

MACON COUNTY BOARD OF COMMISSIONERS
OCTOBER 11, 2010 - 6 P.M.
MINUTES

CALL TO ORDER: Chairman Beale convened the meeting at 6:00 p.m. and welcomed everyone present. All Board Members, the County Manager, Deputy Clerk, Interim County Attorney, members of the news media and interested citizens were present.

ANNOUNCEMENTS: Chairman Beale reminded the Board of the joint meeting with the Towns scheduled for 6 p.m. on Thursday, October 26th at The Bascom in Highlands.

INVOCATION: Chairman Beale stated a number of families in the community have recently been touched by tragedy and death and called for a moment of silence in remembrance of those families after which Commissioner Kupperts gave the invocation.

PLEDGE OF ALLEGIANCE: The pledge to the flag was recited.

PUBLIC COMMENT: Chairman Beale announced those who had registered to speak during public session all wanted to address the issue of the Bob Zahner Wilderness Area and would be moved to the item concerning that subject matter.

ADDITIONS/ADJUSTMENTS TO THE AGENDA: Upon motion by Commissioner McClellan, seconded by Commissioner Kupperts, the Board unanimously voted to approve the agenda with the following additions: add a closed session for attorney/client privilege and add appointments to the Board of Adjustments as item #12.

BOB ZAHNER WILDERNESS AREA: **William Thomas** stated he had known Bob Zahner for about fifty years but was concerned about the area being designated as a wilderness area and would prefer Blue Valley, which was one of Bob Zahner's favorite places, be designated as a national monument area which cannot be changed. **David Jones** stated as a citizen of Macon County he was concerned about the "wilderness" designation which would mean no timber harvest, no road construction, no ATV's, no motorized equipment of any kind, etc. He suggested naming the area for Mr. Zahner but omitting the wilderness designation. **Brent Martin** from the Wilderness Society stated that this is the first wilderness bill in twenty-six years and Congressman Heath Shuler would like local support. He added that "we are not giving up anything" but will still have the same roads, same camp sites, etc. **Mike Wilkins** of the USFS stated the Forest Service has no position on the issue. During discussion Chairman Beale stated he was in a meeting where they were informed nothing would change and citizens will still be allowed to use the area as it is today. He added that this is a federal issue asking for a name change recognizing Mr. Zahner for his conservation efforts. Commissioner McClellan stated the Town of Highlands has voiced their support of this designation and it will not change anything but will make permanent what has been in place since 1987. Commissioner Davis stated he would like to see the legislation introduced. Commissioner Kupperts stated he would like to be assured the public recreational areas remain the same and Commissioner Simpson stated he had preferred the area be

designated as a “wilderness study” area rather than a wilderness area. Action was delayed pending comparison of wilderness study area regulations as opposed to wilderness area regulations and review of the pending legislation.

IOTLA VALLEY ELEMENTARY SCHOOL: The County Manager and County Attorney presented the following items in connection with the Iotla Valley Elementary School Project: **Interlocal agreement** – Upon motion by Commissioner Koppers, seconded by Commissioner Davis, the Board unanimously voted to adopt the Third Agreement to Amend the Interlocal Agreement Between County of Macon and Macon County Board of Education, dated March 22, 2010, per **attachment #1**. **Assignment agreements** – Upon motion by Commissioner Simpson, seconded by Commissioner Davis, the Board unanimously voted to approve the Assignment Agreement between Macon County, the Macon County Board of Education and Bowers, Ellis and Watson Architects assigning the architectural design, plans and specifications on the Iotla Valley Elementary School project to Macon County per **attachment #2**. Upon motion by Commissioner Davis, seconded by Commissioner Koppers, the Board unanimously voted to approve the Assignment Agreement between Macon County, the Macon County Board of Education and Civil Design Concepts, PA, assigning the design, plans and specifications on the Iotla Valley Elementary School onsite water and sewer system project to Macon County per **attachment #3**. **Award of contracts** – Upon motion by Commissioner Simpson, seconded by Commissioner Davis, the Board unanimously voted to award the contract for the Iotla Valley Elementary School Onsite Water and Wastewater Construction Contract to McCarroll Construction in the amount of \$1,263,000.00 contingent upon closure of financing of the project. It was noted McCarroll was the low bidder. Upon motion by Commissioner Davis, seconded by Commissioner Koppers, the Board unanimously voted to award the contract for construction of the Iotla Valley Elementary School to H & M Constructors of Asheville in the amount of \$11,031,500.00 contingent upon closure of financing of the project and with the request the same superintendent on the Mountain Valley Elementary School also serve as superintendent on this project. It was noted H&M Constructors was the low bidder. **Financing of project** – Commissioner McClellan made a motion to approve the final financing with BB&T on the Iotla Valley Elementary School Project, to authorize the County Manager and County Attorney to make any adjustments necessary and authorize the Chairman, County Manager and staff to execute the necessary documents to close. The motion was seconded by Commissioner Davis and all favored. (Note: Final financing documents will be approved and recorded with the November 8, 2010, minutes.) **School construction project updates** – Terry Bell, School Construction Liaison, gave an update on school projects stating the Nantahala School gym floor would be completed within a week with the bleachers being in place by the first of November and that work on the FHS gym should be finished by the first of December. Chairman Beale stated everyone who has worked on these projects and especially on the financing package is to be commended.

LITTLE TENNESSEE RIVER/CARTOOGECWAYE TRUNK SEWER PROJECT: The County Manager requested approval of a change order on the Little Tennessee River/Cartoogechaye Trunk Sewer Project to incorporate the installation of a

6-inch bypass sewer line which is necessary in order for the contractor to proceed with the new 24-inch sewer line construction past the conflict with the existing 6-inch force main at the U.S. 441 bridge. He added the amount of the change order is \$6,800.00 and will bring the total revised contract amount to \$4,370,679.00. Upon motion by Commissioner Davis, seconded by Commissioner Koppers, the Board unanimously approved the change order as presented.

CONSENT AGENDA: Upon motion by Commissioner McClellan, seconded by Commissioner Koppers, the Board unanimously approved the following items on the consent agenda: **Minutes** – Approved the minutes from the September 27th meeting. **Budget revision** – Approved budget revision #40 budgeting \$64,040 in additional DSS Energy Assistance Funds. **(Attachment #4) October 25th meeting** – Voted to cancel the next regular meeting scheduled for October 25th at 2 p.m.

VIPER TOWER: The County Manager reported he and some other people had met with the North Carolina Highway Patrol to discuss the installation of a viper tower in Macon County and there is a possibility that a site may be available off 441 South. He stated the NCHP is working on calculations and will get back with the County.

Chairman Beale read a thank you note from employee Sharon Hunt who recently had heart surgery.

APPOINTMENTS: Commissioner McClellan made a motion to accept Gary Drake's resignation from the Board of Adjustments and to appoint Jay Calloway to fill the unexpired term. The motion was seconded by Commissioner Davis and all favored. Term will expire April 23, 2012.

CLOSED SESSION: Upon motion by Commissioner Davis, seconded by Commissioner Koppers, the Board unanimously voted to go into closed session for attorney/client privilege. During closed session the attorney updated the Board on a legal matter. No action was taken and upon motion by Commissioner Simpson, seconded by Commissioner Davis, the Board returned to regular session.

DOT EASEMENT: The County Manager reported the North Carolina Department of Transportation has made an offer of \$13,600 to purchase .267 acres for a permanent utility easement on County owned property for the new road from Siler Road to Wiley Brown Road. Commissioner Davis made a motion to accept the offer from N.C. Department of Transportation as presented after taking the appropriate steps to determine that there are no conservation easement violations. The motion was seconded by Commissioner McClellan and all favored.

ADJOURNMENT: Upon motion by Commissioner Simpson the meeting was adjourned.

Jack Horton, County Manager
Clerk to the Board

Ronnie Beale
Board Chairman