

Macon County



MACON COUNTY BOARD OF COMMISSIONERS AUGUST 9, 2016 AGENDA

1. Call to order and welcome by Chairman Corbin
2. Announcements
3. Moment of Silence
4. Pledge of Allegiance
5. Public Hearing(s) – **6:00 p.m.** Proposed amended and restated “Wireless Telecommunication Facilities Ordinance”
NOTE: The board may consider action on the proposed amendment immediately following the public hearing.
6. Public Comment Period
7. Additions to agenda
8. Adjustments to and approval of the agenda
9. Reports/Presentations
 - A. Macon County Public Health – Jennifer Garrett, Kyle Jennings and Jonathan Fouts
10. Old Business
 - A. Continued discussion regarding resolution on increasing per pupil funding and fully funding public schools – John deVille
11. New Business
 - A. Revised Mountain Valley fire district map – Emergency Services Director Warren Cabe
 - B. Solid Waste – Director Chris Stahl
 1. Budget amendment #16
 2. Award of bid for compactor
 3. Change order #1 on landfill project
 - C. Requested allocation for Transit Department – Director Kim Angel

- D. Approval of NCDOT Construction Agreement for Parker Meadows Recreation Complex Paving Project – County Manager
- E. Continued discussion of telephony project – Information Technology Director Andy Muncey
- F. Discussion regarding County Manager’s salary – Commissioner Tate
- G. Designation of voting delegate to NCACC Annual Conference

12. Consent Agenda – Attachment #12

All items below are considered routine and will be enacted by one motion. No separate discussion will be held except on request of a member of the Board of Commissioners.

- A. Minutes of the June 14, 2016 regular meeting, the June 28, 2016 continued session, the July 12, 2016 regular meeting and the July 19, 2016 continued session
- B. Budget Amendments #17-22
- C. Tax Releases
- D. 2015 Year End Settlement report (no action necessary)

13. Appointments

- A. Board of Health (1 seat)

14. Closed session for attorney-client privilege (NCGS 143-311.11(a)(3))

15. Adjourn or recess

MACON COUNTY BOARD OF COMMISSIONERS

AGENDA ITEM

MEETING DATE: August 9, 2016

DEPARTMENT/AGENCY: Governing Board

SUBJECT MATTER: Public hearing on proposed and restated
Wireless Telecommunication Facilities Ordinance

COMMENTS/RECOMMENDATION:

Attached please find (1) a copy of the notice of public hearing and (2) a copy of the proposed and restated ordinance. I have noted on the agenda cover sheet that the board "may" choose to take action on this item following the hearing.

Attachments X (2) Yes No

Agenda Item 5

NOTICE OF PUBLIC HEARING

Please take notice that the Macon County Board of County Commissioners will conduct a public hearing on Tuesday, August 9, 2016, at 6:00 o'clock, p.m., in the Commissioners Board Room located on the third floor of the Macon County Courthouse, located at 5 West Main Street, Franklin, NC 28734, concerning the proposed Amended and Restated "Wireless Telecommunication Facilities Ordinance" of Macon County, North Carolina, which changes the name of, amends and restates the existing Telecommunications Tower Ordinance of Macon County, North Carolina, presently codified in Chapter 154: Telecommunications Towers of the Macon County, North Carolina, Code of Ordinances. Public comment upon the same shall be received at this public hearing. The public is invited to attend this public hearing.

This the 22nd day of July, 2016.

Macon County Board of
County Commissioners

AN ORDINANCE OF THE MACON COUNTY BOARD OF COMMISSIONERS FOR AN AMENDED AND RESTATED "WIRELESS TELECOMMUNICATION FACILITIES ORDINANCE" OF MACON COUNTY, NORTH CAROLINA, WHICH CHANGES THE NAME OF, AMENDS AND RESTATES THE EXISTING TELECOMMUNICATION TOWER ORDINANCE OF MACON COUNTY, NORTH CAROLINA, PRESENTLY CODIFIED IN CHAPTER 154: TELECOMMUNICATIONS TOWER ORDINANCE OF THE MACON COUNTY, NORTH CAROLINA CODE OF ORDINANCES

WHEREAS, the Macon County Board of Commissioners adopted the Telecommunications Tower Ordinance of Macon County, North Carolina on or about May 5, 1998; and

WHEREAS, the Board of Commissioners did again amend the same on or about December 3, 2001; and

WHEREAS, the Board of Commissioners wishes to change the name of such ordinance, make certain specific amendments to the Ordinance, and restate such ordinance in its entirety as set forth hereinafter; and

WHEREAS, the Board of Commissioners finds the same to be in the public interest and to promote the public health, safety and welfare pursuant to authority vested in it by North Carolina General Statutes Sections 153A-121;

NOW, THEREFORE, BE IT ORDAINED by the Macon County Board of Commissioners that:

The presently codified Chapter 154: Telecommunication Towers in the Code of Ordinances of the County of Macon, North Carolina, as heretofore amended, is now hereby renamed, amended and restated in its entirety, as follows:

CHAPTER 154: Wireless Telecommunication Facilities Ordinance

§ 154.01 TITLE:

This chapter shall be known and may be cited as the *Wireless Telecommunication Facilities Ordinance of Macon County, North Carolina*, codified as Chapter 154 of The Macon County Code of Ordinances

Ordinance passed 5-5-1998

Ordinance revised 12-3-2001 and (08-09-2016)

§ 154.02 AUTHORITY AND JURISDICTION:

(A) This chapter is established by the Macon County Board of Commissioners pursuant to the authority conferred in G.S. § 153A-121(a) and the provisions of Part 3B of Article 18 of Chapter

153A of the North Carolina General Statutes. The Board of Commissioners hereby ordains and enacts into law the following articles and sections.

(B) The provisions of this chapter shall apply to all unincorporated areas of Macon County, but shall not be applicable to and shall not be enforced within the corporate limits or the extraterritorial jurisdiction of any municipality in the county. The following types of installations are excluded from the scope of this chapter:

- (1) Wireless Support Structures less than 50 feet in height.
- (2) Premise antennas less than one meter (39.4 inches) in height or diameter.
- (3) Premise antennas located totally within an enclosed building capable of structurally supporting the antenna.

§ 154.03 PURPOSE:

The purpose of this ordinance is to ensure the safe and efficient integration of facilities necessary for the provision of advanced mobile broadband and wireless services throughout the community and to ensure the availability of reliable wireless services. The intent of this chapter is to minimize the negative impact of wireless support structures and wireless facilities, establish a fair and efficient process for the review and approval of applications, assure an integrated, comprehensive review of environmental impacts of such facilities, and protect the health, safety and welfare of the citizens of Macon County. The placement of, construction, or modifications of wireless communication facilities shall be in conformity with the Federal Communications Act of, 47 U.S.C. §332 as amended, section 6409 of the federal Middle Class Tax relief and Job Creation Act of 2012, 47 U.S.C. §1455(a), and in accordance with the rules promulgated by the Federal Communications Commission.

§ 154.04 APPLICABILITY:

A wireless support structure as herein defined may be placed, erected and/or maintained in the jurisdiction of Macon County only in conformance with the standards, procedures and other requirements of this chapter.

§ 154.05 DEFINITIONS:

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ALTERNATIVE STRUCTURE: A structure which is not primarily constructed for the purpose of holding antennas but on which one or more antennas may be mounted. Alternative structures, include, but are not limited to, buildings, silos, water tanks, pole signs, lighting standards, steeples, billboards and electric transmission towers.

ANTENNA: Communications equipment that transmits, receives, or transmits and receives electromagnetic radio signals used in the provisions of all types of wireless communication services.

ANTENNA, CONCEALED: An antenna that is designed and erected on or in a building in such a way that it blends in with the existing facade and/or is located such that it is not readily visible to an individual at adjacent road level.

APPLICATION: A formal request submitted to the County to construct or modify a wireless support structure or a wireless facility.

BASE STATION: A station at a specific site authorized to communicate with mobile stations, generally consisting of radio receivers, antennas, coaxial cables, power supplies and associated electronics.

BUILDING PERMIT: An official administrative authorization issued by the County prior to beginning construction consistent with the provisions of N.C. Gen. Stat. § 153A-357.

COLOCATION: The placement or installation of wireless facilities on existing structures, including electrical transmission towers, water towers, buildings, and other structures capable of structurally supporting the attachment of wireless facilities in compliance with applicable codes.

COMMERCIAL WIRELESS SERVICE PROVIDER: Persons who operate radio systems requiring an FCC license and who employ those facilities to provide fixed wireless (including microwave) or mobile wireless communication services to third parties for compensation. Commercial wireless service providers include, but are not limited to, cellular, personal communication services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging, and competitive local exchange carriers (CLEC) utilizing point-to-multipoint microwave.

CREST: The uppermost line of a mountain or a chain of mountains from which the land falls away on at least two sides to a lower elevation.

DISCERNIBLE: Capable of being distinguished with the eye or mind from its surroundings as a wireless support structure.

ELIGIBLE FACILITIES REQUEST: A request for modification of an existing wireless tower or base station that involves collocation of new transmission equipment or replacement of transmission equipment but does not include a substantial modification.

EQUIPMENT COMPOUND: An area surrounding or near the base of a wireless support structure within which a wireless facility is located.

EQUIPMENT ENCLOSURE: A building, cabinet or shelter used to house transmitters, receivers and other electronic equipment and accessories in an equipment compound.

FALL ZONE: The Area in which a wireless support structure may be expected to fall in the event of a structural failure, as measured by engineering standards.

GOVERNMENTAL USER: Federal, state or local governments, or agencies or instrumentalities thereof, volunteer fire departments or rescue squads which operate radio systems (including microwave) requiring an FCC license and which employ those facilities exclusively for intra-governmental or inter-governmental public service, public safety or administrative purposes.

ORDINANCE ADMINISTRATOR: The Macon County Planner or his designee as assigned by the Board of Commissioners to enforce this chapter.

PRIVATE BUSINESS USER: Persons who operate radio facilities (including microwave) requiring the FCC license solely for intra-company communications and who do not employ those facilities to offer fixed or mobile wireless communication services to third parties for compensation.

PROTECTED MOUNTAIN RIDGE: A ridge at or above 3,000 feet with an elevation of 500 feet or more above the elevation of an adjacent valley floor.

RIDGE: The elongated crest or series of crests at the apex or uppermost point of the intersection between two opposite slopes or sides of a mountain, including all land within 100 feet below the elevation of any portion of such line or surface along the crest.

SEARCH RING: The area in which a wireless support facility or wireless facility must be located in order to meet service objectives of the wireless service provider using the wireless facility or wireless support structure.

SUBSTANTIAL MODIFICATION: The mounting of a proposed wireless facility on a wireless support structure that substantially changes the physical dimensions of the support structure. A mounting is presumed to be a substantial modification if it meets any one or more of the criteria listed below: The burden is on the County to demonstrate that a mounting that does not meet the listed criteria constitutes a substantial change to the physical dimensions of the wireless support structure.

- 1) Increasing the existing vertical height of the structure by the greater of i) more than ten percent (10%) or ii) the height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 feet.
- 2) Except where necessary to shelter the antenna from inclement weather or to connect the antenna to the tower via cable, adding an appurtenance to the body of a wireless support

structure that protrudes horizontally from the edge of the wireless support structure the greater of i) more than 20 feet or ii) more than the width of the wireless support structure at the level of the appurtenance.

- 3) Increasing the square footage of the existing equipment compound by more than 2,500 square feet.

TELECOMMUNICATIONS: Technology involving the transmission or reception of wireless signals

TOWER HEIGHT: The vertical distance measured from the ground to the uppermost point of the telecommunications tower and any antenna affixed thereto, but excluding any lightning protection rods extending above the tower and attached equipment.

TOWER SITE: The real property which an applicant is required to have ownership of, leasehold interest in, or easement over, pursuant to § 154.08(B) of this chapter.

UTILITY POLE: A structure that is designed for and used to carry lines, cables, or wires for telephone, cable television, or electricity, or to provide lighting.

VEGETATIVE CANOPY. Trees which create a roof-like layer of spreading branches.

WATER TOWER: A water storage tank, a standpipe, or an elevated tank situated on a support structure originally constructed for use as a reservoir or facility to store or deliver water.

WIRELESS FACILITY: The set of equipment and network components, exclusive of the underlying wireless support structure or tower, including antennas, transmitters, receivers, base stations power supplies, cabling, and associated equipment necessary to provide wireless data and wireless telecommunications services to a discrete geographic area.

WIRELESS SUPPORT STRUCTURE: A new or existing structure such as a monopole, lattice tower, or guyed tower that is designed to support or capable of supporting wireless facilities.

§ 154.06 BUILDING PERMIT REQUIRED:

It shall be unlawful for any person, corporation, partnership or other entity to erect within the jurisdiction of this Chapter any wireless support structure without first obtaining a Building Permit for the same from the Macon County Building Inspections Office. However, prior to the issuance of any such Building Permit, the Ordinance Administrator shall receive the applications for the same, review the same, and provide approval of the application for such Building Permit if appropriate. Thereafter, such Building Permit is to be issued by the Macon County Building Inspections Office.

The owner of any wireless support structure to be replaced shall cause the same to be removed within 90 days of the issuance of a Certificate of Occupancy for the new wireless support structure which is to replace the older wireless support structure."

§ 154.07 APPLICATION SUBMISSION AND REVIEW PROCESS:

(A) *Application requirements.* Anyone desiring to construct a new wireless support structure or substantially modify a wireless support structure shall submit an application to the County for a building permit and shall pay a fee. Any charges or fees assessed by the County, which are hereby specifically authorized, on account of an outside consultant shall be fixed in advance and incorporated into a permit or application fee and shall be based on the reasonable costs to be incurred by the County in connection with the regulatory review authorized by N.C. Gen. Stat. § 153A-349.52. On request, the amount of the consultant charges incorporated into the permit or application fee shall be separately identified and disclosed to the applicant. The fee imposed by the County for review of the application may not be used for either of the following:

- Travel time or expenses, meals, or overnight accommodations incurred in review of an application by a consultant or other third party;
- Reimbursements for a consultant or other third party based upon contingent fee basis or a results-based arrangement.

The site development plan and preliminary design plan shall contain the following information and be part of the wireless support structure permit application:

- (1) **Site Development Plan-** A site development plan shall be prepared by a North Carolina registered land surveyor, registered landscape architect or registered professional engineer, and shall contain the following:
 - (a) The name of the wireless telecommunications facilities owner and/or property owner, tax parcel identification number, scale, north arrow, a copy of the site plan showing the proposed site, and latitude/longitude coordinates;
 - (b) The name, address, signature and seal of the professional preparing the plan;
 - (c) All identifiable structures located on the parcel, all private and public roads, highways and underground and overhead utilities;
 - (d) Surveyed boundary lines of the parcel containing the proposed wireless support structure construction area and its fall area;
 - (e) All existing towers on the property or any towers whose fall area encroaches onto the property;

- (f) Property owner's names, tax parcel numbers, and mailing addresses;
 - (g) The ground elevation of the proposed wireless support structure's base, all proposed support structures, property corners and a permanent site bench mark.
- (2) ***Preliminary Wireless Support Structure Design Plan-*** A preliminary wireless support structure design plan prepared by a North Carolina registered professional engineer containing the following:
- (a) The wireless support structure permit applicant's name and address, scale, north arrow, vicinity map and tax parcel identification number;
 - (b) The name, address, signature and seal of the engineer preparing the preliminary wireless support structure design plan;
 - (c) A plan showing the base of the wireless support structure and the foundations for all guy line anchors and support structures, all proposed buildings, and utility connections
 - (d) A wireless support structure elevation drawing showing the proposed lighting, height of the wireless support structure and all proposed antennas;
 - (e) The proposed wireless support structure design loads.
 - (f) Wireless support structures shall be earth toned colors, or remain unpainted.
 - (g) The proposed wireless support structure shall be designed and constructed to permit the capability for co-location of at least two other equal telecommunication uses, unless the wireless support structure is located on a protected ridge in which case one co-location provision is required.

(3) Nothing contained in this Section shall be construed to:

1. Authorize the County to require information on or evaluate an applicant's business decisions about its designed service, customer demand for its service, or quality of its service to or from a particular area or site;
2. Authorize the County to require information that concerns the specific need for the wireless support structure, including if the service to be provided from the wireless support structure is to add additional wireless coverage or additional wireless capacity; and

3. Authorize the County to require proprietary, confidential, or other business information to justify the need for the new wireless support structure, including propagation maps and telecommunication traffic studies.

(4) Proof of Regulatory Compliance- Written statements from the Federal Aviation Administration (FAA) and the Federal Communications Commission (FCC) showing that the proposed wireless support structure complies with all building permit regulations administered by that agency, or evidence that the proposed wireless support structure is exempt from those regulations.

(5) Colocation Alternatives- Applicants for new wireless facilities shall evaluate the reasonable feasibility of collocating new antennas and equipment on an existing wireless support structure or structure within the applicant's search ring. Collocation on an existing wireless support structure is not reasonably feasible if collocation is technically or commercially impractical or the owner of the existing wireless support structure is unwilling to enter into a contract for such use at a fair market value. Applicants shall provide County with information to determine whether collocation on existing wireless support structures is reasonably feasible.

(6) The applicant must present to the Ordinance Administrator proof of fee simple ownership, a recorded leasehold interest or an easement from the record owner of all property within a radius of one time the height of the wireless support structure. The required area may include Department of Transportation right-of-way if the applicant provides written consent to that effect by the Division Engineer.

(7) Wireless support structure building permit approval is conditional upon the owner providing written authorization that the tower may be shared by other telecommunication facilities at customary and usual charges.

(8) The applicant shall provide a letter to the ordinance administrator (See 158.08(G)) providing public entities the use of a wireless support structure at fair market value on a non-interfering basis. If it is determined that the proposed wireless support structure is situated in a location that will benefit the telecommunication system of the county, a municipality within the county, a volunteer fire department serving the county, or other public entity, the wireless support structure shall be engineered and constructed to accommodate the additional telecommunication equipment beneficial to the public system.

(9) The County shall issue a written decision approving or denying an application within a reasonable period of time consistent with the issuance of other land-use permits in the case of other applications, each as measured from the time the application is deemed complete.

§ 154.08 CRITERIA FOR ISSUING A BUILDING PERMIT FOR CONSTRUCTION OF A NEW WIRELESS SUPPORT STRUCTURE OR SUBSTANTIAL MODIFICATIONS TO AN EXISTING WIRELESS SUPPORT STRUCTURE:

Applications for construction of wireless support structures, increases in wireless support structure height, or substantial increases in height of alternative structures (as defined in this chapter), shall be submitted in writing to the Ordinance Administrator and shall contain all information required by this chapter as well as any additional information the Ordinance Administrator deems necessary and appropriate, including the following:

(A) No wireless support structure shall exceed 175 feet in height. No wireless support structure located on any protected mountain ridge shall have at its highest point an elevation greater than 40 feet higher than the vegetative canopy immediately surrounding the base of the wireless support structure. If no vegetative canopy exists at the protected ridge, then the maximum wireless support structure height allowed shall be 100 feet.

(B) A single sign listing the name of the wireless telecommunication service provider operating the site, the site name or number and an emergency telephone number shall be posted at or near the entrance to the site so as to be readily visible to persons outside the site's security fencing. Equipment hazard warning and informational signs are permitted. The posting of any other signs or advertising is prohibited at any wireless telecommunication facility or upon any wireless support structure.

(C) The application must be accompanied by the payment of a nonrefundable processing fee. The county may elect to retain outside consultants or professional services to review the application and make determinations and recommendations regarding the application. Private business users operating a single wireless telecommunication facility at their principal place of business and governmental users are exempt from the application fee.

(D) If construction is not started within 24 months from the date of issuance, the wireless support structure building permit shall expire.

(E) No antenna shall be constructed on a structure which a National Register or other locally designated historic landmark is located.

(F) Fall zones and setbacks: Wireless support structures shall conform to each of the following minimum setback requirements:

(1) A fall zone on the parcel containing the tower site equal to the height of the wireless support structure shall be required. The fall zone shall have a minimum 25-foot setback from all property lines.

(G) The owner of the proposed wireless support structure shall record in the Macon County Register of Deeds office a letter of intent prior to the issuance of the building permit. The letter of intent must contain:

- (1) The conditions of approval from the Macon County Board of Commissioners.
- (2) Written authorization that the wireless support structure may be shared by other telecommunication facilities at customary and usual charges.
- (3) Written authorization must also be submitted allowing Macon County to locate public safety equipment for Emergency Management, Fire Departments and Macon County Sheriff's Department on the wireless support structure.
- (4) Written maintenance/removal agreement concerning the wireless support structure signed and notarized by Lessor and Lessee.
- (5) The letter of Intent must include language that binds subsequent owners of the wireless support structures to the original letter of intent filed in the Macon County Register of Deeds office.

§ 154.09 PUBLIC HEARING REQUIRED:

Applications for new wireless support structures or substantial modifications of wireless support structures shall require a quasi-judicial public hearing to be held before the Macon County Board of Commissioners before any decision is made to grant or deny an application.

(A) **Public Notice Required-** Notice of an application for a proposed wireless support structure shall comply with the provisions of G.S. §§ 153A-323 and 153A-343 as amended and, at a minimum, shall comply with the following:

- (1) Newspaper Notice- The Ordinance Administrator shall cause a notice of any public hearing to be published as a legal advertisement in a newspaper of general circulation in Macon County once a week for two consecutive weeks, the first publication of which shall not appear less than ten days or more than 25 days prior to the date set for public hearing. The notice shall include the date, time, and place of the hearing as well as information about the wireless support structure including its type, height, location and any other information the Ordinance Administrator shall deem necessary or appropriate.
- (2) Notice to Adjacent or Abutting Property Owners- The applicant shall mail notice to affected property owners in accordance with the following provisions, and shall provide the Ordinance Administrator with a signed certification of compliance listing the names, addresses, and means of notification before any public hearing shall be conducted:
 - (a) Adjacent or abutting property owners. Notice of any public hearing shall be sent by certified mail (return receipt requested) or by Priority Mail with Delivery Confirmation to the

owners of all parcels of land adjacent to or abutting the site of the proposed wireless support structure at the last address listed for such owners in the county property tax records.

(b) Timeliness of notice. Any notices required under the above subsections shall be mailed at least 10 but not more than 25 days prior to the date of the public hearing.

(3) *Posted Notice*- A sign advertising the application for a proposed wireless support structure, and any scheduled public hearing, shall be posted by the Ordinance Administrator in a prominent location on or near the parcel containing the proposed wireless support structure, or on a nearby public road. Such signs shall be posted at least ten days prior to any public hearings.

(B) *Special Conditions*- During the public hearing, the Board of Commissioners shall have the authority to require special conditions in order to make the wireless support structure more compatible with surrounding properties, including one or more of the following but not limited to:

(1) The portion of the wireless support structure extending above the vegetative canopy shall be camouflaged to appear like the top of a coniferous tree with all antennas concealed within simulated foliage;

(2) Appropriate landscaping or other means shall be used to screen the facility as much as possible from neighboring properties;

(3) Eliminating the requirement of additional spaces for co-locations in order to reduce the height of the wireless support structure. See 154.07(2) (g)

§ 154.10 COLOCATION AND ELIGIBLE FACILITIES REQUESTS OF WIRELESS SUPPORT STRUCTURES:

(A) There shall be an application submitted to County for collocations and eligible facilities requests in connection with wireless support structures. In the case of an application for a collocation or eligible facilities request in connection with wireless support structures, the Ordinance Administrator shall review the preliminary application and determine whether the applicant meets the criteria for a collocation or eligible facilities request. The Ordinance Administrator may require additional information from the applicant, in order to make the determination. If the Ordinance Administrator determines that the application is complete, and that the applicant meets the criteria for a collocation or eligible facilities request he shall approve the special use permit, and no hearing shall be required.

- (B) The Ordinance Administrator shall issue a written decision approving or denying a collocation or eligible facilities request application within 45 days of such application being deemed complete.
- (C) A nonrefundable application fee shall be required for review of collocations and eligible facilities requests. Private business users operating a single wireless telecommunication facility at their principal place of business and governmental users are exempt from the application fee.

The county may impose a fee not to exceed \$1,000.00 for technical consultation and the review of a collocation or eligible facilities request application. The fee must be based on the actual, direct and reasonable administrative costs incurred for the review, processing, and approval of a collocation application. County may engage a third-party consultant for the technical consultation and review of a collocation or eligible facilities request application.

- (D) Pursuant to section 640 of the federal Middle Class Tax Relief and Job Creation Act of 2012, 47 U.S.C. § 1455(a), County may not deny and shall approve any eligible facilities request as provided in N.C. Gen. Stat. § 153A-349.53.

- (E) Nothing in this Ordinance requires an application and approval for routine maintenance or limits the performance of routine maintenance on wireless support structures and facilities, including in-kind replacement of wireless facilities. Routine maintenance includes activities associated with regular and general upkeep of transmission equipment, including the replacement of existing wireless facilities with facilities of the same size.

- (F) A collocation or eligible facilities request application is deemed complete unless County provides notice that the application is incomplete in writing to the Applicant within 45 days of submission or within some other mutually agreeable time frame. The notice shall identify the deficiencies in the application which, if cured, would make the application complete. County may deem an application incomplete if there is insufficient evidence provided to show that the proposed collocation or eligible facilities request will comply with federal, State, and local safety requirements. County may not deem an application incomplete for any issue not directly related to the actual content of the application and subject matter of the collocation or eligible facilities request. An application is deemed complete upon resubmission if the additional materials cure the deficiencies indicated.

§ 154.11 OTHER PROVISIONS:

- (A) *Temporary Facilities*- Temporary wireless telecommunication facilities shall be allowed as follows:

- (1) In the event of a natural disaster, catastrophic event or public emergency that either renders an existing wireless telecommunication facility unusable, or creates an urgent need for supplemental capacity to manage the emergency, temporary facilities may be placed.

(B) *Nonconforming Uses-* Any wireless telecommunication facility in existence on the date of enactment of this chapter which does not comply in all respects with the provisions of this chapter shall be deemed a nonconforming use. Such pre-existing facilities may not be increased in height without complying with the provisions of this chapter.

(C) *Wireless Support Structure and Wireless Facility Lighting:*

- (1) No wireless support structure or wireless facility shall be of a type or height, or placed in a location, that the Federal Aviation Administration would require the wireless support structure or wireless facility to be lighted or painted.

- (2) A wireless support structure and/or a wireless facility may utilize a security light controlled by a motion-detection sensor at or near the entrance to the facility.

(D) *Macon County Airport Restrictions-* No new wireless support structure or wireless facility shall interfere with or protrude into the glide path of any runway in any direction of the Macon County Airport.

§ 154.12 CONTINUED COMPLIANCE REQUIRED:

All building permits for the erection of a wireless support structure are issued in reliance upon a presumption that the wireless support structure will in fact conform to the plans which are submitted as the basis for the building permit, and once erected the wireless support structure must continue to be at all times maintained in compliance with the provisions of this chapter..

§ 154.13 APPEALS:

The imposition of any conditions precedent to the issuance of a wireless support structure permit, may be appealed to the Superior Court of Macon County within 30 days from the date of the decision.

§ 154.14 PENALTY:

A violation of this chapter shall be a misdemeanor subject to the penalties and enforcement provisions of G.S. § 153A-123, specifically including injunctions and abatement orders as provided by said statute.

Upon motion made by Commissioner _____, seconded by Commissioner _____, this Ordinance was passed, adopted and ordained by the unanimous vote of the Macon County Board of County Commissioners on this the 9th day of August, 2016, at the Regular Meeting of the Macon County Board of County Commissioners.

Kevin Corbin, Chairman

Attest:

Clerk to the Board of Macon County Commissioners
(County Seal)

MACON COUNTY BOARD OF COMMISSIONERS

AGENDA ITEM

MEETING DATE: August 12, 2016

DEPARTMENT/AGENCY: Macon County Public Health

SUBJECT MATTER: To be shared at the meeting

COMMENTS/RECOMMENDATION:

Jennifer Garrett, Kyle Jennings and Jonathan Fouts will present their information on Tuesday

Attachments _____ Yes No

Agenda Item 9A

MACON COUNTY BOARD OF COMMISSIONERS

AGENDA ITEM

MEETING DATE: August 9, 2016

DEPARTMENT/AGENCY: Schools

SUBJECT MATTER: Resolution on increasing per pupil funding and fully funding public schools

COMMENTS/RECOMMENDATION:

John deVille will return to continue the discussion on the above-referenced topic. Attached are (1) a copy of the e-mail correspondence with Mr. deVille and (2) an updated resolution.

Attachments X (2) Yes No

Agenda Item 10A

Mike Decker

From: John deVille <jdeville@gmail.com>
Sent: Wednesday, July 06, 2016 3:01 PM
To: Mike Decker
Subject: RE: Request for placement on MCC July 12th Agenda: Continued Discussion of Resolution on Increasing Per Pupil Funding and Fully Funding Public Schools

Thanks....see you all then.

On Jul 6, 2016 3:00 PM, "Mike Decker" <mdecker@maconnc.org> wrote:

Mr. deVille...sounds like August 9th is our new date...I will hold a place under Reports and Presentations...MD

From: John deVille [mailto:jdeville@gmail.com]
Sent: Wednesday, July 06, 2016 2:36 PM
To: Mike Decker
Subject: RE: Request for placement on MCC July 12th Agenda: Continued Discussion of Resolution on Increasing Per Pupil Funding and Fully Funding Public Schools

Mr. Decker.....totally understand.....unfortunately I won't be in town on the 19th as I'll be in Raleigh taking a class.

How is the first meeting in August...would that work for you all?

thanks,

John

On Jul 6, 2016 2:21 PM, "Mike Decker" <mdecker@maconnc.org> wrote:

Mr. deVille...spoke with Derek re. this matter...can we do this at the meeting on July 19th when the full board will be there?...we are having a very limited agenda on the 12th...thanks...

Mike Decker IPMA-SCP

HR Director/Deputy Clerk to the Board

Macon County

5 West Main Street
Franklin, NC 28734
Work (828) 349-2020
Cell (828) 342-1169

Do justly, love mercy, walk humbly

From: John deVille [mailto:jdeville@gmail.com]
Sent: Tuesday, July 05, 2016 3:57 PM
To: mdecker@maconnc.org
Cc: Kim Lewicki; Ryan Hanchett; Brittney Parker; Scott McLeod; news@wlos.com; Ball, Julie; Keith; Kevin Corbin; jamesptate@aol.com; Gary Shields; Ronnie Beale; Paul Higdon; Chris Baldwin; Jim Breedlove; editor@thefranklinpress.com; Fred Goldsmith; melissa.evans@macon.k12.nc.us; tommy.cabe@macon.k12.nc.us; Stephanie McCall; terry.bell@macon.k12.nc.us
Subject: Request for placement on MCC July 12th Agenda: Continued Discussion of Resolution on Increasing Per Pupil Funding and Fully Funding Public Schools

Dear Mr. Decker,

I would like to request to be placed on the agenda for the July 12th, 2016, 6pm meeting of the Macon County Commissioners. As you recall, after there was a motion and a second to pass the resolution, some of the commissioners expressed concerns regarding the accuracy of the statistics stated in the resolution. Here is an updated copy of the resolution with several citations attached at the bottom in the form of hyperlinks.

https://docs.google.com/document/d/1t2O7Bq2f8MnsAuQ-KoOUmcLSH5RIAzpv0_o-TEMTeeQ/edit?usp=sharing

Just today, WRAL/Capital Broadcasting published an exceptionally incisive and detailed editorial which reflects the budget just enacted last week. While the editorial focuses mostly on pay, which

is not my particular focus, rather it is staff levels, class size, and course offerings, the data the editorial provides indicates the overall health public education in North Carolina is less than stellar.

<http://www.wral.com/editorial-commitment-to-quality-key-step-to-better-public-schools-is-better-teacher-pay/15829051/>

"There are a lot of ways to look at funding public schools and how much teachers are paid in North Carolina. Unfortunately many of those ways – and we've watched just how many can be employed by the General Assembly's leadership – leave too many students short-changed and their teachers among the worst paid in the nation."

"That's right – when teacher pay is 41st in the nation, eighth among 11 Southeastern states and lower than any of our neighboring states – that's the label that fits."

During the recent debate on the budget, State Sen. Harry Brown, R-Onslow, crowed that within two years North Carolina will rank number 1 in the Southeast for teacher pay. How would that happen? Well, only if North Carolina continues promised pay increases while the other states don't increase their teachers' salaries at all over the next two years. Not a likely scenario.

What might be a wiser path is to focus on the North Carolina teachers who are being left behind because of where they teach.

The average pay that legislators talk about in their school funding debate is a fantasy to teachers in most of North Carolina. It includes local supplements, bonuses and other benefits that teachers in a few larger, urban school systems receive. {deVille note: Macon's supplement is 2% AND has been on the table during budget discussions to be re-allocated to the "current operating expense" section of the school budget, while Wake County's supplements range from 17.25% to 23.25% AND are treated as being sacrosanct}

The final three paragraphs of the editorial express my sentiments perfectly:

"The low pay of our teachers, the wide variation in pay from county to county, urban and rural, the continued assault on basic public school classroom resources, are all evidence that our state is

not living up to the rights we declare. Worse, it appears that we're actually cutting back and denying them on the basis of economic station and geographic location."

Rather than seizing on opportunities to manipulate the data to give a rosier glow on the figures, let's agree that we are not living up to our obligation to children and teachers. We do not devote the resources, emblematic in how North Carolina pays its public school teachers, to provide every child in the state the opportunity for a sound basic education.

Given that recognition, there can be a true and sincere discussion – and action – to move toward better teacher pay throughout North Carolina, not just in a few, wealthy, school districts. A commitment to pay all teachers salaries commensurate to the demands for quality is the easiest way to rise from the basement of national rankings."

I think the one sentence bears repeating: **"Rather than seizing on opportunities to manipulate the data to give a rosier glow on the figures, let's agree that we are not living up to our obligation to children and teachers."** Perhaps that one sentence could be the sum total of the resolution. My intention for continued discussion on the 12th is to focus on the empirical fact that we do have neither the personnel nor the resources we did in 2008, and, once again, simply ask the Macon County Commissioners to publicly acknowledge that fact in the form of a resolution asking the General Assembly to make us whole in terms of 2008 per pupil funding.. My further intention is, by Monday the 11th, to furnish the commissioners with a more generic, less specific resolution so that statistical quibbles do not become a stumbling block preventing our voice from being heard.

Thank you so much and I look forward to hearing from you.

John deVille

WNC NCAE Legislative Chair

NC Hope Street Fellow

Franklin High School Social Studies Dept Chair.

Resolution on Increasing Per Pupil Funding and Fully Funding Public Schools

Whereas, the North Carolina Constitution includes an obligation to provide a sound, basic education to all school aged children in our state; and

Whereas, public education is the cornerstone for our democracy and economic future; and

Whereas, inflation-adjusted per pupil spending in the State of North Carolina is still below pre-recession levels; and

Whereas, an NEA report ranks North Carolina 46th in per-pupil spending in the United States in 2014-15; and

Whereas, in 2008, North Carolina teacher salaries ranked 25th in the nation but had fallen to 42nd in 2014-15; and

Whereas, that despite research showing the cost-effectiveness of Pre-K services, the NC General Assembly has cut funding and reduced the number of state-funded pre-kindergarten seats by 5,400 since 2008; and

Whereas, approximately 60 percent of public education funding comes from the State, while the remainder is funded by local and the federal government; and

Whereas, as the state has cut funding since 2008, many local government leaders have shouldered more of the burden of funding for public schools by increasing property taxes or cutting important programs or positions;

Therefore, be it resolved that:

The Macon County Board of Commissioners calls for the NC General Assembly to fully fund public education to reflect growth and student needs; and

The Board of Commissioners calls upon the General Assembly to reinstate K-12 enrollment growth (ADM funding) as part of the continuation budget; and

The Board of Commissioners calls upon the legislators of both parties to reject the trend toward shifting education spending to local counties; and

The Board of Commissioners calls upon the General Assembly to raise additional state revenue in an equitable fashion in order to avoid regressive tax shifts to counties.

Macon County Commission Chair, Kevin Corbin

Date

Macon County Commission Vice-Chair, James Tate

Date

<http://www.publicschoolsfirstnc.org/resources/fact-sheets/the-impact-of-the-2015-17-state-budget/>

http://www.nea.org/assets/docs/NEA_Rankings_And_Estimates-2015-03-11a.pdf

<http://www.nea.org/home/29402.htm>

<http://www.ncpublicschools.org/docs/fbs/resources/data/factsfigures/2015-16figures.pdf>

<http://www.newbernsj.com/article/20160128/NEWS/160128913>

MACON COUNTY BOARD OF COMMISSIONERS

AGENDA ITEM

MEETING DATE: August 9, 2016

DEPARTMENT/AGENCY: Emergency Services

SUBJECT MATTER: Revised Mountain Valley fire district map

COMMENTS/RECOMMENDATION:

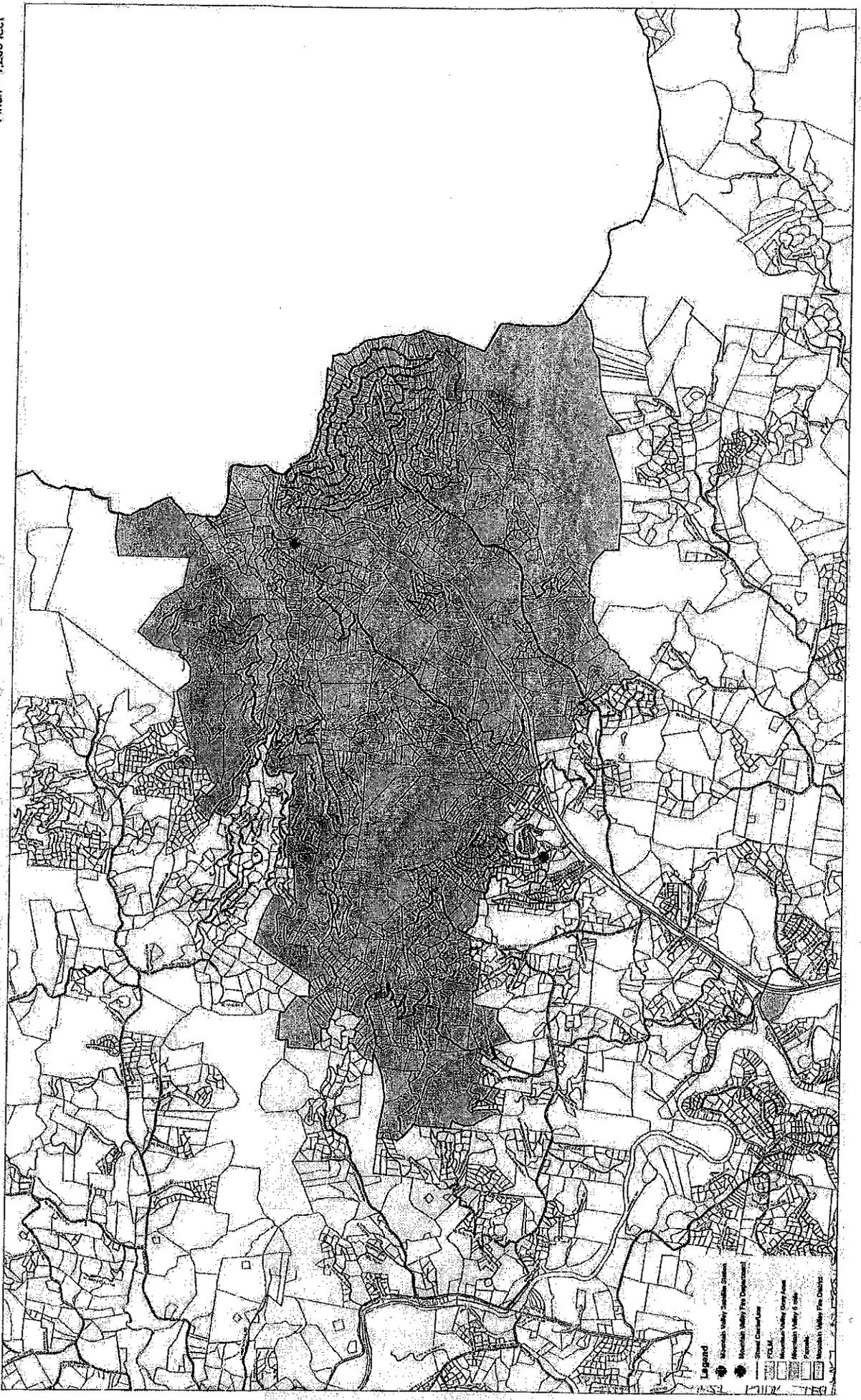
Emergency Management Director Warren Cabe will be at the meeting to provide additional information. Essentially, the request is for approval of the Mountain Valley Fire District Map without a substation but with a satellite station instead. By going with a satellite station, it will allow the department to operate with 20 members instead of 28, as the substation requires the extra members. A copy of the revised map is attached.

Attachments X(1) Yes No

Agenda Item 11A

Mountain Valley Fire Districts

1 inch = 1,200 feet



- Legend**
- Mountain Valley Fire Stations
 - ⊗ Mountain Valley Fire Departments
 - Street Centerlines
 - - - FSLM
 - ▭ Mountain Valley County Line
 - ▭ Mountain Valley Fire Districts
 - - - Mountain Valley Fire Districts

MACON COUNTY BOARD OF COMMISSIONERS

AGENDA ITEM

MEETING DATE: August 9, 2016

DEPARTMENT/AGENCY: Solid Waste

SUBJECT MATTER:

- 1) Approval of Budget Amendment to increase Fund Balance appropriated to the Capital Equipment line-item in the amount of \$794,500.00.
- 2) Recommendation of award for Landfill Compactor to CMI Roadbuilding for a TM11 Compactor in the amount of \$763,900.00.

DEPARTMENT HEAD COMMENTS/RECOMMENDATION:

Items 1 & 2 above are related to the purchase of a new landfill compactor. This purchase was approved in FY2015-16 Budget, but completion of the bid process crossed over into FY2016-17. This requires the requested Budget Amendment to take funds from last year's budget; that were transferred at end-of-year to fund balance; and re-appropriate them to the current fiscal year.

CMI Roadbuilding provided the lowest bid price of \$754,800.00. This price includes a 5year/10,000hour extended warranty, and optional equipment including Live Link and GPS systems for the machine. In negotiations with the low bidder, I discovered that they had not bid for a full GPS package; including base station and computer software that would give us full functionality of the GPS system. This amount was amended to \$49,900.00 for the complete package. Additionally, the price of \$4,100.00 for the Live Link system from Cummins will be covered in the base price. Finally, at the recommendation of CMI, we are opting to not include the purchase of cleaner bars on the machine (If this becomes an unexpected issue, we can have the cleaner bars retrofit to the machine at a later time.). I am also recommending the purchase of additional options associated with the GPS system (Quote attached.): GPS system for the CAT Dozer that will communicate with the compactor @ \$24,900.00; Slope sensor upgrades for the Compactor and Dozer 2@ \$1,900.00; wiring harness for existing compactor allowing relocation of GPS system to this machine during maintenance and repairs of the new compactor. Total price: \$794,500.00.

COUNTY MANAGER'S COMMENTS/RECOMMENDATION:

Attachments Yes No

Compactor Evaluation and Scoring Matrix

Landfill Compactor for Macon County's Solid Waste Department
 Bid Request No. 604712-01
 Bid Opening: June 29, 2016: 3:30pm
 Location: Macon County Courthouse Annex; Second Floor; 5 West Main Street, Franklin, NC 28734

Bid Furnished By	CMI Roadbuilding	James River Equipment	Landfill Equipment
Manufacturer	CMI	Bomag	Landfill Equipment
Model	TM11	BC97/RB-4	C450
Distance to Nearest Service Center	150 Miles	62 Miles	98 Miles
Weight Capacity	110,000 pounds	106,935 pounds	99,288 pounds
Compactor Base Price	\$685,000	\$715,816.00	\$697,500.00
Items 2-10 Compliance	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Warranty:			
Total Machine Coverage Warranty	Standard: 17,000 hrs	Standard: 17,000 hrs	Standard: 17,000 hrs
Extended Power Train Warranty	\$29,000.00	\$37,037.00	\$25,500.00
Cleat Wear Warranty	Standard: 376,000 lbs	Standard: 376,000 lbs	Standard: 376,000 lbs
Optional Equipment:			
Back-up Camera/Video System	Standard	Standard	Standard
Live Link Software	\$4,100.00 *	Standard	\$5,500.00
Landfill GPS Management System	\$24,850.00 *	Standard	\$45,350.00
Wheel Wrap/Cleat Cleaning Systems	\$11,850.00 (not recommended)	Standard	Standard
Non-Collision Affidavit	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Addenda #1 Acknowledgement	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Addenda #2 Acknowledgement	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Total Bid Amount	\$754,800.00	\$758,848.00	\$800,000.00

Notes:

CMI: Engine: Cummins QSK 525 HP turbo-charged air cooled diesel engine; hydrostatic transmission; central lubrication bank (deduct if not included); * Live link hardware and software to be provided at no charge (\$4,100.00); * GPS quoted for equipment hardware only: corrected quote for full GPS package is \$49,900.00; Total Bid Amount = \$775,750.00

Tana: Cummins QSK 15 580 HP turbo-charged diesel engine; hydrostatic transmission;

Caterpillar: Cat C18 ACERT 555 HP diesel engine; mechanical drive system; does not have central lube system, but does have central lube bank;

Bomag: OM 473 LA Mercedes Benz/MTU 576 HP diesel engine; hydrostatic transmission; central lubrication system;

Al-Jon: Cummins QSK15 535 GHP diesel engine; hydrostatic transmission; Warranty: 5 year/10,000 hour warranty for damage due to wheel wrap; Vendor did not reply to request for location of closest machine in operation for Landfill Staff to evaluate.

PRICE QUOTE

Date: 7/29/2016
 Invoice # 149
 Expiration Date: 9/1/2016

AMW Machine Control
 6963 Cherry Wood Ln.
 Saranac, MI 48881
 616-642-9514
 matt@amwgps.com

To Chris Stahl
 Macon County Landfill
 109 Sierra Dr.
 Franklin, NC 28734
 828-342-0037
 Customer ID maconconc

828-349-2100	Job	Shipping Method	Shipping Terms	Delivery Date	Payment Terms	Due Date
MK		UPS	Included	3 weeks	Net 30	

Qty	Item #	Description	Unit Price	Discount	Line Total
1	Compact3	AMW Compact III GPS System 900MHz or Cellular	49,900		49,900
1	C3Dozer	Additional Compact III Dozer System	24,900		24,900
1	SlopeIND	Slope Sensor Upgrade for Compactor	1900		1900
1	SlopeIND	Slope Sensor Upgrade for Dozer	1900		1900
1	AddWire	Additional Wiring for Backup Compactor	1900		1900
		***See Attached Notes			
Total Discount					
					Subtotal
					Sales Tax
					Total

Quotation prepared by: _____

This is a quotation on the goods named, subject to the conditions noted below: (Describe any conditions pertaining to these prices and any additional terms of the agreement. You may want to include contingencies that will affect the quotation.)

To accept this quotation, sign here and return: _____



The World's Most Accurate Machine Control!

Thank you for your business!

Notes

1. The AMW Compact III system can be purchased as 900MHz or Cellular system as requested.
2. Onsite installation and training are included. Typically 3 full days on site. Also included is a return visit for additional training. Typically 2 days on site.
3. System includes a 1 year warranty on all hardware. Normal use replacement.
4. Remote and phone support is included.
5. The optional slope sensor includes installation.
6. With the cellular system the customer is responsible for obtaining a sim card activated with a 2GB per month data plan.

MACON COUNTY BOARD OF COMMISSIONERS

AGENDA ITEM

MEETING DATE: August 9, 2016

DEPARTMENT/AGENCY: Solid Waste

SUBJECT MATTER:

Approval of Change Order 1: Macon County Landfill Phase III construction project in the amount of \$26,727.00

DEPARTMENT HEAD COMMENTS/RECOMMENDATION:

This Change Order is based on the proposal attached. The need for these additional items is related to the stormwater outfalls located at the Transit/Garage & Maintenance Facilities. At the request of those departments, and at the end of the design process, I added parking areas in the buffer area between their facilities and the new landfill. I did not anticipate or consider utility issues at the time. The stormwater outfalls will have to be piped to drain away from the area to accommodate this construction. The attached proposal is not the official change order form, but lead-time on materials and project schedule require approval as soon as possible so that Shamrock and place the order. In addition to this work, the project will also require the replacement of the sewer lift station and force main serving these facilities. I will have a complete estimate for approval as soon as I receive all of the proposals. I believe that there are enough funds in the project with optional work items and quantity estimates to cover these items without additional funding from Enterprise Reserve Funds. Again, the critical action needed at this time is approval to purchase these materials.

COUNTY MANAGER'S COMMENTS/RECOMMENDATION:

Attachments Yes No

CHANGE ORDER NO. ONE

Date 07/29/2016
Agreement Date _____
Project Macon County MSW Landfill Phase 3 Cell 1
Owner Macon County, North Carolina
Contractor Shamrock Environmental Corporation
McGill Project No. 13.00726

The Contract is changed as follows:

1. Junction Box 4A - \$3,492.00 LS
2. Junction Box 4B - \$3,611.00 LS
3. Junction Box 5A - \$4,067.00 LS
4. Junction Box 5B - \$3,203.00 LS
5. Concrete Headwall 34&35 (\$957.00 EA) - \$1,914.00
6. 15" CPP N12/WT (360LF @ \$29.00LF) - \$10,440.00

The original contract sum was	\$6,710,362.00
The net change by previously authorized Change Orders	\$000.00
The Contract Sum prior to this Change Order was	\$6,710,362.00
The Contract Sum will be {increased} {decreased} in the amount of	\$26,727.00
The new Contract Sum including this Change Order will be	\$6,737,089.00

The Contract Time will be {increased} {decreased} by **Seven (7)** days

NOTE: This Change Order does not include changes in the Contract Sum, Contract Time or Guaranteed Maximum Price which have been authorized by Construction Change Directive until the cost and time have been agreed upon by both the Owner and Contractor, in which case a Change Order is executed to supersede the Construction Change Directive.

Not valid until signed by the Engineer, Contractor and Owner.

Accepted by: _____ - Owner

_____ Name, Title	_____ Date
Accepted by: <u>Shamrock Environmental</u> <u>Ryan L. Mack PM</u>	<u>07/29/16</u>
_____ Name, Title	_____ Date

Recommended by: **McGill Associates Inc.**

_____ Name, Title	_____ Date
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MACON COUNTY BOARD OF COMMISSIONERS

AGENDA ITEM

MEETING DATE: August 9, 2016

DEPARTMENT/AGENCY: Transit

SUBJECT MATTER: Request for allocation

COMMENTS/RECOMMENDATION:

Please see the attached e-mail from Kim Angel for details. Ms. Angel will be at the meeting.

Attachments X (1) Yes No

Agenda Item 11C

Mike Decker

From: Kim Angel <kangel@maconnc.org>
Sent: Tuesday, August 02, 2016 4:16 PM
To: Mike Decker
Cc: Derek Roland
Subject: Agenda item

Mike,

I need an agenda item added to the August BOC meeting agenda please. I will be asking the Board to allocate \$13,860 to the transit department.

The reason for this request will be to add a "Transit Door System" (school bus type entry) to the three vehicles that we will be ordering in FY17. Due to funding constraints, NCDOT is no longer participating in the cost to convert vans from sliding doors to this type of entry door. When we originally budgeted for these vehicles, we were planning to use the sliding door vehicles. We have received four of these vehicles (on June 30) and put them in service on July 18. During that two week time frame, we have had numerous complaints from passengers and MCT Operators about the inability of elderly passengers to board the vehicle due to the height of the step to enter the vehicle.

We feel this poses a serious safety issue for our elderly and disabled passengers, therefore, we will be asking the Board to allocate County funds to ensure we continue our high level of safety we have achieved.

The total cost of each vehicle is about \$56,000, of which the County pays a 10% match of \$5,600. With the additional \$4,620 for the door, the total investment by the County will be approximately \$10,220 per vehicle.

Thank you for including this request in the August BOC meeting agenda!



36 Pannell Lane
Franklin, NC 28734
(828) 349-2222

MACON COUNTY BOARD OF COMMISSIONERS

AGENDA ITEM

MEETING DATE: August 9, 2016

DEPARTMENT/AGENCY: Parks and Recreation

SUBJECT MATTER: Approval of NCDOT Construction Agreement for Parker Meadows Recreation Complex Paving Project

COMMENTS/RECOMMENDATION:

Please see the attached agreement with NCDOT regarding the paving of the greenway and parking lots at the complex. The County Manager can provide additional details at the meeting.

Attachments X (1) Yes _____ No

Agenda Item 11D

NORTH CAROLINA
MACON COUNTY

TRAFFIC – DOT CONSTRUCTION AGREEMENT

DATE: 8/4/2016

NORTH CAROLINA DEPARTMENT OF
TRANSPORTATION

AND

WBS Elements: 36249.3677

MACON COUNTY

THIS AGREEMENT is made and entered into on the last date executed below, by and between the North Carolina Department of Transportation, an agency of the State of North Carolina, hereinafter referred to as the "Department" and Macon County, hereinafter referred to as the "County".

WITNESSETH:

WHEREAS, the Department and the County propose to make certain improvements under said project in Macon County; and,

WHEREAS, the County has agreed to participate in the cost of the project as hereinafter set out.

NOW, THEREFORE, the parties hereto, each in consideration of the promises and undertakings of the other as herein provided, do hereby covenant and agree, each with the other, as follows:

SCOPE OF THE PROJECT

1. The Project consists of an Asphalt Surface Treatment (AST) for the Parker Meadow's greenway and parking lot access.

PHASES OF WORK

2. The Department shall be responsible for all phases of the project, including planning, design, right of way, utilities, construction and contract administration. All work shall be done in accordance with Departmental standards, specifications, policies and procedures.

FUNDING

3. The County shall reimburse the Department one hundred percent (100%) of the actual cost of all work performed by the Department, including administrative costs. Based on the estimated cost of \$13,000, the County shall submit a check to the Department's Division Engineer upon

execution of this Agreement by the County. Upon completion of the project, if actual costs exceed the amount of payment, the County shall reimburse the Department any underpayment within sixty (60) days of invoicing by the Department. If the actual cost of the work is less than \$13,000, the Department shall reimburse the County any overpayment. The Department shall charge a late payment penalty and interest on any unpaid balance due in accordance with G.S. 147-86.23.

MAINTENANCE

4. The County, at its own expense, shall be responsible for all liability and maintenance responsibilities for the greenway and parking lot upon completion and of the project.

ADDITIONAL PROVISIONS

5. The Department shall not be liable and shall be held harmless from any and all claims that might arise on account of the County negligence and/or responsibilities under the terms of this agreement and/or project.
6. By Executive Order 24, issued by Governor Perdue, and N.C. G.S. § 133-32, it is unlawful for any vendor or contractor (i.e. architect, bidder, contractor, construction manager, design professional, engineer, landlord, offeror, seller, subcontractor, supplier, or vendor), to make gifts or to give favors to any State employee of the Governor's Cabinet Agencies (i.e., Administration, Commerce, Correction, Crime Control and Public Safety, Cultural Resources, Environment and Natural Resources, Health and Human Services, Juvenile Justice and Delinquency Prevention, Revenue, Transportation, and the Office of the Governor).
7. Pursuant to G.S. 147-86.59, any person identified as engaging in investment activities in Iran, determined by appearing on the Final Divestment List created by the State Treasurer pursuant to G.S. 147-86.58, is ineligible to contract with the State of North Carolina or any political subdivision of the State. The Iran Divestment Act of 2015, G.S. 147-86.55 *et seq.* requires that each vendor, prior to contracting with the State, certify that the contracting party meets the requirements of the Iran Disinvestment Act. The State Treasurer's Final Divestment List can be found on the State Treasurer's website at the address www.nctreasurer.com/Iran and will be updated every 180 days.

By execution of this Agreement each Party certifies that neither it nor its Agents or Contactors/Subcontractors 1) are on the Final Divestment List of entities that the State Treasurer has determined engages in investment activities in Iran; 2) shall not utilize on any contract with

the State agency any subcontractor that is identified on the Final Divestment List; and 3) that the undersigned are authorized by the Parties to make this Certification.

During the term of this Agreement, should the Parties receive information that a person is in violation of the Act as stated above, the Department will offer the person an opportunity to respond and the Department will take action as appropriate and provided for by law, rule, or contract. Should this Act be voided by NC General Statute, this Agreement will remain valid; however this certification will no longer be required.

IN WITNESS WHEREOF, this Agreement has been executed, in duplicate, the day and year heretofore set out, on the part of the Department and the County by authority duly given.

ATTEST: MACON COUNTY
BY: _____ BY: _____
TITLE: _____ TITLE: _____
DATE: _____

Approved by _____ of the local governing body of the Macon County as attested to by the signature of Clerk of said governing body on _____ (Date)

N.C.G.S. § 133-32 and Executive Order 24 prohibit the offer to, or acceptance by, any State Employee of any gift from anyone with a contract with the State, or from any person seeking to do business with the State. By execution of any response in this procurement, you attest, for your entire organization and its employees or agents, that you are not aware that any such gift has been offered, accepted, or promised by any employees of your organization.

Federal Tax Identification Number

(SEAL)

Remittance Address:

Macon County

DEPARTMENT OF TRANSPORTATION

BY: _____
(CHIEF ENGINEER)

DATE: _____

PRESENTED TO BOARD OF TRANSPORTATION ITEM O: _____

MACON COUNTY BOARD OF COMMISSIONERS

AGENDA ITEM

MEETING DATE: August 9, 2016

DEPARTMENT/AGENCY: Information Technology

SUBJECT MATTER: Telephony Project

COMMENTS/RECOMMENDATION:

Information Technology Director Andy Muncey will have an update on the proposed new telephone system for the county.

Attachments _____ Yes X No

Agenda Item 11E

MACON COUNTY BOARD OF COMMISSIONERS

AGENDA ITEM

MEETING DATE: August 9, 2016

DEPARTMENT/AGENCY: Governing Board/Administration

SUBJECT MATTER: County Manager's Salary

COMMENTS/RECOMMENDATION:

Commissioner Tate has requested time on the agenda for a discussion regarding the County Manager's salary.

Attachments _____ Yes No

Agenda Item 11F

MACON COUNTY BOARD OF COMMISSIONERS

AGENDA ITEM

MEETING DATE: August 9, 2016

DEPARTMENT/AGENCY: Governing Board

SUBJECT MATTER: Designation of voting delegate to NCACC
Annual Conference

COMMENTS/RECOMMENDATION:

The board will need to select a designated voting delegate for the upcoming NCACC Annual Conference to be held in Forsyth County August 11-14, 2016.

Attachments _____ Yes No

Agenda Item 11G

MACON COUNTY BOARD OF COMMISSIONERS

AGENDA ITEM

MEETING DATE: August 9, 2016

DEPARTMENT/AGENCY: Governing Board

SUBJECT MATTER: Consent Agenda

DEPARTMENT HEAD COMMENTS/RECOMMENDATION:

- A. **Minutes** – Consideration of the minutes from the June 14, 2016 regular meeting, the June 28, 2016 continued session, the July 12, 2016 regular meeting and the July 19, 2016 continued session, per Attachment 12A.
- B. **Finance** – Consideration of Budget Amendments #17 through #22, per Attachment 12B.
- C. **Tax releases** – A list of tax releases for the board's consideration will be forwarded under a separate e-mail on Monday, August 8th, per Teresa McDowell.
- D. **2015 Year End Settlement Report** – The documentation for this item will be forwarded as a separate attachment, as it is 43 pages in length. Per Teresa McDowell, it does not require board action and is for information and review only.

COUNTY MANAGER'S COMMENTS/RECOMMENDATION:

Attachments Yes No

Agenda Item 12(A) and (B)

MACON COUNTY BOARD OF COMMISSIONERS
JUNE 14, 2016
MINUTES

Chairman Corbin called the meeting to order at 6:00 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: Those in attendance watched a video from the North Carolina Association of County Commissioners (NCACC) that provided an update on recent NCACC activities.

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 THE FISCAL YEAR 2016-17 BUDGET: Chairman Corbin opened the public hearing on the recommended Fiscal Year 2016-17 budget at 6:06 p.m., noting that the purpose of the hearing was to allow speakers to address the board regarding the proposed budget. No one signed up to speak, and Chairman Corbin closed the public hearing at 6:07 p.m.

BUDGET DISCUSSION/ADOPTION: Chairman Corbin then recognized the County Manager, who first addressed efforts to restore the allocation for operating expenses for Macon County Schools to the previous year's level of \$7.3 million. In order to do so, he explained that funding for renovations for Wesley's Park and for the Robert C. Carpenter Community Building would instead come from fund balance. Also, he said that following discussion with Commissioner Tate, Emergency Services Director Warren Cabe and representatives of the Otto Volunteer Fire Department, the recommendation

was to raise the department's tax rate from .0614 cents to .065 cents for the coming year, which would bring in an additional \$17,170 in revenue. As to the third item the board requested that he study, the County Manager recommended waiting until the state budget is approved before allocating funds for the county's portion of a new truck for the North Carolina Forest Service. Chairman Corbin then asked the board members to address each item individually. Commissioner Beale said he concurred with the County Manager's remarks regarding the school system, calling it a good compromise that "leaves the schools in a very good position going forward." Moving on, Commissioner Beale stated that the original budget for renovating the community building was "not appropriate," and Chairman Corbin asked that the County Manager do an assessment of all county buildings and "come up with a plan," adding that he was not looking for a formal vote by the board but merely a consensus, and the board agreed. Commissioner Beale noted at this point that county officials were in discussions with other parties to provide meals for the inmates at the county's detention center and possibly the senior center as well, adding that those conversations are continuing. Commissioner Tate said he concurred with the increase in the tax rate for Otto Volunteer Fire Department, and Chairman Corbin said he agreed with the County Manager's idea to wait on state action prior to committing funds for the forest service vehicle. The board turned its attention to consideration of adopting the budget, and the Finance Director went over the latest changes and gave the board members the "final" budget figure of \$47,696,749. She also noted that the volunteer fire department budgets total \$3,193,199. Commissioner Tate made a motion to approve the budget as amended, and the motion was seconded by Commissioner Shields, which led to further discussion. Commissioner Higdon congratulated the County Manager, Finance Director and those who worked on the pay plan. Commissioner Beale also expressed his thanks to those who worked on the pay plan and the budget, saying it was "refreshing" to see the school system have a \$2-million fund balance. Chairman Corbin noted that neighboring Jackson County was the "closest comparison we have," and that the tax rate there went up three cents and the budget in Jackson exceeds \$66 million, which includes the fire tax. He pointed out that if you add the fire department budgets to Macon's overall budget, the number goes to approximately \$51 million, and Macon's contains no increase in the rate of 34.9 cents per \$100 valuation. All five members raised their hands to vote unanimously to approve the budget ordinance for Fiscal Year 2016-2017, a copy of which is attached (Attachment 1) and is hereby made a part of these minutes.

PUBLIC COMMENT: **Richard Shope**, the new president of Macon County Youth Football, told the board that although the county had purchased new helmets and shoulder pads to replace those damaged by flood waters, the league needed as much as \$10,000 more to buy new "practice" equipment. Mr.

Shope handed out a list of the items needed, which prompted replies from some of the members and the County Manager saying this was the first time they had heard of this need. In addition, Mr. Shope told the board that the equipment would be needed by the time practice starts on July 11th. Commissioner Beale questioned why the board was only hearing about this now, and a lengthy discussion ensued. Commissioner Beale then made a motion to authorize \$6,200 to come from contingency to help purchase the equipment, but the Finance Director reminded the board members that they had already appropriated \$40,960 earlier in the year to replace football and soccer equipment damaged by the flooding. Commissioner Beale withdrew his motion, and the consensus of the board was to have the football league representatives work with the County Manager and Parks and Recreation Director Seth Adams to obtain the necessary items, while the county would continue to pursue an insurance claim on this matter.

ADDITIONS, ADJUSTMENTS TO AND APPROVAL OF THE AGENDA: Upon a motion by Commissioner Tate, seconded by Commissioner Shields, the board voted unanimously to make additions to and approve the agenda as adjusted, as follows:

- To remove Item 11G under New Business, "Consideration of Macon County Wellness policy," per the County Manager.
- To correct the amount of Budget Amendment #270 to \$4,560 rather than \$4,260 as shown in the Consent Agenda (Item 12B), per the Finance Director.
- To table approval of the May board minutes until the June 28th continuation meeting, per the Deputy Clerk.
- To add consideration of an additional grant opportunity under Item 10G, "Follow up on proposed economic development Project Tech," per the County Attorney.

RESOLUTION REGARDING INCREASING PER PUPIL FUNDING AND FULLY FUNDING PUBLIC SCHOOLS: John deVille, a teacher at Franklin High School, asked the board to consider a proposed resolution regarding per pupil funding and fully funding public schools. A copy of the language of the proposed resolution is attached (Attachment 2) and is hereby made a part of these minutes. Mr. deVille cited a number of statistics during his request for the board to adopt the resolution, which is similar to one approved by the Macon County Board of Education on May 23, 2016. Following his presentation and some discussion, Commissioner Shields made a motion to approve the language of the resolution as presented, and the motion was seconded by Commissioner Beale. Commissioner Higdon questioned why Mr. deVille was seeking funding levels restored to those last seen in 2008, and he explained. Chairman Corbin then questioned some of the statistics and "language" used in the resolution, as did Commissioner Tate, and a lengthy

discussion followed. Ultimately, Commissioner Beale rescinded his second to the motion, and Commissioner Shields then withdrew his motion, and Mr. deVille was asked to come back in the future with a clarified and updated version of the resolution. No action was taken.

CAPITAL PROJECT ORDINANCE AMENDMENT - PARKER MEADOWS RECREATIONAL COMPLEX: Following an explanation by the Finance Director, and upon a motion by Commissioner Beale, seconded by Commissioner Shields, the board voted unanimously to approve a Capital Project Ordinance Amendment for the Parker Meadows Recreation Complex, with the overall total at \$3,790,840. A copy of the ordinance amendment is attached (Attachment 3) and is hereby made a part of these minutes.

CAPITAL PROJECT ORDINANCE - AIRPORT TAXIWAY PAVEMENT & LIGHTING REHABILITATION: Following an explanation by the Finance Director, and upon a motion by Commissioner Tate, seconded by Commissioner Shields, the board voted unanimously to approve a Capital Project Ordinance for Airport Taxiway Pavement & Lighting Rehabilitation, with the overall total at \$2,500,000. A copy of the ordinance is attached (Attachment 4) and is hereby made a part of these minutes.

CAPITAL PROJECT ORDINANCE - AIRPORT 2015 NON-PRIMARY ENTITLEMENT: Following an explanation by the Finance Director, and upon a motion by Commissioner Tate, seconded by Commissioner Beale, the board voted unanimously to approve a Capital Project Ordinance for Airport 2015 Non-Primary Entitlement 36237.1.NPE.15 with the overall total at \$166,667. A copy of the ordinance is attached (Attachment 5) and is hereby made a part of these minutes.

CAPITAL PROJECT ORDINANCE - AIRPORT 2014 NON-PRIMARY ENTITLEMENT: Following an explanation by the Finance Director, and upon a motion by Commissioner Tate, seconded by Commissioner Beale, the board voted unanimously to approve a Capital Project Ordinance for Airport 2014 Non-Primary Entitlement 36237.1.NPE.14 with the overall total at \$166,667. A copy of the ordinance is attached (Attachment 6) and is hereby made a part of these minutes.

GRANT PROJECT ORDINANCE AMENDMENT - DUKE ENERGY INCOME QUALIFIED WEATHERIZATION PROGRAM: Following an explanation by the Finance Director, and upon a motion by Commissioner Tate, seconded by Commissioner Shields, the board voted unanimously to approve a Grant Project Ordinance Amendment for the Duke Energy Income Qualified Weatherization Program in the amount of \$65,499. A copy of the ordinance

amendment is attached (Attachment 7) and is hereby made a part of these minutes.

GRANT PROJECT ORDINANCE AMENDMENT – DUKE ENERGY’S HELPING HOME FUND: Following an explanation by the Finance Director, and upon a motion by Commissioner Beale, seconded by Commissioner Shields, the board voted unanimously to approve a Grant Project Ordinance Amendment for Duke Energy’s Helping Home fund in the amount of \$262,087. A copy of the ordinance amendment is attached (Attachment 8) and is hereby made a part of these minutes.

“PROJECT TECH” UPDATE: The County Attorney began by explaining that a public hearing would need to be held to receive comment on the proposed economic development incentives being considered by the board, and that the hearing would be held June 28th at 6 p.m. Economic Development Director Tommy Jenkins told the board that there was now a second grant opportunity associated with Project Tech – this one a building reuse grant. Mr. Jenkins said that a \$187,500 grant was available for the project, with a county match of \$9,375, if the company in question would create 15 jobs within 24 months of the grant award and then employ those new workers for six consecutive months. Chairman Corbin mentioned the possibility of bringing Region A in as the grant administrator, which would increase the grant by 10 percent and result in the county’s share to increase by \$920. The County Attorney told the board members that they would need to authorize the pre-application, with the full application due July 8th. Commissioner Higdon made a motion to do so, seconded by Commissioner Shields, and after some discussion regarding when the matching funds would need to be allocated, the motion was unanimously approved.

CONTRACT WITH DRAPER ADEN ASSOCIATES: The County Attorney handed out copies of a letter from Draper Aden Associates dated May 20, 2016 regarding the firm’s proposal for engineering services for the new landfill cell. He explained that the board had approved this arrangement some time ago but noted that the specifications had been updated, new schedules were attached and how the money was to be spent had been changed. The County Attorney reviewed the changes and recommended that the board approve the document in an amount not to exceed \$225,700. Upon a motion by Commissioner Tate, seconded by Commissioner Higdon, the board voted unanimously to approve the contract as presented, a copy of which is attached (Attachment 9) and is hereby made a part of these minutes.

Chairman Corbin declared a recess at 8:02 p.m.

Chairman Corbin called the meeting back to order at 8:15 p.m.

APPOINTMENT OF ANIMAL CRUELTY INVESTIGATOR: Jimmy Villiard with Macon County Public Health explained that with the upcoming retirement of John Hook at the end of the June, the commissioners would need to appoint a new animal cruelty investigator for the county, as outlined in state statute. Mr. Villiard recommended Brent Hyatt, one of the county's current animal control officers, to fill the role, and upon a motion by Commissioner Beale, seconded by Commissioner Shields, the board voted unanimously to approve the recommendation as presented, effective July 1, 2016.

PUBLIC HEALTH FEE CHANGES: Tammy Keezer with Macon County Public Health explained that the Board of Health had given its approval to changes in water sampling/testing fees as well as clinic fee changes, and now those fee changes were before the commission for its approval. Following some questions from Commissioner Beale, and upon a motion by Commissioner Higdon, seconded by Commissioner Tate, the board voted unanimously to approve the fee changes as presented. Copies of the changes are attached (Attachment 10) and are hereby made a part of these minutes.

EVERGREEN FOUNDATION GRANT REQUEST: Emergency Services Director Warren Cabe discussed his agency's community paramedic program and how it provides care to individuals after they return home from a hospital stay. He told the board that it has been very successful, as there are anywhere from 20 to 30 patients at a time in the program. He went on to explain that he had been approached by the Evergreen Foundation to supply a similar service for mental patients in terms of helping them understand the medications they have been prescribed and how to take them. He said there are very few of these programs in the state, with the closest one being in McDowell County. He asked to submit a grant application to the Evergreen Foundation for \$34,499.28 to cover additional staff time, training and vehicle expense associated with the program. Commissioner Beale said this could be "a real game changer" for those who might otherwise face an involuntary commitment, and praised the program as "very innovative," voicing his support for it. Mr. Cabe noted that no match was required. Upon a motion by Commissioner Beale, seconded by Commissioner Shields, the board voted unanimously to approve the request to seek the grant funds and expand the program.

TELEPHONY PROJECT: Information Technology Director Andy Muncey presented the board with an overview of the county's planned implementation of a new telephone system. Mr. Muncey told the board that this would be a "voice over IP" offering, and that by going with a "hosted solution," there would be limited on-site hardware involved. He discussed in detail the process that the IT department used to prepare a request for proposals, with the goal of reducing the county's monthly phone cost and to have a "next generation

solution.” The proposals from various vendors are not public until the contract is awarded, and the County Attorney explained how a state statute guides the process. A committee was formed to review the proposals, and on-site demonstrations were given. Based on a number of factors, Frontier was chosen as the preferred provider, and Mr. Muncey asked the board to ratify the procedure that was used and to find that Frontier was the best choice and to further ask that the County Manager be authorized to proceed with negotiations. This led to a lengthy discussion, with some of the board members requesting to see the list of potential vendors and pricing. The County Manager pointed out that this could save the county \$140,000 a year. No action was taken, and the board agreed to discuss the matter further at the next meeting.

DUKE ENERGY’S HELPING HOME FUND: The Finance Director presented a Memorandum of Understanding (MOU) regarding Duke Energy’s Helping Home Fund, noting that it would add an additional \$47,000 in funding for a total of \$132,714 for the 2016 calendar year. Upon a motion by Commissioner Beale, seconded by Commissioner Shields, the board voted unanimously to approve the MOU as presented, a copy of which is attached (Attachment 11) and is hereby made a part of these minutes.

FIREWORKS DISPLAYS: The board agreed to table action on requests to conduct fireworks displays in Nantahala and Franklin until the June 28th meeting.

CONSENT AGENDA: Upon a motion by Commissioner Higdon, seconded by Commissioner Shields, the following items on the consent agenda were approved unanimously: **Minutes** – Tabled approval of the minutes from the May 10, 2016 regular meeting and the May 31, 2016 continued session. **Budget amendments** – Approved the following budget amendments: #266 for the Sheriff’s Department to appropriate \$3,527 in insurance settlement funds for vehicle repairs; #267 for the Sheriff’s Department to appropriate \$1,340 in insurance settlement funds for vehicle repairs; #268 for Economic Development to appropriate a \$1,000 donation from Duke Energy; #269 for Senior Services to appropriate \$502 from an additional allocation from Duke Energy Assistance for Project Fans; #270 for Health to appropriate \$4,560 in additional Tobacco Grant revenue that will be budgeted to pay for June 2016 expenses; #271 for Transfers to appropriate \$70,445 from fund balance as a loan to Fund 42 – the Clean Water Management Trust Fund – as work on a project will be completed prior to June 30 but reimbursement won’t occur until after June 30, placing Fund 42 in a negative cash position; #272 for Senior Services to allocate \$5,800 in additional funding to cover increased demands for meals; #273 for Housing to allocate a \$47,000 budget increase from a Duke Energy Helping Hands Program grant. (Revisions with corresponding numbers attached).

Closure of inmate account – Approved a request from the Finance Director to close the Macon County Inmate Account at First Citizens Bank and to transfer the \$4,440.40 balance to the county’s account at Wells Fargo.

APPOINTMENTS: **(1) Board of Health:** Upon a motion by Commissioner Higdon, seconded by Commissioner Tate, the board voted unanimously to appoint Billi Black and Gena Futral to the Macon County Board of Health for terms of three years, both as “general public” appointments. **(2) Region A Aging Advisory Council:** Upon a motion by Commissioner Beale, seconded by Commissioner Shields, the board voted unanimously to reappoint Dorothy Crawford, Commissioner Beale and Jim Bruckner as the county’s members of the Region A Aging Advisory Council, and to reappoint Melissa Leatherman and Sue Waldroop as alternates and to appoint Patrick Betancourt to replace Jane Kimsey as an alternate on the council. Terms of appointment are for three years.

RECESS: With no other business, and at 9:02 p.m., upon a motion by Commissioner Beale, seconded by Commissioner Shields, the board voted unanimously to recess the meeting until Tuesday, June 28, 2016 at 6 p.m. in the commission boardroom on the third floor of the Macon County Courthouse, 5 West Main Street, Franklin, NC.

Derek Roland
Ex Officio Clerk to the Board

Kevin Corbin
Board Chairman

**MACON COUNTY BOARD OF COMMISSIONERS
CONTINUED SESSION
JUNE 28, 2016
MINUTES**

Chairman Corbin reconvened the meeting at 6:01 p.m. in the commission boardroom as recessed from the June 14, 2016 regular meeting. All board members, the County Manager, Deputy Clerk, Finance Director, County Attorney, members of the news media and interested citizens were present.

PUBLIC HEARING ON ECONOMIC DEVELOPMENT INCENTIVES: Chairman Corbin opened the public hearing at 6:01 p.m. to receive comments on the proposed monetary economic development incentives to be offered to a private business for local economic development in the county. No one signed up to speak. Chairman Corbin recognized Economic Development Director Tommy Jenkins, who provided an overview of two grant proposals for a local company looking to expand operations. The first item for "Project Tech" was a OneNC Program grant, which will provide \$90,000 from the North Carolina Department of Commerce in conjunction with a \$30,000 match from the county, based on the proposed expansion of the local company creating 35 new jobs over a five-year period with an average annual wage of \$48,886. The second is a Building Reuse Program grant, which will provide \$187,500 from the state with a \$9,375 match from the county in return for the company's commitment to create 15 new jobs within a 24 month period and to employ those newly hired individuals for six consecutive months. In return, Mr. Jenkins noted that Macon County gets a growing company, 35 new jobs, a "ripple effect" from increased wages and tax base and a "good signal" to companies and businesses thinking about locating here. Chairman Corbin noted that for a total planned investment of \$3.2-million, the county is investing \$39,375. The chairman also announced that he would recuse himself from voting at the state-level meeting where he sits as a member of the committee that awards these types of grants. Chairman Corbin closed the public hearing at 6:10 p.m. and said a motion would be in order to fund the grant opportunities. The County Attorney said there would need to be one

motion to authorize either the County Manager or Chairman Corbin to sign the OneNC application, and upon a motion by Commissioner Beale, seconded by Commissioner Shields, the board voted unanimously to approve the OneNC grant application and to authorize the County Manager to sign it. Then, upon a motion by Commissioner Tate, seconded by Commissioner Higdon, the board voted unanimously to approve the Building Reuse Program application and authorized the County Manager to sign it. The County Attorney had also stated that the identity of the company had been disclosed to each of the board members in closed session. Mr. Jenkins noted that a formal announcement would come from the governor's office.

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

- To remove Item #6, "Continued discussion of telephony project," per the County Manager.
- To remove Item #7, "Consideration of wellness policy," per the County Manager.
- To add consideration of appointments to the Board of Health as the new Item #6.
- To add recognition of Lynn Wright as the new Item #7.
- To add discussion of the Southwestern Community College (SCC) "burn building" as the new Item #10, per Chairman Corbin.
- To add discussion regarding the County Manager as the new Item #11, per Commissioner Tate.
- To add discussion regarding the July regular meeting, per Commissioner Tate.
- To add discussion regarding funds for Macon County Public Library as part of Item #4, per Commissioner Beale.
- To move the current Item #8, "Consideration of ordinance amending the FY 2015-16 budget," to the end of the agenda if the board was going to be taking money from the contingency line item, per the Finance Director.
- To add a closed session, per Commissioner Beale.
- To add a new item as Item #13 from the Soil and Water Conservation District regarding a grant from the Clean Water Management Trust Fund as well as a capital project ordinance, per the County Attorney.
- Chairman Corbin said that the closed session would be Item #14 and adjournment as Item #15.

SECURITY SYSTEM AT SENIOR SERVICES: The County Manager explained that with a growing population of users at the Senior Services facility, security

has become a concern, prompting staff to obtain proposals for the installation of a security system. A recommendation has been made to the County Manager, who in turn took it to the Information Technology Department for a review. The County Manager explained that the two proposals received were "basically apples to apples," which each calling for the installation of panic buttons, additional keypads in the downstairs area, upgraded door controls and video surveillance systems. He said the recommendation was to go with NCI at a cost of \$12,325.50 and to authorize the County Manager to enter into a contract, with the funds to come from contingency. Commissioner Beale pointed out that there had been two incidents in adult daycare that prompted staff to call law enforcement, and he made a motion to approve the recommendation as presented. Commissioner Shields seconded the motion, and the Finance Director requested that the amount to come from contingency be rounded up to the nearest dollar, noting that there was approximately \$53,000 in that line item at present. The motion was then unanimously approved.

LIBRARY FUNDING: Commissioner Beale told the board that the Macon County Public Library had requested an increase of approximately \$120,000 in additional funding in the recently approved county budget, none of which was allocated. After a number of discussions with both library and county officials, Commissioner Beale said he was comfortable with suggesting a \$20,000 "contribution" to the library, and suggested allowing the library board to determine how the money could best be spent. He then made a motion to allocate \$20,000 from contingency for this purpose, with a check to be written prior to June 30th, and with the library board to report on how the money was spent. Commissioner Shields seconded the motion, and following further discussion, the board voted unanimously to approve the motion.

FIREWORKS DISPLAYS: Upon a motion by Commissioner Tate, seconded by Commissioner Higdon, the board voted unanimously to approve applications and grant permits for fireworks displays in Nantahala on July 2, 2016 and in Franklin on July 4, 2016.

RECOGNITION OF LYNN WRIGHT: The County Manager recognized Assistant Information Technology Director Lynn Wright, who on June 17th graduated from the UNC School of Government Certified Government Chief Information Officers Program. Ms. Wright was one of 57 people who completed the course, and was described by the County Manager as "one of the strongest people I know." Commissioner Beale presented her with a small gift from the board.

DISCUSSION REGARDING THE COUNTY MANAGER: Commissioner Tate said that in the recently approved pay plan update, one position was not addressed, that of the County Manager. He said that in reading a newspaper

article about the position in Jackson County, the job there paid "a significant amount more." That prompted him to look at other counties and check on salary ranges for the position in counties the size of Macon. He found that the average was approximately \$120,000. He then reviewed the accomplishments of the County Manager over the past three years, and then made a motion to give the County Manager a five percent bonus out of the funds left in the contingency line item, and asked that the board agree to have a discussion about a pay increase for the County Manager at the July regular meeting. Commissioner Beale seconded the motion. Following comments from other board members, the board voted unanimously to approve the motion as presented in the amount of \$5,490.

ORDINANCE AMENDING THE FISCAL YEAR 2015-16 BUDGET: The Finance Director provided an overview of the latest changes to the Ordinance Amending the Fiscal Year 2015-2016 Budget, noting that the "bottom line" of \$48,335,869 remained the same. Upon a motion by Commissioner Beale, seconded by Commissioner Shields, the board voted unanimously to approve the ordinance as presented, a copy of which is attached (Attachment 1) and is hereby made a part of these minutes. Commissioner Higdon took the opportunity to "brag" on the Finance Director, saying that she does a "phenomenal" job.

MINUTES: Upon a motion by Commissioner Beale, seconded by Commissioner Shields, the board voted unanimously to approve the minutes of the May 10, 2016 regular meeting and the May 31, 2016 continued session.

SCC "BURN BUILDING": Chairman Corbin explained that he had copies of correspondence regarding the status of SCC's "burn building" and that he had met with Dr. Don Tomas, the president of the college, about the school's priority to renovate the facility, which is reportedly nearing the end of its intended life. The discussion centered on the projected \$2-million cost of the project, \$500,000 of which would need to come from the county. Following a lengthy discussion, no action was taken.

JULY REGULAR MEETING: Commissioner Tate explained that he and the County Manager would be vacationing together during the time of the board's July 12th regular meeting and asked if the board could adjust the schedule. The County Attorney said this could be approached in one of two ways, as state statute requires the board to hold a regular monthly meeting. Chairman Corbin said the board can change the date with proper notice, and the County Attorney said there was no time to do so, as it would take a resolution of the board. The County Attorney suggested that the board meet on the 12th as scheduled and recess to a later date as needed, and Chairman Corbin

suggested that the board keep the agenda "short" for the 12th and continue to the 19th. No action was taken.

SOIL AND WATER CONSERVATION AGREEMENT: The County Attorney explained that he had prepared an interlocal agreement between the county and the Macon Soil Water Conservation District regarding the use of a \$191,000 grant from the Clean Water Management Trust Fund. He further explained that he had approached the Finance Director about the county advancing the money to the district to do the work and then getting reimbursed from the grant funds. Chairman Corbin said the board would need to approve the agreement as well as a capital project ordinance. Upon a motion by Commissioner Tate, seconded by Commissioner Beale, the board voted unanimously to approve the Interlocal Agreement as presented, a copy of which is attached (Attachment 2) and is hereby made a part of these minutes. Upon a motion by Commissioner Beale, seconded by Commissioner Tate, the board voted unanimously to approve a Capital Project Ordinance for the Cartoogechaye Stream Restoration CWMTF Project #2015-405 in the amount of \$191,000, a copy of which is attached (Attachment 3) and is hereby made a part of these minutes.

CLOSED SESSION: At 7:15 p.m., Commissioner Beale made a motion to go into closed session to discuss matters related to the purchase of property as allowed under NCGS 143-318.11(a)(5), and the motion was seconded by Commissioner Tate and passed unanimously. At 7:32 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, and at 7:32 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

**MACON COUNTY BOARD OF COMMISSIONERS
JULY 12, 2016
MINUTES**

Chairman Corbin called the meeting to order at 6:01 p.m. and welcomed those in attendance. All Board Members (with the exception of Commissioner Tate), the Deputy Clerk, Finance Director, County Attorney, members of the news media and interested citizens were present.

ANNOUNCEMENTS: There were no announcements.

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

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

PUBLIC COMMENT: **Bob Bourke** with Macon New Beginnings gave the board an update on the non-profit organization's activities. Having been in existence for over a year, Mr. Bourke said Macon New Beginnings had served 172 people, more than 70 of whom were homeless at the time. In addition to its backpack program, the group is now serving food in conjunction with a partnership with the Serving Spoon. He said that local churches and business have stepped up to help, and told the board that "Truly, God is at work in the community." He said volunteers have donated 1,100 hours of their time, and the organization is now serving a hot meal on Thursdays at 6 p.m. at Franklin Memorial Park. Commissioner Higdon asked Mr. Bourke how many homeless people were in the Franklin area on any given day, and his answer was 20.

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

- To add as Item #11D under New Business discussion of the “burn building” at Southwestern Community College (SCC), per Commissioner Shields.
- To add as Item #11E consideration of a Technology-Enabled Care Coordination Agreement, per the County Attorney.

RESOLUTION FOR BUILDING REUSE GRANT APPLICATION: The County Attorney handed out copies of a resolution stemming from action the board took at its June 28, 2016 continued session regarding a grant application to the state’s Building Reuse Program in association with “Project Tech.” Following brief comments from Chairman Corbin and the County Attorney, upon a motion by Commissioner Shields, seconded by Commissioner Beale, the board voted unanimously to approve a “Resolution of the Macon County Board of County Commissioners Supporting and Authorizing and Ratifying 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 the resolution is attached (Attachment 1) and is hereby made a part of these minutes.

RELEASE OF UNCOLLECTABLE MOTOR VEHICLE TAXES: Tax Administrator Richard Lightner requested that the board release a total of \$98,677.51 in uncollectable motor vehicle taxes, dating back as far as 2008. Mr. Lightner explained in detail his staff’s efforts to collect these taxes, and pointed out that the new state system of “Tax and Tag Together” will eliminate this issue going forward. The County Attorney added that since motor vehicle taxes do not constitute a lien, this can be difficult to recover. Following further discussion, upon a motion by Commissioner Higdon, seconded by Commissioner Shields, the board voted unanimously to release the taxes as recommended. A copy of the full report is on file in the Deputy Clerk’s Office. In closing, Mr. Lightner said that the collection rate on real estate taxes for 2015 is 98.18 percent.

GRANT PROJECT ORDINANCE/WEATHERIZATION ASSISTANCE PROGRAM - Following a brief explanation by the Finance Director, upon a motion by Commissioner Beale, seconded by Commissioner Shields, the board voted unanimously to approve a Grant Project Ordinance for Weatherization Assistance Program Contract #6940 in the amount of \$171,357. A copy of the ordinance is attached (Attachment 2) and is hereby made a part of these minutes.

GRANT PROJECT ORDINANCE/2016 URGENT REPAIR PROGRAM - Following a brief explanation by the Finance Director, upon a motion by Commissioner Beale, seconded by Commissioner Shields, the board voted unanimously to approve a Grant Project Ordinance for the 2016 Urgent Repair

Program in the amount of \$100,000. A copy of the ordinance is attached (Attachment 3) and is hereby made a part of these minutes.

SCC "BURN BUILDING": Commissioner Shields addressed the board on the subject of replacing the "burn building" at Southwestern Community College (SCC). He said that he met recently with SCC officials at the site. Under the current scenario, it would cost \$1.9-million to replace the facility, \$475,000 of which would be in the form of a match from the county. However, Commissioner Shields voiced concerns that when flood waters went through the building earlier in the year, one-fifth of the building was under water, noting that the water line mark was a foot above his head. He said the problem is that the site is not appropriate for this facility. However, he also stated that you can't take this program out of the picture, as it is essential for hundreds of volunteer firefighters to train in to keep their certifications and "would destroy volunteer fire departments in the county." He said this led to discussion of moving the public safety training center to the Macon County SCC campus off Siler Road, and noted he had invited college representatives to come to the meeting to address the issue. Curtis Dowdle, the Dean of Public Safety Training, said a number of factors are of concern, including debris from upstream that causes problems during high water, downtime from training waiting for the building to dry out, blasts from the nearby quarry and the overall increase in the number of hours of burning at the building. Travis Scruggs, SCC's fire and rescue training coordinator, said there are large cracks in the building and there are concerns of debris falling during training exercises. He said the facility is the only training center west of Asheville and it would take departments as much as 14 months to schedule training there, while there is no expense for any department to use the SCC building. Dr. Don Tomas, SCC's president, pointed out that the conceptual site plan for SCC's expansion of the Macon campus includes having the public safety training center relocated there. Chairman Corbin said that the building is nearing the end of its useful life, adding that the \$475,000 match is significant. He suggested having an independent firm come in and look at the structure and determine if it can be fixed and at what cost. Dr. Tomas told the board that the state fire marshal wants to see the building moved out of the floodplain. This was followed by a brief discussion regarding the driving course at the training center. No action was taken.

TECHNOLOGY-ENABLED CARE COORDINATION AGREEMENT: Following brief comments by Chairman Corbin and the County Attorney, upon a motion by Commissioner Beale, seconded by Commissioner Higdon, the board voted unanimously to approve a Technology-Enabled Care Coordination Agreement with Community Care of North Carolina, and authorized Department of Social Services Director Patrick Betancourt to sign the agreement on behalf of the county.

CONSENT AGENDA: Upon a motion by Commission Higdon, seconded by Commissioner Shields, the board voted unanimously to approve the following budget amendments: #1 for Health to account for a decrease of \$4,560 in Tobacco Grant funds associated with expenses for June 2016; #2 to appropriate the fund balance of federal and state forfeiture funds into 2016-17 in the amounts of \$24,363 federal and \$7,481 state; #3 for Senior Services to carry forward \$12,353 in funds from the prior fiscal year for a project that wasn't completed by June 30; and #4 for SCC to carry forward \$6,542 in funds from the prior fiscal year that weren't received by June 30. (Revisions with corresponding numbers attached).

APPOINTMENTS: The board tabled consideration of appointments to the Board of Health until the June 19th meeting.

RECESS: At 6:54 p.m., upon a motion by Commissioner Beale, seconded by Commissioner Higdon, the board voted unanimously to recess the meeting until Tuesday, July 19, 2016 at 6 p.m. at Franklin Memorial Park, 480 West Main Street, Franklin, NC for the purpose of holding a joint meeting with the Town of Franklin Board of Aldermen and the Town of Highlands Board of Commissioners.

Derek Roland
Ex Officio Clerk to the Board

Kevin Corbin
Board Chairman

MACON COUNTY BOARD OF COMMISSIONERS

AGENDA ITEM

MEETING DATE: June 14, 2016

DEPARTMENT/AGENCY: Governing Board

SUBJECT MATTER: Appointments

COMMENTS/RECOMMENDATION:

(A)Health Board (1 seat) – Jim Bruckner has requested the reappointment of Emily Bowers to the Nurse slot on the Macon County Board of Health. Term of appointment would be for three years. Also, the commission may wish to resolve the outstanding general public slots on the board.

Attachments _____ Yes No

Agenda Item 13(A)

Emerging Public Health Issues: Unnecessary Exposures to Hepatitis-C (Hep-C) Through Sharing of Needles, Illegal Tattooing and Unregulated Body Art (piercings and implants)

Hepatitis C (Hep-C): Hep-C is classified two ways; Chronic Hep-C and Acute Hep-C. Chronic Hep-C is a slow-progressing disease, with symptoms that may not appear for years, if at all. If left untreated, Chronic Hep-C can lead to liver damage, and potentially even liver cancer. Acute Hep-C is a short term viral infection that occurs within the first 6 months after someone is exposed to the Hepatitis C virus. For most people an Acute Hep-C infection will turn into Chronic Hep-C.ⁱ Hep-C is usually spread when blood from a person infected with the Hep-C virus enters the body of someone who is not infected. Hep-C is the most common bloodborne infection in the US, and there is no vaccine; however, it is treatable condition. Today, most people become infected with the Hep-C virus by sharing of needles or other equipment used for injection purposes. Other ways Hep-C can be spread is through contact with dried blood on equipment or surfaces, and/or blood splashes in the eyes, nose, or mouth.

The number of acute Hep-C cases is on the rise in North Carolina (NC). Between 2010 and 2015 the number of reported cases of acute Hep-C has tripled (close to a 300% increase). Acute Hep-C is a reportable disease under state law; however, it continues to go under-reported and underestimated. It is estimated that there are approximately 110,000 North Carolinians with Chronic Hep-C. Some Facts about Hep-C:

- Hep-C virus is 10X more infectious than HIV;
- 50% of cases are more than likely unaware they've been infected;
- 41% of cases are between the ages of 21 and 30;
- 75% of adults with Hep-C are Baby Boomers (born between 1945 & 1965);
- 37% of those infected reported injection drug use; and
- 75% to 85% of people infected with Hep-C will develop chronic illness.ⁱⁱ

Hep-C in Western North Carolina (WNC): In Macon County and many surrounding counties, Hep-C has become a significant health concern. A recent Center for Disease Control and Prevention (CDC) study identified five counties in NC, three of which are in WNC: Graham, Clay and Cherokee as being in the top 220 counties in the United States as having a *high prevalence of Acute Hep-C infections*.ⁱⁱⁱ Macon County shares a border with these counties.

Tattoos, piercings and other forms of body modifications (all referred to as "body art") are prevalent in today's society including here in WNC. While it used to be uncommon to encounter someone with a tattoo or piercing outside of certain groups, one can hardly go about their day without encountering someone who has been tattooed or pierced.

Research studies show that in the informal, unregulated tattooing and piercing settings, where poor infection-control practices are used that the transmission of Hep-C is possible.^{iv} These same studies show that when tattooing and piercing are properly regulated Hep-C is not spread.

In recent months, we have seen a rise in the number of illegal tattoo artists operating in Macon County. There have been three that we know of. This department has invested a significant number of work hours to ensure these individuals cease and desist from tattooing. Additionally, we have had to invest significant time in investigating this illegal operation in an effort to identify the people this individual tattooed so as to make sure they were appropriately tested for Hep-C, Hep-B and HIV as these viruses can make them sick and possibly their families sick. This is not just a Macon County problem. As the department has been working to address this issue, we have determined that other county health departments are experiencing a similar problem. Given how common body art is today, and due to the high prevalence of Hep-C in WNC, an examination of the impacts on health and possible further regulation of these industries should be considered.

Tattooing in NC: The tattoo industry in NC is currently regulated and enforced at the local level by the county health department. These laws are in place to protect the health and safety of both artist and the client due to the potential ease of transmission of bloodborne pathogens during the tattooing process. Improper (and illegal) tattooing techniques lead to the transmission of diseases (including Hep-C) that are serious and have a lifelong impact on the individual and could create significant increases in cost of health care for everyone. Proper tattooing

techniques ensure that those who do receive tattoos do so in a safe manner. In addition to the techniques used, the use of proper equipment (such as an autoclave and disposable needles), and the proper treatment of inks are important to prevent blood borne pathogens from being spread to those receiving tattoos.

There are consequences to those found to be tattooing without a permit in NC law. However, these consequences are not proving to be severe enough to discourage those who tattoo illegally (class I misdemeanor), and enforcing these consequences has proven to be difficult (not viewed by the legal system as a significant crime).

Piercings and Body Modifications in NC: Piercing and other body modifications (such as dermal implants) are currently unregulated in NC; however, there is mention in General Statute 14-400 that body piercing of a minor is prohibited. Professional organizations (such as Association of Professional Piercers) that support safe piercing techniques and practices exist; however, membership is voluntary and uncommon.

Piercing and body modification have their own set of issues in the spread of bloodborne pathogens. The use of equipment similar to what is found in a permitted tattoo establishment along with procedures to minimize the risk of spreading infection such as Hep-C to those who wish to be pierced are lacking or non-existent in most of these establishments.

Piercing and body modification also presents other health risks. For example individuals with diabetes, hemophilia, autoimmune disorders, cardiac issues, skin conditions or who are or may be pregnant may experience serious complications from the procedure (i.e. bleeding, skin rashes or lesions, scars, viral or bacterial infections, etc.).

The Following are Areas of Concern Regarding Tattooing, Piercing and Body Modification in Relation to Hep-C:

- Penalties for tattooing without a permit do not discourage individuals from practicing without a permit.
- The act of piercing or body modifications is not regulated or inspected even though many times these procedures require the insertion of a needle and/or in some cases a surgical incision with a scalpel to place rings, plugs, eyelets, gauges, and other articles of jewelry.
- Piercing and tattooing, done improperly, pose a risk for infection; training in prevention of bloodborne pathogen exposure for those practitioners would minimize these risks for them and their clients.
- Occupational Safety and Health Administration Bloodborne Pathogens Standards that address accidental needle sticks do apply to this industry and this industry is required to maintain an OSHA Exposure Control Plan for accidental needle sticks, but these standards are generally not followed or enforced.
- Food and Drug Administration recently became aware of tattoo inks that had confirmed bacterial contamination in unopened bottles available for purchase online: neither tattoo inks nor tattoo equipment are regulated by the FDA.
- Non-sterile water used to dilute concentrated inks can contaminate the ink with harmful germs which can lead to infections when deposited under the skin and spread to the bloodstream.
- Though Hep-C is a treatable disease, the cost of treatment is extremely expensive and in many cases out of reach for the average person.

Prepared by Kyle Jennings, REHS; Jonathan Fouts, REHS; and Jennifer Garrett, BSN, RN, CPN, CSN – Macon County Public Health

ⁱ Center for Disease Control and Prevention: <http://www.cdc.gov/hepatitis/hcv/cfaq.htm> 8/5/2016

ⁱⁱ NC DHHS, DHP, Communicable Disease Branch, Hepatitis-C In NC 2016 Fact Sheet 05/13/2016

ⁱⁱⁱ Center for Disease Control and Prevention, National Center for HIV/AIDS, Viral Hepatitis, STD, and TB Prevention, County-level Vulnerability to Rapid Dissemination of HIV/HCV Infection Among Persons who Inject Drugs 3/8/2016

^{iv} Bloodborne pathogen risk reduction activities in the body piercing and tattooing industry. Lehman, EJ; Huy, J; Levy, E; Viet, SM; Mobley, A; McCleery, TZ, American Journal of Infect Control 2010 Mar; 38(2):130-138. <http://dx.doi.org/10.1016/j.ajic.2009.07.008>.