on this end,” and Chairman Corbin said he would abstain from voting when the application came up at the state level. The board voted unanimously to adopt a “Resolution of the Macon County Board of County Commissioners Supporting and Authorizing the Submission of an Application to the North Carolina Department of Commerce, Rural Economic Development Division, Rural Grants Program for a Grant from its Building Reuse Program,” a copy of which is attached (Attachment 9) and is hereby made a part of these minutes.

**CHANGE ORDERS FOR PARKER MEADOWS RECREATIONAL COMPLEX:** Jack Morgan presented the board with a “Proposal and Request for Modifications and Additions to Parker Meadows Project,” and using an accompanying map, went over each of the 11 items on the list in detail. A copy of the list is attached (Attachment 10) and is hereby made a part of these minutes. The County Manager noted that he had reviewed all of these “on the ground” with Mr. Morgan, explaining that the addition of the four parking areas “popped up” due to the fields being rotated from their planned locations stemming from the preservation of the burial site. This will add a total of 108 parking spaces at the complex. With Item #8 and Item #9 on the list both involving grant funding, the total cost of the changes to the county comes to \$61,976, which can be taken from the project’s current contingency fund of approximately \$73,000. Following discussion, and upon a motion by Commissioner Tate, seconded by Commissioner Beale, the board voted unanimously to approve the request for modifications and additions as change orders to the contract with Penland Contracting as presented (excluding Item #8 and Item #9), with the \$61,976 to come from the project’s contingency fund.

**HIGHLANDS AREA CHAMBER OF COMMERCE AGREEMENT WITH BCF AGENCY:** Kyle Garner, representing the Highlands Area Chamber of Commerce, told the board he was seeking its blessing to move forward with a branding and marketing proposal for the town to enter into a Memorandum of Understanding to initiate that project with a firm called BCF. The County



Attorney said that he reviewed the comprehensive package provided by the chamber, and after addressing what he called some “housekeeping issues,” drafted a service contract between the county and the chamber that will allow the chamber to spend the occupancy tax money it receives for the project. He noted that the former agreement between the county and the chamber had expired, and there was a need to get a new one in place prior to the chamber’s anticipated \$110,000 expenditure for the project. The County Attorney suggested that if the board approves the contract, that it do so subject to the approval of the Highlands Area Tourism Development Commission. Commissioner Tate made a motion to that effect, seconded by Commissioner Beale, and during discussion, Commissioner Higdon asked if an audit of the chamber’s finances would be in order. The County Attorney said yes, agreeing that the county should make sure the funds are expended properly. The board voted unanimously to approve the service contract as presented, a copy of which is attached (Attachment 11) and is hereby made a part of these minutes.

**DISCUSSION REGARDING MACON TRANSIT/HIKERS:** Commissioner Higdon had requested time for public discussion involving Macon County Transit going to the trailhead of the Appalachian Trail at Winding Stair Gap and providing transportation to and from Franklin for hikers of the trail. With two taxi services in town, plus efforts by Ron Haven to transport these hikers, Commissioner Higdon asked, “Is this something we need to be doing?” and if transit should be competing with private sector businesses. Commissioner Shields questioned if this was an appropriate use of public funds. Transit Director Kim Angel told the board that the service charged the hikers the same rate that it would any other member of the general public, and that she was “not aware of any problems.” She went on to tell the board members that “no ill will has been expressed” toward the service, and if hikers have already made other arrangements, “they don’t get on our vehicle.” Transit offers the service for a six-week period, and will take hikers to the location in town they request, and the charge is \$3 each way. Commissioner Higdon questioned again, “Why do we need to be in it?” After further discussion, Mrs. Angel asked the board members if Transit should continue to provide the service for the remaining two-and-a-half weeks of the six week period, and the consensus was for her to do so. No formal action was taken.

**CONSENT AGENDA:** Upon a motion by Commissioner Tate, seconded by Commissioner Beale, the following items on the consent agenda were approved unanimously: **Minutes** – Approved the minutes from the March 10, 2015 regular meeting and the March 31, 2015 continued session. **Budget amendments** – Approved the following budget amendments: #163 for the JCPC to appropriate additional funds of \$731 received by Pacesetters and #164 for Macon County Public Health to increase the Adult Health operating line item by \$1,077 as TB fees have exceeded revenue projections and there is a

need to purchase additional supplies. (Revisions with corresponding numbers attached). **Tax releases** – Approved tax releases in the amount of \$394.06 (A computer printout of releases is on file in the Tax Department and the County Manager’s office). **Monthly ad valorem tax collection report** – No action necessary.

**APPOINTMENTS: Highlands Area Tourism Development Commission:**  
Upon a motion by Commissioner Tate, seconded by Commissioner Beale, the board voted unanimously to reappoint Tucker Chambers with the Chambers Agency (representing large accommodations) and Chris Alley with Colonial Pines Inn B&B (representing small accommodations) to three-year terms on the Highlands Area Tourism Development Commission (TDC).

**RECESS:** At 9:34 p.m., and upon a motion by Commissioner Higdon, seconded by Commissioner Tate, the board voted unanimously to recess the meeting until Tuesday, April 21, 2015 at 6 p.m. in the commission boardroom on the third floor of the Macon County Courthouse, 5 West Main Street, Franklin, NC.

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Derek Roland  
Ex Officio Clerk to the Board

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Kevin Corbin  
Board Chairman