

MACON COUNTY BOARD OF COMMISSIONERS
AUGUST 9, 2011
MINUTES

Chairman McClellan convened the meeting at 6:08 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: Commissioner Haven recognized Jane Kimsey, who has been honored as the Department of Social Services Director of the Year in North Carolina. Commissioner Beale recognized Judith Lau, who has been honored as the Juvenile Officer of Year in North Carolina. Sheriff Robert Holland explained that Mrs. Lau is one of four Macon County officers who have received this award within the past 31 years.

INVOCATION: Commissioner Corbin asked for a moment of silence in remembrance of former county commissioner and state senator Bob Carpenter, who died August 6th. Commissioner Corbin then gave the invocation.

PLEDGE TO THE FLAG: The pledge to the flag was recited.

PUBLIC COMMENT: **Vic Drummond** said that he wished to address two items, the proposed resolution concerning the Duke Energy rate increase and the proposed lease with Whitley Products. Mr. Drummond suggested changes to the wording of the Duke resolution and questioned its purpose, saying it was unnecessary and an exercise in futility, and he also commented on the rental rate being charged to Whitley for space at the county's business development center, saying the rate should be higher. **Margaret Anderson** presented the board with information on "Agenda 21" and discussed issues related to sustainable development and non-government organizations, or NGOs, which she said would micromanage us with rules and regulations.

PUBLIC HEARING ON THE COMPREHENSIVE TRANSPORTATION PLAN: Chairman McClellan called the public hearing to order at 6:30 p.m. as noticed and recognized Ryan Sherby with the Southwestern Commission, who commented that the plan had been presented to the towns of Franklin and Highlands and was well received. Mr. Sherby explained that he would soon be going back to the two towns seeking adoption of the plan, then back to the county for action, then presenting a locally-approved plan to the North Carolina Department of Transportation (NCDOT). Following brief comments from the commissioners, Chairman McClellan recognized **Charlie Cowie**, the only

person who had signed up to speak. Mr. Cowie requested that the speed limit on U.S. 23/441 south of Franklin be lowered to 45 mph, and that the speed limit on Belle Dowdle Road be set at 35 mph for its entire length. With no other speakers, Chairman McClellan closed the public hearing at 6:35 p.m.

PUBLIC COMMENT CONTINUED: Chairman McClellan reopened the public comment period. **Charlie Cowie** told the board he was concerned about the young people in the county and spoke to the need for manufacturing jobs, suggesting the board should adopt a resolution on this matter. **Lamar Sprinkle** told the board it would be better if the commission put the county planning board to work on developing road construction standards instead of steep slope regulations. Mr. Sprinkle went on to say that he believed the planning board, with 11 members, was too large, that there were extreme ideologists on the board, and that it was irrevocably divided at this time. **John Famie** complained about the lack of water and sewer along U.S. 23/441 south of Franklin from the welcome center to the state line and said this should be addressed by the county.

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

- To add a brief presentation regarding the planning board by Commissioner Koppers as Item 8B.
- To add a closed session at the request of the County Manager in order to preserve the attorney/client privilege.
- To add additional budget revisions to the consent agenda under Item 11B.
- To add consideration of an agreement regarding a canoe concession along the Little Tennessee River Greenway as Item 9B at the request of the County Attorney.

HOLLY SPRINGS COMMUNITY BUILDING IMPROVEMENTS: Louise Henry, the president of the Holly Springs Community Development Club, shared the community's desire to see the old school house, which belongs to Macon County, preserved. Mrs. Henry explained that the club had been doing fund-raisers to help pay for improvements to the building, and asked for the board's consideration in assisting with those improvements, which she said could cost \$25,000. Mrs. Henry said there is consideration of submitting the building for inclusion on the National Register for Historic Places, and noted that it is used as a polling location during elections. Commissioner Beale said the board has a history of preserving schools and that as a polling place, the building

should be Americans with Disabilities Act (ADA) compliant. Chairman McClellan told Mrs. Henry the board would take the matter under advisement.

PLANNING BOARD: Commissioner Kupperts shared a recommendation from the planning board that would allow it to table its work on the steep slope regulations and instead focus on construction standards. He asked that the planning board be allowed to finish the job, and if the resulting document was unacceptable to the commissioners, they could reject or fix it. With no objections from the commissioners, Commissioner Kupperts said he would update them with a report/recommendation at the September meeting.

PETITION FOR ADJUSTMENT TO NEED DETERMINATIONS (Dialysis Center): Commissioner Beale began by explaining that, at a recent public hearing in Asheville, the state had agreed to extend the deadline for petitions to August 11, adding that the county's request was well received. The County Attorney provided the board with a copy of both a resolution and a petition regarding the need for dialysis services here, explaining that Macon County was one of only five counties in the state without a dialysis center. Commissioner Beale explained that the proposed petition was the next step in the process. The County Attorney said this was a two-part procedure, in that the county would be asking the state to change its criteria, and then on the basis of that change, request a certificate of need. Upon a motion by Commissioner Beale, seconded by Commissioner Kupperts, the board voted unanimously to adopt the Resolution of the Macon County Board of County Commissioners to File Petition for Adjustment of Needs Determination (Attachment 1), along with the accompanying petition (Attachment 2).

CANOE RENTAL AGREEMENT: The County Attorney explained that he had prepared an agreement between the county and Arbor In The Yard/Highlands Canoe Rental, which would allow the business to rent canoes for use on Lake Emory along the Little Tennessee River Greenway. Because a sewer project had delayed the execution of the agreement, the County Attorney suggested that the board extend the time of the agreement to October 31 of this year, and that it would run from May 1 to October 31 next year. The County Attorney recommended that the board approve the agreement and special use authorization, and authorize the County Manager to sign it, noting that the business carries \$1 million in liability coverage. Upon a motion by Commissioner Corbin, seconded by Commissioner Beale, the board voted 5-0 to approve the agreement as presented, with the insertion of "Lake Emory" in the document as applicable. (Attachment 3).

Chairman McClellan declared a recess at 7:28 p.m.

Chairman McClellan called the meeting back to order at 7:41 p.m.

EXCHANGE OF REAL ESTATE: Commissioner Beale asked that this item be tabled, as not all of the members of the board had had the opportunity to view the two parcels involved in Highlands. The County Manager and County Attorney both noted that there would be the need to readvertise the public notice on this matter.

CHANGE ORDER ON RIVERBEND ROAD WATER SYSTEM IMPROVEMENTS: Following an explanation by the County Manager, and upon a motion by Commissioner Corbin, seconded by Commissioner Haven, the board voted unanimously to approve Change Order Number 2 on the Riverbend Road Water System Improvements Project in the amount of \$7,144.65. The change order also approves a net increase of 29 days in the contract time (Attachment 4). The purpose of the change order is to incorporate into the contract the additional cost associated with electrical revisions needed due to available power at the pump station.

RESOLUTION OPPOSING PROPOSED RATE INCREASE BY DUKE ENERGY CAROLINAS: Chairman McClellan read the proposed resolution for the record. Commissioner Koppers asked to revise the wording so that, under the sixth “Whereas,” it would read “timing and amount,” not just “timing,” and under the third “Whereas,” it would read “cover the costs” instead of “pay itself back.” Each of the board members voiced the opinion that the commission could not remain silent on the proposed 17 percent rate increase. Upon a motion by Commissioner Haven, seconded by Commissioner Koppers, the board voted unanimously to approve the resolution as amended (Attachment 5).

RESOLUTION OPPOSING PROPOSED MERGER OF SOUTHWESTERN COMMUNITY COLLEGE: Chairman McClellan read the proposed resolution for the record, and upon a motion by Commissioner Beale, seconded by Commissioner Haven, the board voted unanimously to approve the resolution as presented (Attachment 6).

RESOLUTION/LEASE AGREEMENT WITH WHITLEY PRODUCTS, INC. Following explanations from the County Manager and County Attorney, and upon a motion by Commissioner Haven, seconded by Commissioner Corbin, the board voted unanimously to (1) approve a resolution declaring property in the Macon County Business Development Center to be surplus and to (2) further approve a one-year lease of that property to Whitley Products, Inc. (Attachments 7 and 8). The lease is retroactive to

July 1, 2011 and covers 11,032 square feet inside the small business incubator building. The monthly rent is \$1,838.67, and does not include utilities. The lease includes a provision whereby Whitley agrees to add a net increase of 15 full-time jobs during the lease period, with the failure to do so resulting in an additional rent payment of \$459.66 per month.

REQUESTS FROM THE MACON COUNTY SCHOOLS JOINT LIAISON COMMITTEE: Chairman McClellan chose to move to Item 10I on the agenda and recognized Macon County Schools Superintendent Dr. Dan Brigman. Dr. Brigman introduced Jennifer Love, a teacher at Mountain View Intermediate School, who told the board about an effort to construct an outdoor research shelter at the school. Ms. Love explained how grants and fund-raising efforts had combined to cover all but \$8,000 toward the \$19,000 project. Commissioner Corbin made a motion, seconded by Commissioner Kupperts, to provide \$4,000 toward the project, contingent upon the school board matching that amount, with the county funds to come from contingency. Commissioner Beale said he believed the roofing on the shelter should match that on the school and should be a metal roof, not shingles, adding that this was not included in the project cost, which would add an additional \$1,600 to \$1,800. Commissioners Corbin and Kupperts agreed to amend their motion and second to provide up to \$5,000 toward the project instead, contingent upon a match from the school board, and the board voted unanimously to approve the request.

Dr. Brigman also explained that due to a reduction in Public School Building Fund revenue, the school system had to switch from a five-year replacement plan for new computers to an eight- or nine-year cycle. Under the five-year plan, the annual cost to “refresh” one-fifth of the nearly 2,000 computers in the system was \$391,840. School officials said 1,276 of the computers were over five years old, and of those, more than 200 were over nine years old. Following discussion, Chairman McClellan said the commission would take the matter under advisement and noted that, going forward, this would need to be part of the annual budget discussion with the school board.

There was also discussion regarding security at Macon Middle School, and upon a motion by Commissioner Beale, seconded by Commissioner Haven, the board voted unanimously to allocate \$12,000 from contingency in order to add new controlled entrance doors at the school. Commissioner Corbin suggested that a rotation schedule be established to look at all of the other schools as well.

AWARD OF BID FOR SCRAP TIRE HAULING AND RECYCLING: Chairman McClellan then moved to Item 10H on the agenda and

recognized Chris Stahl. Upon a recommendation from Mr. Stahl, followed by a motion by Commissioner Beale, seconded by Commissioner Koppers, the board voted unanimously to award the low bid of \$91 per ton for tire hauling and recycling to North East Georgia Tire, including all conditions and terms as indicated in the request for bid documentation. Mr. Stahl indicated that the county handles 850 tons of tires per year.

RESOLUTION/LEASE AGREEMENT WITH FOREX CURRENCY TRADE ADVISORS, LLC. Following an explanation from the County Attorney, and upon a motion by Commissioner Corbin, seconded by Commissioner Beale, the board voted unanimously to (1) approve a resolution declaring property in the Macon County Business Development Center to be surplus and to (2) further approve a one-year lease of that property to Forex Currency Trade Advisors, LLC. (Attachments 9 and 10). The lease is retroactive to August 1, 2011 for space inside the small business incubator building and the monthly rent is \$333.33, including utilities.

RESOLUTION REGARDING ENGINEERING SERVICES FOR EMERGENCY VEHICLE PRE-EMPT: The County Attorney had prepared a draft resolution exempting the county from the provisions of Article 3D of Chapter 143 of the state statutes with regard to the design and NCDOT approval of a modified traffic signal at the intersection of U.S. 441 and Hyatt Road. The County Manager explained that the new EMS base near Holly Springs Plaza was almost ready to open, and with that would come the need for an emergency vehicle pre-empt of the signal light there. The estimated cost of the engineering for this is \$17,100, and the statute allows a local government to exempt particular projects where the estimated fee is less than \$30,000. Upon a motion by Commissioner Corbin, seconded by Commissioner Koppers, the board voted unanimously to approve the resolution and to authorize the manager to accept a proposal from J.M. Teague Engineering and Consulting in the amount of \$17,100.

CONSENT AGENDA: Upon a motion by Commissioner Koppers, seconded by Commissioner Corbin, the following items on the consent agenda were unanimously approved: **Minutes** – Approved the minutes from the June 14th, June 21st, July 5th, July 12th, and the July 21st meetings. **Budget revisions** – Approved the following budget revisions: revision #20 for the Department of Social Services to appropriate \$5,388 from fund balance for received funds (SHIPP and Outreach) to be carried forward in Fiscal Year 2011-12; revision #21 for the Cooperative Extension Service to reappropriate \$5,880 from the Cherokee Preservation Grant to the Macon County Youth Council; revision #22 for the Department of Social Services to allocate \$6,117 in additional TANF domestic violence funds; revision #23 for Solid Waste to appropriate

\$500 in sponsorship money received from NC-SWANA to participate in the International Road-E-O; revision #234 (for Fiscal Year 2010-11) for the Health insurance Reserve to appropriate \$4,154,657 to cover health insurance premiums and hospitalization claims; revision #235 (for Fiscal Year 2010-11) for Solid Waste to carry forward \$249,246 in capital funds for the landfill scale project; revision #25 for Solid Waste to carry forward \$110,170 in capital funds for the concrete pad at the Highlands Transfer Station; revision #26 for Solid Waste to appropriate \$13,886 for a recycling grant; revision #27 for the Department of Social Services to allocate \$1,463,867 in direct payments for subsidized child care (the Finance Director explained that these are not county dollars but the funds come from the state and are paid out to a provider); revision #28 for the Airport Authority to appropriate \$118,442 in grant funds and \$13,160 in local funds for airfield improvements. (Revisions with corresponding numbers attached.) **Tax releases** – Approved tax releases in the amount of \$10,162.73. (A computer printout of releases is on file in the Tax Department and the County Manager’s office.) **Settlement report** – Approved the settlement for current taxes for Fiscal Year 2010-2011 general taxes and motor vehicle taxes. **Resolution authorizing signatures** – Approved a resolution authorizing county officials to sign Requisition for Funds forms for the Single-Family Rehabilitation Program.

Commissioner Haven made brief remarks regarding the idea of a traffic signal at the intersection of Wells Grove Road where the signal would have a timed rotation between 7:15 to 8:45 a.m. and again from 2 to 3:45 p.m. but would otherwise flash a steady yellow. He said a request would be made to the NCDOT division engineer and that he would have an update next month.

CLOSED SESSION: Upon a motion by Commissioner Koppers, seconded by Commissioner Corbin, the board voted unanimously to go into closed session at 9:17 p.m. for the purpose of preserving the attorney/client privilege. At 10:21 p.m., and upon a motion by Commissioner Koppers, seconded by Commissioner Corbin, the board voted unanimously to come out of closed session. No action was taken. Chairman McClellan adjourned the meeting at 10:22 p.m.

Jack Horton, County Manager
Clerk to the Board

Brian McClellan
Board Chairman