

MACON COUNTY BOARD OF COMMISSIONERS
APRIL 10, 2018
MINUTES

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

ANNOUNCEMENTS: Vice-Chairman Beale noted that Chairman Tate would not be in attendance this evening, and that Commissioner Higdon had a death in the family and the funeral was today and he might be late in arriving. Vice-Chairman Beale also announced that services would be held on Saturday, April 14 at 2 p.m. for Frank Wood, whose remains were recovered from the USS Oklahoma at Pearl Harbor in Hawaii following his death there at the age of 23. Mr. Wood's service will be held at Carson Cemetery. Also, the County Manager noted that Chairman Tate would be calling in via telephone to listen to the meeting with the understanding that he cannot vote on any of the matters that will come before the board.

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

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

PUBLIC COMMENT PERIOD: **Jim Gray** spoke regarding the revised Animal Control Ordinance and thanked the board for holding the public hearing and also thanked Macon County Public Health Director Jim Bruckner for his work on the ordinance, which Mr. Gray said made it a much stronger, much better document. **Donald Waldroop** addressed the spotlighting of deer and pointed out that the county has no ordinance about shining lights after dark from the public road right-of-way. Mr. Waldroop recounted some instances of this activity he had witnessed near his house, and said that other counties have ordinances that make this illegal and asked the board to consider taking such a measure. The County Attorney noted that this can be done through a local bill in the state General Assembly following action from the county's board of commissioners. **Robin Woods** also spoke to the spotlighting issue and to

hunting on private property. He said more than 30 counties in North Carolina have laws about hunting on other people's property and require the landowner's permission to do so. He said this gives law enforcement "a little more teeth" and that it shouldn't be a burden on the landowner. "No ethical sportsman would object to that," he told the board.

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

- To add approval of a letter to Sourwood Running, LLC to allow the Smoky Mountain Relay running event to take place within the county as Item 11G under New Business, per the County Manager.

MAKIN' BOTS ROBOTICS TEAM: Jennifer Love, the STEM Coordinator for Macon County Schools, introduced the members of the Makin' Bots Robotics Team and the team's robot. She said she wanted to thank the board for its support of the county's STEM (Science, Technology, Engineering and Math) program. She explained how grant funding had supported the program and that one large part of it was the robotics portion. She told the board that the program is entering its fourth year of the LEGO League, and that the school system has an average of 70 students in grades 5-8 who have participated and go to competition each year. In the past year, a high-school level FIRST Robotics Competition program was started through a partnership with the local manufacturing firm Tektone, which provided space as well as mentors for the students. "The team has also been supported by community volunteers and parents who guided our students through the building and programming of our robot for competition," she said, with grant funding coming from NASA and Duke Energy. For the team's "rookie" season, 15 high school students from Franklin High and Macon Early College participated, and the team had recently returned from competition in two weekend tournaments where it earned the "Rookie Inspiration Award" and the "Highest Rookie Seed Award" and came within one spot of going to state competition. She introduced the student members of the team, who talked about how the robot project evolved and shared some of the "bumps" along the way. The students said that additional funding and mentors are needed and spoke to how the program has taught them perseverance. They thanked Ms. Love for her guidance. Vice-Chairman Beale called the work of the team "absolutely marvelous" and told Ms. Love, "We cannot thank you enough." No action was necessary.

REVISED ANIMAL CONTROL ORDINANCE: Public Health Director Jim Bruckner outlined the changes that had been made to the proposed revised Animal Control Ordinance following the public hearing on the matter at the board's February 13, 2018 regular meeting. He explained that there were two major changes following comments made at the hearing, one regarding

adequate shelter for large animals and the other regarding the ordinance's relationship to hunting laws. He said the revised ordinance also eliminated all of the small, complicated parts and pieces and made the ordinance a lot clearer and a lot easier to administer. Vice-Chairman Beale and the County Attorney then pointed out that in order for an ordinance to pass on first reading, all of the members of the board must vote in favor of it. So with two members absent, the board members present agreed to move forward and vote on the first reading with a second reading to take place at the board's May regular meeting. Mr. Bruckner pointed out that the county's Board of Health voted unanimously to approve the revised ordinance. Upon a motion by Commissioner Gillespie, seconded by Commissioner Shields, the board voted 3-0 to approve the restated Animal Control Ordinance as presented.

RESOLUTION DESIGNATING A PORTION OF WAYAH ROAD IN HONOR OF DR. THOMAS MCNISH: Following some opening comments, Vice-Chairman Beale read for the record a "Resolution Requesting that the North Carolina Department of Transportation Dedicate a Portion of the Wayah Road in Macon County in Honor of Dr. Thomas M. McNish." He explained that this was the first step in the process and that the resolution would be forwarded to the state transportation department for further action. Upon a motion by Commissioner Shields, seconded by Commissioner Gillespie, the board voted 3-0 to approve the resolution as read, a copy of which is attached (Attachment 1) and is hereby made a part of these minutes.

MOUNTAIN VALLEY FIRE DEPARTMENT MAP: Emergency Services Director Warren Cabe told the board that the Mountain Valley Fire Department has made a request to reinstate the department's substation located on Coon Creek Road. He said the department's membership has improved to 28. Meanwhile, the North Carolina Office of State Fire Marshal has changed the inspection requirement from 20 members to 15 for the main station and from eight to four members for the substation. He also noted that the overall response area will remain unchanged but more residents will be eligible for the benefits of a potentially lower protection class rating if the department successfully completes a rating inspection scheduled for April 23rd, so time is of the essence in asking for the map approval. After reviewing the map provided by Mr. Cabe, and upon a motion by Commissioner Shields, seconded by Commissioner Gillespie, the board voted 3-0 to accept the department's fire district map with the reinstated substation as requested.

COMMUNITY FUNDING POOL RECOMMENDATIONS: The County Manager reminded the board that the task force for the Community Funding Pool basically had to "start from ground zero" with several new members, and he noted that Karen Wallace, a longtime task force member, had been an integral part of getting that going. He said that by-laws for the newly revised group

were still a work in progress. Ms. Wallace said that this year's work had been a great opportunity to learn from history. She said the current group of 13 committee members received 17 applications seeking a total of \$129,623, with \$75,000 available to be allocated. Of the 17, 13 were recommended for funding, and a list of those recommendations is attached (Attachment 2) and is hereby made a part of these minutes. She said there are certain agencies that the task force would like to approach the board of commissioners about directly funding instead of taking it from the pool. She said there is "a wide discrepancy" among the agencies applying, as some are well grounded while others are just getting started and have no track record. Following further discussion, and upon a motion by Commissioner Gillespie, seconded by Commissioner Shields, the board voted 3-0 to approve the recommendations as presented.

SOUTH MACON ELEMENTARY SCHOOL RESOLUTIONS: In the first of two matters regarding the planned expansion of South Macon Elementary School, the Finance Director explained that she was seeking authorization for the filing of an application for approval of a financing agreement for the project in an amount not to exceed \$2,923,674. Commissioner Shields made a motion to approve the "Resolution Authorizing the Filing of an Application for Approval of a Financing Agreement Authorized by NC General Statute 160A-20 and Providing for Certain Other Related Matters Thereto." The motion was seconded by Commissioner Gillespie, and during discussion, he raised the question of using money from the county's fund balance to pay for the expansion instead of obtaining a loan. Vice-Chairman Beale said the county had never used fund balance to pay for school construction. Commissioner Gillespie said that he would like to have further discussion about paying from fund balance at the board's May 8th meeting. The County Attorney noted that an interlocal agreement with the county's Board of Education would be needed. After further discussion, the board voted 3-0 to approve the resolution as presented, a copy of which is attached (Attachment 3) and is hereby made a part of these minutes. As to the second item, upon a motion by Commissioner Shields, seconded by Commissioner Gillespie, the board voted 3-0 to approve a "Resolution of the County of Macon, North Carolina Declaring the Intent of the County of Macon, North Carolina to Reimburse Itself for Capital Expenditures Paid in Connection with Certain Improvements to South Macon Elementary School from the Proceeds of a Certain Installment Purchase Contract to be Executed and Delivered in Calendar Year 2018," a copy of which is attached (Attachment 4) and is hereby made a part of these minutes.

APPLICATION FOR EDUCATION LOTTERY FUNDS: The Finance Director told the board this was the annual application used to draw down money from the North Carolina Education Lottery Public School Building Capital Fund. This year, the amount available to the county is \$297,259.24. She said the

county's Board of Education approved the application on March 26th. She pointed out that the money must be used for school construction or to make a principal and interest payment on an existing school construction loan. Upon a motion by Commissioner Shields, seconded by Commissioner Gillespie, the board voted 3-0 to approve the application as presented, a copy of which is attached (Attachment 5) and is hereby made a part of these minutes.

LEASE AGREEMENT WITH TOWN OF FRANKLIN REGARDING GAZEBO:

The County Attorney explained that the Town of Franklin is looking to renew the lease agreement with the county regarding the gazebo located on the town square. He said the property is currently leased to the town for entertainment purposes, and while the expiring lease is for a period of 20 years, the town is seeking a 30-year lease in the new proposal. He said that the document, which was drafted by Town Attorney John F. Henning, Jr., would now require a 180-day notice to terminate the agreement, as opposed to the current 30-day notice. Vice-Chairman Beale said he had several questions about the new agreement, including one about conversations he had heard about the town allowing alcohol to be served at events held at the gazebo. The County Attorney noted he had prepared a memo to the board that outlined 11 specific items "that need work," but that the draft version is a good starting place for discussion. Commissioner Gillespie said he also had some concerns, one of which was if the lease grants the town exclusive use of the property, then what happens if the county wants to use it. Vice-Chairman Beale raised concerns about liability issues. With the agreement set to expire May 5th, he said the county is not saying "no" to a renewal but that there is some need to talk about it. The County Attorney asked the board to consider allowing the County Manager to sign an extension of the existing lease for a one-month period while these matters are addressed. Following further discussion and the recommendation of the County Manager, upon a motion by Commissioner Shields, seconded by Commissioner Gillespie, the board voted 3-0 to extend the current lease agreement until June 14, 2018.

FIREWORKS PERMIT: Following a brief overview from Vice-Chairman Beale, and upon a motion by Commissioner Gillespie, seconded by Commissioner Shields, the board voted 3-0 to grant a permit to Grand Finale Entertainment, LLC to conduct an outdoor fireworks display on Saturday, June 2, 2018 at the Old Edwards Inn Rockwood Lodge at 1900 Hickory Knut Gap Road in Highlands, NC. The fireworks show is for a private wedding reception.

SMOKY MOUNTAIN RELAY: Upon a motion by Commissioner Shields, seconded by Commissioner Gillespie, the board voted 3-0 to authorize the County Manager to sign a letter of acknowledgement and approval for Sourwood Running, LLC to hold a portion of the Smoky Mountain Relay

running event in Macon County on April 20-21, 2018. A copy of the letter is attached (Attachment 6) and is hereby made a part of these minutes.

CONSENT AGENDA: Upon a motion by Commissioner Shields, seconded by Commissioner Gillespie, the board voted 3-0 to approve the items on the consent agenda as follows: the minutes of the March 13, 2018 regular meeting; the following budget amendments: #162 to allocate \$1,830 from an insurance settlement for the Sheriff's Department for vehicle repairs; #163 for the Department of Social Services to appropriate an additional LIEAP allocation of \$10,000; #164 for Emergency Services to allocate \$214 from an insurance settlement for repairs to the Fire Services truck; #165 for the Housing Department to appropriate a \$50,000 funding increase in a Duke Energy 2017 Helping Home Fund grant; #166 for the Carpenter Building Renovation Project to transfer \$59,080 from the Buildings and Grounds budget to the Carpenter Building Renovation Project budget to replace the roof on the building; #170 for the Housing Department to appropriate \$50,000 for a new Duke Energy Income Qualified Weatherization Program. (Copies of the amendments are attached); tax releases for the month of March in the amount of \$5,121.56; approved a Grant Project Ordinance for Duke Energy's 2017 Helping Home Fund in the amount of \$108,603 (ordinance attached); approved a Grant Project Ordinance Amendment for the PNC Healthy Housing Energy & Neighborhood Beautification Improvement program in the amount of \$37,800 (amendment attached); monthly ad valorem tax collections report (no action necessary).

ADJOURN: With no other business, and at 7:30 p.m., upon a motion by Commissioner Gillespie, seconded by Commissioner Shields, the board voted 3-0 to adjourn.

Derek Roland
Ex Officio Clerk to the Board

Ronnie Beale
Board Vice-Chairman