

MACON COUNTY BOARD OF COMMISSIONERS
JULY 8, 2014
MINUTES

Chairman Corbin called the meeting to order at 6:02 p.m. All Board Members, the County Manager, Deputy Clerk, Finance Director, County Attorney, members of the news media and interested citizens were present.

ANNOUNCEMENTS: Chairman Corbin announced that the excavation work at the Parker Meadows Recreational Complex had uncovered a single burial site, and that county officials had contacted the Eastern Band of the Cherokee in regard to the finding. He said that he, the County Manager, Commissioner Beale and state Sen. Jim Davis had met with Cherokee officials on this date, and reported that the meeting went well, that there are “several options” and that the project is “moving forward.” The County Manager said the group had a “positive discussion” and that the goal was to reach an agreement and preserve the relationship with the Eastern Band. “We want to be very respectful of that site,” he said. Commissioner Beale commented that the county has met its obligations and that the state archaeologist will have the final say in the matter.

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

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

PUBLIC HEARING ON COMMUNITY DEVELOPMENT BLOCK GRANT PROJECT CLOSEOUT: Chairman Corbin opened the public hearing on the Community Development Block Grant (CDBG) project closeout at 6:07 p.m., and pointed out that no one had signed up to speak. He then recognized Macon County Housing Director John Fay, who provided an overview of the scattered site housing rehabilitation project (10-C-2124). Mr. Fay first apologized to the board for having to hold yet another hearing on this issue, but explained that necessary language required by the state was inadvertently left out of the public notice for the hearing held on May 13th, thus requiring

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this hearing. Mr. Fay explained once more that seven homes were rehabilitated with \$232,329.67 in grant funding expended. In addition, 19 other homes received urgent repairs using \$38,307.05 in grant funds. Of the \$400,000 available, a total of \$270,636.72 was spent, with Mr. Fay noting that the balance of the grant was unused due to a lack of capacity in the Housing Department to rehabilitate more homes. With no other comments, Chairman Corbin closed the public hearing at 6:08 p.m. The board accepted Mr. Fay's report by consensus.

PUBLIC COMMENT: **Doug Woodward** addressed one portion of Senate Bill 786, specifically Section 14. The bill, which was signed into law in June, allows hydraulic fracturing or "fracking" to be used for oil and gas exploration in North Carolina. Mr. Woodward said that Section 14 squelches any local ordinance regarding fracking, which he said was "downright un-American." He said other counties, notably Orange and Durham, have passed resolutions in opposition to fracking, and encouraged the board to "investigate as thoroughly as possible the implications of this law," saying that it "doesn't belong in the mountains." **Rich Robb** addressed a safety concern at the intersection of Ned Hill Road and Mica City Road in the Cowee community, explaining that there was no culvert under Mica City Road, forcing all of the water onto the road and leaving gravel and sand that could cause a motorcyclist to have an accident. Chairman Corbin said the county will pass this information on to the state Department of Transportation.

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

- To add consideration of a resolution and lease agreement for space in the county's Business Development Center as Item 9C under Old Business, per Economic Development Director Tommy Jenkins.
- To add a closed session for the purpose of preserving the attorney/client privilege as Item 13, per Commissioner Haven. He also asked for time to address the board under Item 8 (Reports/Presentations).
- To add another closed session item for the purpose of preserving the attorney/client privilege under Item 13, per Commissioner Beale.

NEED FOR ADDITIONAL PHYSICIANS: Commissioner Haven requested time to address the board regarding what he referred to as a "crisis" relative to the need for additional physicians in the county. With the retirement of Dr. Franks, Commissioner Haven said the county was in "dire need" for three or four additional doctors. Chairman Corbin said he had heard similar comments

about the need for primary care physicians, and suggested that the board could go on record and express its concern to the board for Angel Medical Center. No action was taken.

ADDITIONAL ANNUAL LEAVE FOR COUNTY EMPLOYEES: The County Manager requested that the board confirm his plan to provide 16 hours of additional annual leave to each full-time county employee as a “token of gratitude” as discussed during the budget process. Following several questions by members of the board, and upon a motion by Commissioner Tate, seconded by Commissioner Beale, the board voted unanimously to approve the plan as presented.

FENCING BID FOR PARKER MEADOWS RECREATIONAL COMPLEX: The Finance Director recommended that the board award the bid for fencing at the Parker Meadows Recreational Complex to A&T Fencing, Inc. of Lavonia, GA in the amount of \$223,719.16 and authorize the County Manager to sign the contract. A&T Fencing was the lowest of the two bids received on the project, and a copy of the bid tabulation is attached (Attachment 1) and is hereby made a part of these minutes. The Finance Director also pointed out that there is an additional agreement regarding payment, storage and delivery of materials for the project. This agreement would allow the county to lock in the price, pay A&T Fencing half of the amount due (\$138,615) and have A&T Fencing store the material at its site until it is time for the fencing to be installed. Following discussion and questions from the board, upon a motion by Commissioner Beale, seconded by Commissioner Haven, the board voted unanimously to approve the “Contract for Fencing Between Owner and Contractor” as presented as well as the “Agreement for Payment, Storage and Delivery of Materials” as presented. Copies of the contract (Attachment 2) and the agreement (Attachment 3) are attached and are hereby made a part of these minutes.

LEASE WITH WATERWHEEL MANUFACTURING, INC.: Economic Development Director Tommy Jenkins told the board that he was recommending an agreement prepared by the County Attorney that would lease approximately 3,700 square feet of space in Unit “B” in the county’s Business Development Center to Waterwheel Manufacturing, Inc. The lease with the company, which does waterjet cutting and fabrication, would be for one year commencing on September 1, 2014 with a monthly rent of \$612. Mr. Jenkins said the company will initially have three employees. He also noted that the Business Development Center is full. Upon a motion by Commissioner Tate, seconded by Commissioner Haven, the board voted unanimously to approve a “Resolution of the Macon County Board of County Commissioners Declaring Property to be Surplus and Approving a One Year Lease of the Same By Macon County to Waterwheel Manufacturing, Inc..” and a “Lease to Waterwheel

Manufacturing, Inc., a North Carolina Business Corporation, from Macon County.” A copy of the resolution (Attachment 4) and a copy of the lease (Attachment 5) are attached and are hereby made a part of these minutes.

RESOLUTION HONORING HAROLD CORBIN AS AN HONORARY HISTORIAN OF MACON COUNTY: Commissioner Beale read into the record a “Resolution Honoring Harold Corbin as an Honorary Historian of Macon County,” and explained that the resolution honoring the former county commission chairman would be presented to the Corbin family at the upcoming Franklin Folk Festival on July 19th. Commissioner Beale made a motion to adopt the resolution as presented, and it was seconded by Commissioner Haven. Chairman Corbin announced he would abstain from voting, and the motion passed 4-0. On behalf of the Corbin family, Chairman Corbin thanked the board for honoring his late father with this designation. A copy of the resolution is attached (Attachment 6) and is hereby made a part of these minutes.

RESOLUTION OPPOSING THE DESIGNATION OF ADDITIONAL WILDERNESS AREAS WITHIN THE NANTAHALA NATIONAL FOREST IN MACON COUNTY: Jim Gray requested the board’s support of a resolution opposing any additional wilderness/designated areas where no timber management could occur within U.S. Forest Service lands within Macon County. He pointed out that some 46 percent of the county is in National Forest land, and that timber cutting presents “a rare situation” that benefits both the forest and the residents. He said that commissioners in Cherokee and Graham counties have passed similar resolutions, and he offered a supporting letter from Congressman Mark Meadows as well as a similar resolution adopted by the Ruffed Grouse Society. Following additional comments from Mr. Gray and statements from some of the board members, upon a motion by Commissioner Higdon, seconded by Commissioner Tate, the board voted unanimously to adopt a “Resolution Opposing the Designation of Additional Wilderness Areas Within the Nantahala National Forest in Macon County” as presented, a copy of which is attached (Attachment 7) and is hereby made a part of these minutes.

BRIAN JONES WELL ABANDONMENT AGREEMENT: The County Attorney presented an agreement for the board’s consideration regarding the abandonment of a well near the old Town of Franklin Landfill. He explained that the agreement would allow the county to close and fill the access to the well on the property of Brian Jones so that it could no longer be used. The county agreed years ago to connect properties in the vicinity of the old landfill to the town’s water system due to the possible influence of the landfill upon the groundwater there, and is trying to bring the project to completion. Upon a motion by Commissioner Higdon, seconded by Commissioner Tate, the board

voted unanimously to approve the agreement as presented, a copy of which is attached (Attachment 8) and is hereby made a part of these minutes.

AMENDMENTS TO INTERLOCAL AGREEMENT AND RESOLUTION REGARDING THE VETERANS TRANSPORTATION PROJECT:

The County Attorney offered praise for Macon County Transit Director Kim Angel, who worked to add Jackson County to the Veterans Transportation Project, joining Macon, Clay and Cherokee counties and the State of Franklin. Bringing Jackson into the agreement broadens the geographic area of the project and effectively lowers the cost for each participating unit, he noted. In asking the board to consider a resolution regarding Jackson's addition to the project, he also asked that the commissioners waive any possible conflict of interest on the County Attorney's part in the process, as he also does legal work for Clay County. Upon a motion by Commissioner Haven, seconded by Commissioner Tate, the board voted unanimously to adopt the "Resolution Concerning Approval of the Entry and Execution of the Amendments to the Interlocal Agreement and Contract Concerning the SoNCVet: Southwestern NC One-Call One Click Center for Veterans Transportation project," a copy of which is attached (Attachment 9) and is hereby made a part of these minutes. A copy of the interlocal agreement and contract (Attachment 10) as well as the letter waiving the attorney's possible conflict of interest (Attachment 11) are also attached and hereby made a part of these minutes.

RATIFICATION OF E-MAIL POLL REGARDING CANCELLATION OF DEED OF TRUST FOR THOMPSONS:

The County Attorney asked the board members to ratify the results of a July 1, 2014 e-mail poll conducted by the County Attorney in relation to the cancellation of a deed of trust. He explained that Mr. and Mrs. Raymond Thompson had a deed of trust held by Macon County stemming from a Scattered Site Housing Program loan. Per the County Attorney, the eight-year period of loan forgiveness has passed and the conditions of the promissory note have been met. In fact, he said the deed of trust should have been cancelled last year. However, he needed to poll the board because if the Thompsons did not get the deed of trust cancelled by July 7th, there were in danger of losing a loan commitment. Upon a motion by Commissioner Tate, seconded by Commissioner Haven, the board voted unanimously to ratify the results of the e-mail poll allowing Chairman Corbin and the County Manager to cancel the deed of trust on behalf of the county with the understanding that their action on behalf of the county would be ratified at this meeting. A copy of the Satisfaction of Security Instrument is attached (Attachment 12) and is hereby made a part of these minutes.

RESOLUTION CHANGING THE DUE DATE OF THE MACON COUNTY ROOM OCCUPANCY-TOURISM DEVELOPMENT TAX:

The Finance Director

explained that the effect of the resolution is to change the due date for the payment of the room occupancy and tourism development tax from the 15th to the 20th day of each month. She noted this was being done so as to be in accordance with Session Law 2007-507. Upon a motion by Commissioner Haven, seconded by Commissioner Tate, the board voted unanimously to adopt the “Resolution Changing the Due Date for the Macon County Room Occupancy – Tourism Development Tax” as presented. A copy of the resolution is attached (Attachment 13) and is hereby made a part of these minutes. The Finance Director added that notices for the tax would be mailed out during July along with tax bills.

GRANT PROJECT ORDINANCE AND BUDGET AMENDMENT FOR HOUSING DEPARTMENT: The Finance Director presented a Grant Project Ordinance for the Housing Department for the #1521WA Grant, which authorizes Weatherization Services and HARRP Services administered by the department in the amount of \$158,721. She explained that this is done annually, and in conjunction with the grant project ordinance, she presented Budget Amendment #3, which appropriates \$30,424 in Department of Energy (DOE) funds and \$44,312 in Heating Appliance Repair and Replacement Program (HARRP) funds toward the total grant. Upon a motion by Commissioner Beale, seconded by Commissioner Tate, the board voted unanimously to approve the grant project ordinance (Attachment 14) and budget amendment (Attachment 15) as presented, copies of which are attached and are hereby made a part of these minutes.

DESIGNATION OF VOTING DELEGATE TO THE NCACC ANNUAL CONFERENCE: Upon a motion by Commissioner Tate, seconded by Commissioner Beale, the board voted unanimously to designate Chairman Corbin as Macon County’s voting delegate to the North Carolina Association of County Commissioners (NCACC) annual conference, to be held in Asheville August 14-17, 2014.

CONTINUATION OF WORK FIRST ELECTING COUNTY STATUS: Department of Social Services (DSS) Director Jane Kimsey had informed the board that notification was received from the state late on July 3rd that the commissioners must decide by August 4th if Macon would continue to be a Work First Electing County or discontinue that status. Because the board’s next regular meeting would fall on August 12th, she recommended that the board vote to continue as a Work First Electing County for Federal Fiscal Years 2016-2019. Going on the assumption that the county would continue its “electing” status, a proposed Macon County Work First Electing County Plan would be developed and submitted to the board for approval in September, per the County Manager. Upon a motion by Commissioner Beale, seconded by

Commissioner Haven, the board voted unanimously to continue the county's Work First Electing status as recommended by the DSS Director.

CONSENT AGENDA: Upon a motion by Commissioner Tate, seconded by Commissioner Beale, the following items on the consent agenda were unanimously approved: **Minutes** – Approved the minutes from the June 10 and June 16, 2014 meetings. **Budget amendments** – Approved the following budget amendment: **#1** for the Department of Social Services to appropriate \$141 in additional funds from Duke Energy for Project Fans; and **#2** for the Emergency Telephone System Fund to appropriate \$544,411 from the Emergency Telephone System fund balance to purchase a 911 phone controller for the main site as well as one for the disaster recovery site. This is a carryover from FY 13-14 as the project was unable to be completed last fiscal year; (Revisions with corresponding numbers attached.) **Tax releases** – Approved tax releases in the amount of \$41.06 (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: (1) Airport Authority – Upon a motion by Commissioner Tate, seconded by Commissioner Haven, the board voted unanimously to appoint Richard Rhodes to fill the unexpired term of Harold Corbin on the Macon County Airport Authority, based on a recommendation from Airport Authority Chairman Miles Gregory. Chairman Corbin noted that Mr. Rhodes is an active pilot. **(2) Community Advisory Committee for Long Term Care** – Upon a recommendation by Larry Reeves, the Long Term Care Ombudsman for Region A, and upon a motion by Commissioner Beale, seconded by Commissioner Haven, the board voted unanimously to reappoint Pam Goldsmith and the Rev. Gene Hawkins to the Community Advisory Committee for Long Term Care for terms of three years each.

CLOSED SESSION: At 7:09 p.m., upon a motion by Commissioner Haven, seconded by Commissioner Beale, the board voted unanimously to go into closed session for the purpose of consulting with the attorney under NCGS 143-318.11(a)(3) on two separate items. At 7:38 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.

ADJOURN: With no other business, at 7:38 p.m., upon a motion by Commissioner Higdon, seconded by Commissioner Tate, the board voted unanimously to adjourn.

Derek Roland
Ex Officio Clerk to the Board

Kevin Corbin
Board Chairman