

MACON COUNTY BOARD OF COMMISSIONERS
JULY 9, 2013
MINUTES

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

ANNOUNCEMENTS: The board members expressed condolences regarding the death of Dennis Tippett, who worked as a telecommunicator in the county's Emergency Services Department.

MOMENT OF SILENCE: Chairman Corbin asked those in attendance to observe a moment of silence and to remember the Tippett family.

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

PUBLIC HEARING ON THE PROPOSED AMENDMENTS TO THE SUBDIVISION ORDINANCE: Chairman Corbin convened the public hearing at 6:04 p.m. The County Attorney provided the board with a revised version of the subdivision ordinance, along with an ordinance making amendments to the subdivision ordinance. Chairman Corbin noted that no one signed up to speak at the hearing. County Planner Matt Mason provided the board with a brief overview of the changes to the ordinance, and said he was very pleased with the planning board's work on the new document. He also provided an overview of the subdivision plat process. The County Attorney pointed out the need for the commissioners to appoint a Technical Review Committee, and the membership of the committee was discussed. Upon a motion by Commissioner Beale, seconded by Commissioner Haven, the board voted unanimously to close the public hearing at 6:15 p.m. Upon a motion by Commissioner Tate, seconded by Commissioner Haven, the board voted unanimously to adopt "An Ordinance of the Macon County Commissioners Making Amendments to the Subdivision Ordinance of the County of Macon, North Carolina" (Attachment 1), a copy of which is attached and is hereby made a part of these minutes. Also attached is a copy of the Macon County Subdivision Ordinance, as amended (Attachment 2), a copy of which is attached and is hereby made a part of these minutes.

PUBLIC HEARING ON APPLICATION FOR PROPOSED TELECOMMUNICATION TOWER:

Chairman Corbin convened the public hearing at 6:19 p.m. **Darrell Lee**, the president of the Nantahala River Association, spoke in favor of the proposed tower, saying it would be a “big help to us” due to the isolated nature of the area. County Planner Matt Mason then reviewed a map of the proposed location of the tower and the application for it submitted by Pegasus Tower Company, LLC of Tazewell, VA. Mr. Mason said there would be minimal land disturbance at the site of the tower, which will serve an area where there is no cell phone service. AT&T will be the main tenant on the tower, and Mr. Mason said other carriers are likely to follow suit once the tower is up. He said the new tower will address safety issues at Standing Indian Campground and that free space will be provided to Macon County Emergency Services. The new tower should be in place by the end of the calendar year and will be accessible by an all-weather road. The County Attorney and County Planner then reviewed a number of findings, including: (1) notice of the public hearing, (2) notice to the affected property owners and (3) that notice of the hearing was posted at the site. The County Attorney informed the board members that they would need to make those findings a part of the hearing record. Upon a motion by Commissioner Beale, seconded by Commissioner Tate, the board voted unanimously to close the public hearing at 6:30 p.m. Upon a motion by Commissioner Beale, seconded by Commissioner Haven, the board voted to accept the findings as stated by the County Attorney and County Planner. Upon a motion by Commissioner Haven, seconded by Commissioner Beale, the board voted unanimously to approve the application for the telecommunication tower as submitted, with the understanding that the tower could be used by Macon County Emergency Services. A copy of the application is attached **(Attachment 3)** and is hereby made a part of these minutes.

PUBLIC COMMENT: **Chuck Sutton** spoke on behalf of the Clarks Chapel Volunteer Fire Department, and addressed the issue of conflicting numbers between the department and the county that were used to calculate the department’s tax base and tax rate for the current fiscal year. While acknowledging that the budget is already set, he told the board he was appearing to “ask for some relief.” This led to a discussion regarding the department’s budget for the past few years, and the board agreed by consensus to a mid-year review of the situation. The County Manager and Commissioner Tate both said that Clarks Chapel does an outstanding job. **Janet Watson** spoke to the board regarding her experiences with the Community Care Clinic, first in Highlands beginning in 2006 and then in Franklin from 2009. Ms. Watson explained that she had received a letter informing her that she could no

longer use the clinic, adding that she was angry and upset when she learned that the board had provided \$50,000 in funding for the clinic in the new budget. In closing, she told the board that the clinic did not help her.

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

- To move appointments to the planning board from Item 12A to Reports/Presentations as Item 8B and to address other planning-related items at that time, per Commissioner Tate.
- To add discussion regarding a county line survey with Jackson County under New Business as Item 10D, per Commissioner Tate.
- To add consideration of an item regarding property acquisition for Zachary Park in Highlands under Old Business as Item 9B, per Commissioner Tate.
- To add advertising the board's intent to consider "piggybacking" a bid for ambulances under New Business as Item 10E, per the County Manager.
- To add a brief legislative update as Item 8C under Reports/Presentations, per Commissioner Beale.
- To add a report from the County Manager as Item 8D under Reports/Presentations.
- To discuss and/or consider a motion calling for no county ordinance to have standards that exceed state standards as Item 10F under New Business, per Commissioner Haven.
- To move Item 12C, appointment to the Southwestern Community College Board of Trustees, under Reports/Presentations as Item 8E.
- To add Budget Amendments #4 and #5 to the Consent Agenda under Item 11B, per the Finance Officer.

HIGHLANDS MIDDLE SCHOOL COURTYARD: Stephanie Smathers and Rebecca Schilling presented a PowerPoint presentation on the renovations to the courtyard at Highlands Middle School. Ms. Smathers, who teaches seventh and eighth graders at the school, and Dr. Schilling explained how a joint effort with the Mountain Garden Club, local businesses and other partners turned the courtyard at the school into an outdoor classroom. She also expressed her appreciation to Commissioner Tate for his efforts with landscaping and project management. She said the project was completed on time and under budget with five years' worth of maintenance funds remaining. At the end of the presentation, Commissioner Tate presented Ms. Smathers and Dr. Schilling with small gifts from the county in recognition of their efforts.

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PLANNING BOARD ASSIGNMENTS/APPOINTMENTS: Commissioner Tate updated the board on items that the planning board members were working on. He suggested that if the board was in agreement, to direct the planning board to vote on changes to the floodplain ordinance and make a recommendation to the commissioners. Following that, in addition to other assignments, Commissioner Tate suggested that the planning board be asked to review all of the vacant parcels that Macon County owns and make a proposal for uses of the land. The consensus of the board was for the planning board to proceed as Commissioner Tate had outlined. Regarding appointments to the planning board, it was noted that Karl Gillespie, the board's chairman, was not seeking reappointment and that Lewis Penland had submitted his letter of resignation. In an e-mail read by Commissioner Tate, Mr. Gillespie recommended that the board appoint Joe Deal and Ben Laseter to fill the two vacancies. Following discussion, Commissioner Haven made a motion to appoint John Shearl to the planning board, which was seconded by Commission Higdon. Following further discussion, the board voted 3-2 in favor of the motion, with Commissioners Corbin, Haven and Higdon favoring and Commissioners Beale and Tate opposing. Commission Higdon made a motion to appoint David Culpepper to the planning board, and Commission Haven seconded the motion. Following discussion, the motion failed 2-3, with Commissioners Haven and Higdon favoring and Commissioners Beale, Corbin and Tate opposing. Commissioner Tate made a motion to appoint Joe Deal to the planning board, and Commissioner Beale seconded the motion. Commissioner Hidgon noted that Mr. Deal was already serving on the watershed council, and Commissioner Haven asked if there would be a conflict of interest if Mr. Deal served on both. Following further discussion, the board voted 3-2 in favor of the motion, with Commissioners Beale, Corbin and Tate favoring and Commissioners Haven and Higdon opposing. Commissioner Beale expressed his appreciation to Mr. Gillespie and Mr. Penland, the two most recent chairs of the planning board, for their service. Upcoming appointments to the planning board are slated for November and then spring of 2014.

LEGISLATIVE UPDATE: Commissioner Beale provided a brief update on the General Assembly's budget efforts, noting that action on tax reform might be postponed until next year.

SOUTHWESTERN COMMUNITY COLLEGE BOARD OF TRUSTEES APPOINTMENT: Chairman Corbin explained that Melvin "Pete" Penland had declined his reappointment to the Southwestern Community College (SCC) Board of Trustees. Chairman Corbin then recognized Dr. Don

Tomas, president of SCC, who recommended that Jeff Cloer replace Mr. Penland on the board. Dr. Tomas said that Mr. Cloer currently serves as vice president of the college's foundation board. Upon a motion by Commissioner Beale, seconded by Commissioner Haven, the board voted unanimously to forward a recommendation for Mr. Cloer's appointment to the SCC Board of Trustees to the Jackson County Board of Commissioners, which makes the final determination in filling the slot.

COUNTY MANAGER ANNOUNCES RETIREMENT: In a prepared statement to the board, County Manager Jack Horton announced his upcoming retirement. A copy of his statement is attached (Attachment 4) and is hereby made a part of these minutes. Mr. Horton told the board, "I have enjoyed my tenure with Macon County as your County Manager. I am thankful for the support and respect I have received from the Macon County Board of Commissioners, our county employees, and the citizens of Macon County, but the time has come for me to consider retiring from my profession and to pursue other goals and objectives that I have long ignored or postponed. It is my intent therefore to retire from my position as your County Manager October 1st, 2013." He added that, "I will assist the Board in any way as you prepare for the recruitment and selection of a qualified replacement to serve you as Macon County Manager." Chairman Corbin called the County Manager one of the best and most respected county managers in the state, and Commissioner Beale said that one of the best decisions that he had been involved in as a commissioner was to hire Jack Horton as County Manager. Chairman Corbin accepted the offer from the County Manager to help guide the board in locating candidates for the job. Upon a motion by Commissioner Beale, seconded by Commissioner Haven, the board voted unanimously to accept the County Manager's resignation, effective October 1, 2013 and to advertise the position.

Chairman Corbin declared a recess at 7:49 p.m.

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

REQUEST FROM MACON COUNTY SCHOOLS REGARDING CURRENT EXPENSE: Chairman Corbin read a letter from Interim Superintendent Dr. Jim Duncan and Board of Education Chairman Jim Breedlove. In part, the letter stated, "Please accept this letter as a formal request to have the teachers supplement line item transferred into current expense. With the funding in current expense, Macon County Schools will have the flexibility to continue to compensate faculty and staff if need be during the 2013-2014 school year." A copy of the letter is attached (Attachment 5) and is hereby made a part of these minutes. The County

Manager recommended leaving the funds in the current line item and transferring only the amount needed based upon a specific request from the school board. Upon a motion by Commissioner Tate, seconded by Commissioner Beale, the board approved the request and to have it administered it as outlined by the County Manager.

ZACHARY PARK PROPERTY: Commissioner Tate told the board that in the county's recent swap and purchase of property from the Fisher family, the sellers anticipated netting a certain amount of money from the deal. Due to closing costs, he said the purchase price of the property needed to be \$146,000, not \$145,000 as previously agreed, and that this matter was a "dealbreaker" if not addressed. After stating that he was personally willing to pay the difference himself, Commissioner Tate made a motion to increase the purchase price offered to the Fishers from \$145,000 to \$146,000, and Commissioner Beale seconded the motion. Following discussion, the board voted 3-2 in favor of the motion, with Commissioners Beale, Corbin and Tate favoring and Commissioners Haven and Higdon opposing.

CONTRACT WITH BUNNELL-LAMMONS ENGINEERING FOR INVESTIGATIVE WORK ON FUTURE LANDFILL CELL: Solid Waste Director Chris Stahl said that he was seeking approval of a contract with Bunnell-Lammons Engineering to perform geological and hydrogeological investigative work on the site of a future landfill cell (Cell III). This is the first step in the overall development of the cell, and takes about a year to complete, he explained. The County Attorney pointed out the need to add language that requires the firm's charges to be based on a schedule of fees, with a not-to-exceed cost of \$176,000. Commissioner Haven questioned if other bids were sought, and Mr. Stahl explained that the selection must be based on qualifications, then a contract is negotiated, adding that the money for the contract has been budgeted. Upon a motion by Commissioner Haven, seconded by Commissioner Tate, the board voted unanimously to approve the contract as presented, with the changes outlined by the County Attorney.

REQUEST FOR REVENUE STAMP REIMBURSEMENT: The County Attorney told the board that Richard Melvin had requested a refund of a portion of revenue stamps his clients paid to the Register of Deeds Office. Pursuant to state statute, the County Attorney said that he was bringing this matter to the board's attention and that in order to move forward, a formal notice of hearing would be required, and based on that notice, the board could hear evidence from Mr. Melvin and his clients regarding the matter. The board agreed to have the County Attorney prepare the proper notice and to schedule the matter for the August regular meeting.

NCACC VOTING DELEGATE: Upon a motion by Commissioner Beale, seconded by Commissioner Haven, the board voted unanimously to designate Chairman Corbin as the county's voting delegate for the upcoming North Carolina Association of County Commissioners (NCACC) annual conference, to be held in Greensboro in August.

COUNTY LINE SURVEYING: Commissioner Tate and the County Manager presented a proposed resolution for the board's consideration regarding an effort to have an accurate survey of the boundary line between Macon and Jackson counties. The resolution notes that the North Carolina Geodetic Survey was designed and funded to assist with the resurvey of "ambiguous or uncertain county boundaries." This work can be done at the invitation of the counties at no cost to them. Upon a motion by Commissioner Tate, seconded by Commissioner Haven, the board voted unanimously to adopt the resolution as presented, a copy of which is attached (Attachment 6) and is hereby made a part of these minutes. A copy of the approved resolution will be forwarded to the Jackson County Board of Commissioners.

AMBULANCE BIDS: Following discussion and upon a motion by Commissioner Beale, seconded by Commissioner Haven, the board voted unanimously to move forward with the process of accepting bids for two new ambulances by "piggybacking" on a successful bid by which two new ambulances were purchased last year, and to schedule consideration of the bid for the August regular meeting.

FLOODPLAIN ORDINANCE: Commissioner Haven voiced his request that all county ordinances should be set on state standards and made a motion to that effect. The County Attorney noted that individual ordinances would need to be identified and reviewed versus state statutes. Commissioner Haven retracted that motion and said he would come with a prepared list of ordinances, and then made a motion to have the county's floodplain ordinance "stick to state standards." Following discussion, Commissioner Higdon seconded the motion. Following further comments, the motion failed 2-3, with Commissioners Haven and Higdon favoring and Commissioners Beale, Corbin and Tate opposing.

CONSENT AGENDA: Upon a motion by Commissioner Beale, seconded by Commissioner Haven, the following items on the consent agenda were unanimously approved: **Minutes** – Approved the minutes from the June 11th, June 13th and June 17th meetings. **Budget amendments** – Approved the following budget amendments: #1 for Cooperative Extension to appropriate \$3,100 for Nourishing NC grant funds received

and deposited on June 11, 2013 for gravel at the entry road to the community garden ; #2 for Housing to allocate funds from three 2014 weatherization grants totaling \$320,347; #3 for Soil & Water Conservation to appropriate \$7,450 received from WNC Communities TVA Ag & Forestry Fund Grant for an equipment storage facility; #4 for the Sheriff's Office to appropriate \$2,700 for carryover items from FY 12-13 for the Governor's Highway Safety Program grant; #5 for Transit to purchase a replacement van budgeted but not ordered in FY 13 and to finish the bus stop shelter project. (Revisions with corresponding numbers attached.) **Tax releases** – Approved tax releases in the amount of \$416.90. (A computer printout of releases is on file in the Tax Department and the County Manager's office.) **Monthly ad valorem tax collection report** – No action necessary.

APPOINTMENTS: Cemetery Board – Upon a motion by Commissioner Haven, seconded by Commissioner Higdon, the board voted unanimously to appoint Barbara McRae, Les Slater and Andrew Baldwin to fill three of the five open seats on the newly-created Cemetery Board. Terms of appointment are for three years and will expire on July 9, 2016.

ADJOURN: With no other business, and upon a motion by Commissioner Beale, seconded by Commissioner Tate, the board voted unanimously to adjourn the meeting at 8:53 p.m.

Jack Horton, County Manager
Clerk to the Board

Kevin Corbin
Board Chairman