

Macon County



MACON COUNTY BOARD OF COMMISSIONERS
MAY 10, 2022
6 P.M.
AGENDA

1. Call to order and welcome by Chairman Tate
2. Announcements
3. Moment of Silence
4. Pledge of Allegiance
5. Public Hearing(s) – **None**
6. Public Comment Period
7. Additions to agenda
8. Adjustments to and approval of the agenda
9. Reports/Presentations
 - (A) Proposed rate increases and request for an extension of the exclusive franchise agreement – Bonita Hamstra, J&B Disposal
 - (B) Update on Environmental Health Section staffing issues – Public Health Director Kathy McGaha
10. Old Business
 - (A) Change Orders #018 and #019 on the Macon Middle School renovation project – Jack Morgan
 - (B) Highlands Pre-K facility discussion – Chairman Tate
11. New Business
 - (A) Wine Springs Communication Site Renewal with USFS – Emergency Management Director Warren Cabe
 - (B) Consideration of county acknowledgement letter for Burningtown Iotla Fire & Rescue – Mike Yaks, Burningtown Iotla Fire and Rescue Board Chair

- (C) Consideration of performance guarantee agreement for proposed subdivision road at Whiteside Cottages – Planning Director Joe Allen
- (D) Consideration of fireworks display application/permit for JECO Pyrotechnics, Inc. – Deputy Clerk Mike Decker

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 April 12, 2022 regular meeting
- (B) Budget Amendments #259-268
- (C) Tax releases for the month of April in the amount of \$116.22
- (D) Tax refund requests:
 - (1) Nelson Bates
 - (2) Tim and Carol Bates
 - (3) Violet Klatt
- (E) Application for Public School Building Capital Fund North Carolina Education Lottery proceeds in the amount of \$355,758.15
- (F) Monthly ad valorem tax collection report – no action necessary

13. Appointments

- (A) Town of Franklin ETJ representative (one seat)

14. Closed session as allowed under NCGS, if necessary

15. Recess until Thursday, May 26, 2022 at 6 p.m. in the commission boardroom on the third floor of the Macon County Courthouse. The primary purpose of the meeting will be the county manager's presentation of the recommended budget for Fiscal Year 2022-23, and for any other business that may come before the board.

MACON COUNTY BOARD OF COMMISSIONERS

AGENDA ITEM

CATEGORY – REPORTS/PRESENTATIONS

MEETING DATE: MAY 10, 2022

9A. Bonita Hamstra with J&B Disposal will be at the meeting to present requests for (1) proposed rate increases and (2) an extension of J&B's exclusive franchise agreement. She has provided proposals for the board's review and consideration and they are included in the packet.

9B. Public Health Director Kathy McGaha will provide an update on the status of staffing issues with the department's Environmental Health Section.

J&B DISPOSAL, INC
2076 HIGHLANDS RD
FRANKLIN NC 28734

MAY 10 2022
County Of Macon
Attn:
County Manager, Derek Roland
Board of County Commissioners,
5 west Main St
Franklin NC 28734

Item # 1 Rate increase,

I am requesting a rate increase from the County for all services.

Local Convenient centers, from \$75.00 to \$90.00

Centers in Buck Creek, Junaluska, Nantahala, Scaley, from 75.00 to 100.00

Transfer Trailer, from 175.00 to 225.00

I have requested one previous rate increase from the County for service in Twenty five years,

I am requesting rate increase on residential service of 10% for quarterly billing

In Macon County, and 10% in Highlands on an annual ,bases or semi annual per billing.

Commerical Monthly, requesting 5% increase.

Plus additional fuel sur charge of \$ 2.00

Current rate

2yd 1xwk 84.24 plus 2.00 requested fuel S.C.	New monthly rate	\$88.45
4yd 1xwk \$151.47 requested \$ 2.00 fuel S.C.	New monthly rate.	\$159.57
6yd 1x wk \$218.70 requested \$2.00 Fuel S.C.	New monthly rate.	\$229.64
8yd 1 x wk \$239.54 requested \$2.00 Fuel S.C.	New monthly rate	\$253.61

I have included a price scale on fuel sur charge,

If I could be granted permission to follow that rate increase structure for future

I would appreciate,

If fuel prices go lower, I will adjust my charges accordingly.

Thank you,

Bonita Hamstra

Fuel Sur Charge Scale		
Diesel Price Per Gallon		Monthly Sur Charge
	< \$2.00	\$0.00
\$2.01	\$3.50	\$1.00
\$3.51	\$5.00	\$2.00
\$5.01	\$6.50	\$3.00
\$6.51	\$8.00	\$4.00
> \$8.00		\$5.00

May 10,2022

County of Macon

Attn;

County Manager; Derek Roland

Board of County Commissioners

5 West Main St

Franklin NC 28734

Item #2 Request to extend J&B Disposal's Exclusive Contract, and Franchise.

I am seeking an extension of contract, and Franchise with Macon County, to be extended for an additional Seven years.

My current franchise runs thru 11/23

I always have a need to replace trucks , currently I need to replace two residential, and 1 roll off truck. Transfer trucks are not far behind. New Residential trucks are on a one year delivery schedule, Roll off trucks six months delivery schedule. So and extension of seven years on my franchise will be more suitable to the bank for the loan.

The containers and fuel have doubled in price .as well also major increase in the price of tires, and repair parts .

I use four **thousand** gallons of Diesel every **three and half weeks**. I personally see no lowering of fuel prices anytime soon.

I appreciate your consideration of this request.

Thank You;

Bonita Hamstra

MACON COUNTY BOARD OF COMMISSIONERS

AGENDA ITEM

CATEGORY – OLD BUSINESS

MEETING DATE: May 10, 2022

10(A). Jack Morgan will present change orders #018 and #019 on the Macon Middle School renovation project for the board's consideration. The first one is in the amount of \$37,711 and the second one is for \$127,471. Mr. Morgan can provide additional details at the meeting.

10(B). Chairman Tate would like to have some discussion regarding the Pre-K facility in Highlands.

New Atlantic Contracting Inc
 2635 Reynolda Rd
 Winston Salem, North Carolina 27106
 Phone: (336) 759-7440
 Fax: (336) 759-7445

Project: 2102 - Macon Middle School Renovations
 1345 Wells Grove Road
 Franklin, North Carolina 28734

Prime Contract Potential Change Order #018: CE #101 - #47: West wing room W105 questions | CE #105 - Bring Kitchen hood up to code | CE #109 - #48: Phase 1 Existing Duct Detectors in Gym and clean existing duct work

TO:	Macon County 5 West Main Street Franklin, North Carolina 28734	FROM:	New Atlantic Contracting Inc 2635 Reynolda Rd Winston Salem, North Carolina 27106
PCO NUMBER/REVISION:	018 / 1	CONTRACT:	1 - Macon Middle School Renovations Prime Contract
REQUEST RECEIVED FROM:		CREATED BY:	Frank Harris (New Atlantic Contracting Inc)
STATUS:	Pending - In Review	CREATED DATE:	5/2/2022
REFERENCE:		PRIME CONTRACT CHANGE ORDER:	None
FIELD CHANGE:	No		
LOCATION:		ACCOUNTING METHOD:	Amount Based
SCHEDULE IMPACT:		PAID IN FULL:	No
EXECUTED:	No	SIGNED CHANGE ORDER RECEIVED DATE:	
		TOTAL AMOUNT:	\$37,711.00

POTENTIAL CHANGE ORDER TITLE: CE #101 - #47: West wing room W105 questions | CE #105 - Bring Kitchen hood up to code | CE #109 - #48: Phase 1 Existing Duct Detectors in Gym and clean existing duct work

CHANGE REASON: Client Request

POTENTIAL CHANGE ORDER DESCRIPTION: *(The Contract Is Changed As Follows)*
 May 2, 2022

Mr. Chris Coleman
 1815 S. Tyron St. Suite A
 Charlotte, NC 28203

RE: Macon County Middle School
 Macon County Schools
 Franklin, NC 28734
 Potential Change Order Number
 018

NAC JOB# 2102

Dear Chris,

Attached is our proposal for the following:

- CE #101 - #47: West wing room W105 questions
- CE #105 - Bring Kitchen hood up to code
- CE #109 - #48: Phase 1 Existing Duct Detectors in Gym and clean existing duct work

The total cost estimate of this work per the enclosed summary sheet and attached back-up is \$37,711.00.

This change will not increase the contract time; however, we reserve the right to request an equitable adjustment in the contract amount and time as a result of the cumulative impact of this and future change orders.

This proposal is based on the following qualifications:

We will proceed with this revised work upon receipt of written acceptance of this proposal. In the interim, we are proceeding in accordance with our current contract documents.

Thank you for your prompt consideration of this proposal.

Very truly yours,

New Atlantic Contracting

ATTACHMENTS:

[Macon MS W105 breaker proposal.docx](#) , [Macon MS duct detector Proposal.docx](#) ,
[PROJECT_0088_Macon County Middle School COP Wire Chase Quote.pdf](#) , [_Change order #10 EF -10.pdf](#) , [Macon MS Kitchen Shunt Trip proposal.docx](#) , [PROJECT_0088_Macon County Middle School COP Hood Fire System Install and Testing Quote_02.pdf](#)

#	Budget Code	Description	Amount
1			\$0.00
2	26-001.S Electrical	W105 Power to new wall unit	\$690.00
3	11-400.S Food Service	Bring Kitchen hood up to code	\$4,048.00
4	26-001.S Electrical	Bring Kitchen hood up to code	\$27,550.00
5	01-540.S Final Clean-Up.Commitment	Clean Kitchen	\$300.00
6			\$0.00
7			\$0.00
8	26-001.S Electrical	Phase 1 Existing Duct Detectors in Gym	\$1,051.10
9	23-001.S HVAC	Phase 1 Existing Duct Detectors in Gym and clean existing duct work	\$750.00
Subtotal:			\$34,389.10
Material (6.75% Applies to Materials.):			\$0.00
Equipment (6.75% Applies to Equipment.):			\$0.00
Labor (39.00% Applies to Labor.):			\$0.00
OH&P Sub (7.50% Applies to Material Purchase Order and Commitment.):			\$2,579.18
OH&P LME (15.00% Applies to Equipment, Materials, and Labor.):			\$0.00
Insurance (1.00% Applies to Temporary Labor, Material Purchase Order, Payroll Taxes & Insurance, Owner Cost, Commitment, Equipment, Materials, Labor, Other, and Professional Services.):			\$369.68
P&P Bond (1.00% Applies to Temporary Labor, Material Purchase Order, Payroll Taxes & Insurance, Owner Cost, Commitment, Equipment, Materials, Labor, Other, and Professional Services.):			\$373.38
Rounding (-0.00% Applies to Temporary Labor, Material Purchase Order, Payroll Taxes & Insurance, Owner Cost, Commitment, Equipment, Materials, Labor, Other, and Professional Services.):			\$(0.34)
Grand Total:			\$37,711.00

Mark Sealy (SGA NarmourWright Design)
 1815 S. Tryon Street, Suite A
 Charlotte, North Carolina 28226

Macon County
 5 West Main Street
 Franklin, North Carolina 28734

New Atlantic Contracting Inc
 2635 Reynolda Rd
 Winston Salem, North Carolina 27106



Chris Coleman | Project Manager

SIGNATURE _____ DATE _____

SIGNATURE _____ DATE _____

SIGNATURE _____ DATE _____

New Atlantic Contracting Inc
2635 Reynolda Rd
Winston Salem, North Carolina 27106
Phone: (336) 759-7440
Fax: (336) 759-7445

Project: 2102 - Macon Middle School Renovations
1345 Wells Grove Road
Franklin, North Carolina 28734

Prime Contract Potential Change Order #019: CE #107 - Site Canopy RFQ

TO:	Macon County 5 West Main Street Franklin, North Carolina 28734	FROM:	New Atlantic Contracting Inc 2635 Reynolda Rd Winston Salem, North Carolina 27106
PCO NUMBER/REVISION:	019 / 0	CONTRACT:	1 - Macon Middle School Renovations Prime Contract
REQUEST RECEIVED FROM:		CREATED BY:	Frank Harris (New Atlantic Contracting Inc)
STATUS:	Pending - In Review	CREATED DATE:	5/2/2022
REFERENCE:		PRIME CONTRACT CHANGE ORDER:	None
FIELD CHANGE:	No		
LOCATION:		ACCOUNTING METHOD:	Amount Based
SCHEDULE IMPACT:		PAID IN FULL:	No
EXECUTED:	No	SIGNED CHANGE ORDER RECEIVED DATE:	
		TOTAL AMOUNT:	\$127,471.00

POTENTIAL CHANGE ORDER TITLE: CE #107 - Site Canopy RFQ

CHANGE REASON: Client Request

POTENTIAL CHANGE ORDER DESCRIPTION: *(The Contract Is Changed As Follows)*
May 2, 2022

Mr. Chris Coleman
1815 S. Tyron St. Suite A
Charlotte, NC 28203

**RE: Macon County Middle School
Macon County Schools
Franklin, NC 28734
Potential Change Order Number 018**

NAC JOB# 2102

Dear Chris,

In accordance with Request for Proposal (RFP) 3 dated March 28, 2022, attached is our proposal for Option 1; to remove all the existing concrete shown on RFP-3.1, install the new canopy and pour back the concrete as shown on RFP 3.1.

The total cost estimate of this work per the enclosed summary sheet and attached back-up is **\$127,471.00**.

This change will not increase the contract time; however, we reserve the right to request an equitable adjustment in the contract amount and time as a result of the cumulative impact of this and future change orders.

This proposal is based on the following qualifications:

We will proceed with this revised work upon receipt of written acceptance of this proposal. In the interim, we are proceeding in accordance with our current contract documents.

It may be necessary to revise this proposal if it is not accepted within 5 days, or if the progress of the work changes the conditions upon which this proposal is based.

Thank you for your prompt consideration of this proposal.

Very truly yours,

New Atlantic Contracting

ATTACHMENTS:

[MCMS RFP-03 Canopy Walkway -- Options 2.pdf](#) , [_RE_Macon Middle_RFP 03 sketch outline.msg](#)

#	Budget Code	Description	Amount
1			\$0.00
2	03-100.S Concrete Material and Block Fill.Commitment	Canopy RFQ	\$116,241.00
Subtotal:			\$116,241.00
Material (6.75% Applies to Materials.):			\$0.00
Equipment (6.75% Applies to Equipment.):			\$0.00
Labor (39.00% Applies to Labor.):			\$0.00
OH&P Sub (7.50% Applies to Material Purchase Order and Commitment.):			\$8,718.08
OH&P LME (15.00% Applies to Equipment, Materials, and Labor.):			\$0.00
Insurance (1.00% Applies to Temporary Labor, Material Purchase Order, Payroll Taxes & Insurance, Owner Cost, Commitment, Equipment, Materials, Labor, Other, and Professional Services.):			\$1,249.59
P&P Bond (1.00% Applies to Temporary Labor, Material Purchase Order, Payroll Taxes & Insurance, Owner Cost, Commitment, Equipment, Materials, Labor, Other, and Professional Services.):			\$1,262.09
Rounding (0.00% Applies to Temporary Labor, Material Purchase Order, Payroll Taxes & Insurance, Owner Cost, Commitment, Equipment, Materials, Labor, Other, and Professional Services.):			\$0.24
Grand Total:			\$127,471.00

Mark Sealy (SGA NarmourWright Design)
 1815 S. Tryon Street, Suite A
 Charlotte, North Carolina 28226

Macon County
 5 West Main Street
 Franklin, North Carolina 28734

New Atlantic Contracting Inc
 2635 Reynolda Rd
 Winston Salem, North Carolina 27106



Chris Coleman | Project Manager

 SIGNATURE DATE

 SIGNATURE DATE

 SIGNATURE DATE

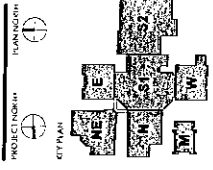
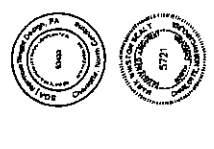
New Atlantic Contracting, Inc.
 COST ESTIMATE DETAIL SHEET

JOB NAME: Macon County Middle School Renovations		BID DATE: April 29, 2022								
LOCATION: 1345 Wells Grove Road - Franklin, North Carolina		BID TIME:								
ARCHITECT: SGA / NarmourWright Design - Charlotte, North Carolina		ESTIMATOR: Mark Harrod								
COST CODE	SPEC or DTL	DESCRIPTION	UNIT PRICES			TOTALS			TOTAL COST	REMARKS
			ESTIMATED QUANTITY	UNIT	LABOR	MATERIAL	SUB/MISC	LABOR		
DIV. 32		CONCRETE WALKWAYS -- OPTION 2	TOTAL			0	19,916	93,586	\$116,241	\$113,502
32										
32										
32										
32										
32										
Option 2	321216	DEMOLITION -- OPTION 2 REPLACEMENT WALKWAYS :								
Option 2		Demolish entire walkway concrete areas	8,452	SF						\$33,808
Option 2		Haul and dispose of walkway concrete off-site as directed	84	CY						8,417
Option 2	321216	EARTHWORK -- OPTION 2 REPLACEMENT WALKWAYS :								
Option 2		Machine excavate for new walkway turn-downs	36	CY						2,160
Option 2		Re-shape and fine grade existing walkway substrate soils	8,452	SF						6,339
Option 2	321216	SITE CONCRETE -- OPTION 2 WALKWAY / TURNDOWNS :								
Option 2		Stone drainage base -- #57 washed stone	140	TN						2,800
Option 2		Fine grade #57 washed stone drainage base	8,452	SF			3,920			2,113
Option 2		Form and strip free edges of turn-downs -- 16" high	706	LF						17,650
Option 2		Form and strip free edges and const. joints -- 4" high	1,070	LF						6,420
Option 2		Form and strip blockouts for canopy columns	68	EA						1,360
Option 2		Rebar reinforcing in turn-downs -- (2) cont. #4 bars	0.5	TN						263
Option 2		Rebar supports at 36" o.c. spacing	470	EA						235
Option 2		Drill and epoxy dowels into exist. walkway edges at 36" o.c.	32	EA						192
Option 2		Welded Wire Mesh -- 6x6/W1.4xW1.4	8,452	SF			3,043			2,028
Option 2		Mesh supports for turn-down areas	8,452	SF						2,113
Option 2		1/2" x 4" expansion joint material	1,300	LF						390
Option 2		Walkway Concrete Material - 4,000 psi A-E	128	CY			20,480			\$20,480
Option 2		Convey concrete - Pump. due to location (100%)	128	CY			4,096			\$4,096
Option 2		Place, finish, cure, seal walkways -- 4" thick + Turndowns	8,452	SF			254			21,130
Option 2	32xxxx	LAWN SEEDING -- OPTION 2 WALKWAYS :								
Option 2		Prepare and seed lawn areas where no longer concrete	1,080	SF			270			540
32										\$810
Base Bid	321216	EXCAV / BACKFILL -- BASE BID CANOPY FOOTINGS :								
Base Bid		Saw-cutting of walkways for new canopy column footings	(666)	LF						(1,332)
Base Bid		Machine excavate for new canopy column footings	(60)	CY						(3,600)
Base Bid		Dewater footing excavations as required	(60)	CY						(150)
Base Bid		Waste excess earth spoils off-site as directed	(60)	CY						(720)
Base Bid	321216	FOOTINGS -- BASE BID CANOPY COLUMNS :								
Base Bid		Drill and epoxy dowels into existing footings / walls	(18)	EA						(144)
Base Bid		Form and strip blockouts for canopy columns	(72)	EA			(72)			(1,152)
Base Bid		Footing Concrete (4,000 psi normal weight)	(65)	CY			(10,400)			(\$10,400)
Base Bid		Add for plasticizer for pumped concrete	(65)	CY			(650)			(\$650)
Base Bid		Convey concrete - Pump. due to locations (100%)	(65)	CY			(3,250)			(2,080)
Base Bid										
Base Bid	321216	SITE WALKWAY PATCHING -- BASE BID CANOPY:								
Base Bid		Form and strip free edges of walkways -- 4" high	(250)	LF						(1,250)
Base Bid		Welded Wire Mesh -- 6x6/W1.4xW1.4	(960)	SF			(192)			(192)
Base Bid		Mesh supports for site walk areas	(960)	SF						(96)
Base Bid		Walkway Concrete Material -- 4,000 psi Air-Entrained	(12)	CY			(1,920)			(1,920)
Base Bid		Place, finish, cure, seal walkways -- New 4" thick	(936)	SF			(28)			(1,404)
32										
32										

New Atlantic Contracting, Inc.
 COST ESTIMATE DETAIL SHEET

JOB NAME: Macon County Middle School Renovations		BID DATE: April 29, 2022										
LOCATION: 1345 Wells Grove Road - Franklin, North Carolina		BID TIME:										
ARCH/ENG: SCA / NarmourWright Design - Charlotte, North Carolina		ESTIMATOR: Mark Harrod										
		Cost/Delta w/ PT&I / Tax / Fee = \$116,241										
COST CODE	SPEC or DTL	DESCRIPTION	ESTIMATED			UNIT PRICES			TOTALS			REMARKS
			QUANTITY	UNIT		LABOR	MATERIAL	SUB/MISC	LABOR	MATERIAL	SUB/MISC	
32						X	X	X				
END OF OPTION 2 WALKWAY ESTIMATE												
End of Estimate												

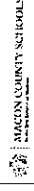
1815 S. Tipton St., Suite A
 Columbus, GA 31906
 www.sga-nw.com



BIDDING DOCUMENTS

Revision Schedule	Issue

Macon County Middle School Renovation



Macon County School System
 1345 Walk Green Rd | Macon, GA 31204

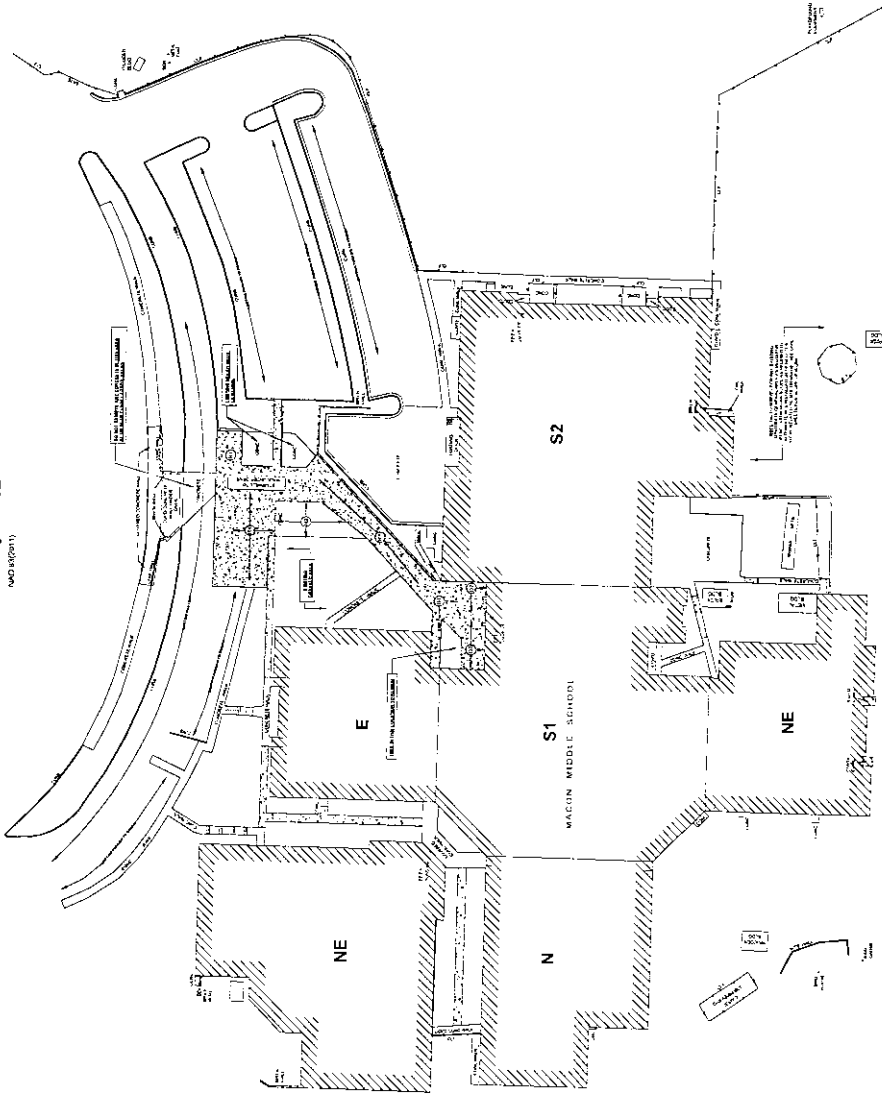
SGA NW DESIGN PROJECT NUMBER: 14-1401
 DESIGNED BY: Andrew
 DRAWN BY: Andrew
 CHECKED BY: Chester
 ISSUE DATE: 12/11/2018

RFP - FRONT WALKWAY RENOVATION PLAN

RFP - 3.1

RFP - SITE PLAN DEMOLITION NOTES:

- DEMOLITION SHALL BE PERFORMED IN ACCORDANCE WITH THE APPROPRIATE LOCAL, STATE, AND FEDERAL REGULATIONS AND PERMITS.
- DEMOLITION SHALL BE PERFORMED IN ACCORDANCE WITH THE APPROPRIATE LOCAL, STATE, AND FEDERAL REGULATIONS AND PERMITS.
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850 WASHINGTON TURNPIKE ROAD
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MACON COUNTY BOARD OF COMMISSIONERS

AGENDA ITEM

CATEGORY – NEW BUSINESS

MEETING DATE: May 10, 2022

11(A). Emergency Services Director Warren Cabe will be requesting approval of a communications site lease renewal between the county and the U.S. Forest Service (USFS) for the Wine Springs site on Wayah Bald. Per Mr. Cabe, this site covers all of the western sections of Macon County, including the Nantahala area. This site only has public safety equipment located within it and therefore does not require rent payments to the USFS. Also per Mr. Cabe, this agreement – which has been reviewed by the County Attorney, is the same as the Cowee Bald agreement approved last year, and a copy of the Wine Springs agreement is included in the packet.

11(B). Mike Yaks, the board chair for Burningtown Iotla Fire & Rescue will be at the meeting seeking board approval of a “county acknowledgement letter,” which would confirm the department’s status as the county entity providing fire protection within this district. A copy of the letter will be included in the packet, and an original on county letterhead has been prepared for Chairman Tate’s signature, pending action on this item. The letter does note that Burningtown Iotla has made the commission aware of its intention to acquire new capital assets through a lease purchase.

11(C). Per Planning Director Joe Allen, pursuant to 159.24 of Macon County’s Subdivision Ordinance, the Pradera Group, LLC is requesting to enter into a Performance Guarantee Agreement with Macon County in the amount of \$110,361.00. This is 125 percent of the estimated cost (\$88,289.14) to install required improvements to the proposed subdivision road at Whiteside Cottages. The improvements will include installation of a retaining wall and fill material in order to decrease road grades to no more than 10 percent, as required under 159.64 of Macon County’s Subdivision Ordinance and 153.07(B) of Macon County’s Soil Erosion and Sedimentation Control Ordinance. A copy of the agreement, a site plan, the

performance bond and an estimate from Mark Rogers Grading Company, LLC are all included in the packet, and Mr. Allen can provide further details at the meeting.

11(D). Eric Wright with JECO Pyrotechnics, Inc. of Newland, NC has submitted an application for a permit for a fireworks display at Skyline Lodge in Highlands for a wedding on June 10, 2022. A copy of the application and the supporting documentation will be included in the packet.

Auth ID: NAN112
Contact Name: MACON, COUNTY OF
Expiration Date: 5/01/2042
Use Code: 815

FS-2700-10b (V.01/17)
OMB No. 0596-0082

**U.S. DEPARTMENT OF AGRICULTURE
FOREST SERVICE
COMMUNICATIONS USE LEASE
AUTHORITY:**

**Section 501(a)(5) of the Federal Land Policy and Management Act,
43 U.S.C. 1761(a)(5)**

MACON, COUNTY OF 5 W. MAIN ST. FRANKLIN, NC UNITED STATES 28734.

This lease is issued by the United States of America, acting through the United States Department of Agriculture, Forest Service (hereinafter the "United States" or "Forest Service"), as authorized by section 501(a)(5) of the Federal Land Policy and Management Act, 43 U.S.C. 1761(a)(5), to MACON, COUNTY OF, its agents, successors, and assigns (hereinafter the "lessee").

The United States and the lessee are jointly referred to in this lease as the "parties." The term "authorized officer" refers to the Forest Service official having the delegated authority to execute and administer this lease. Generally, unless otherwise indicated, this authority may be exercised by the Forest Supervisor or District Ranger of the NATIONAL FORESTS IN NORTH CAROLINA in which the following described lands are located.

The United States, in consideration of the terms and conditions in this lease and the payment to the United States of rent in advance by the lessee, hereby issues the lessee a lease for the following described communications facility in MACON county of NORTH CAROLINA, (hereinafter called the "lease area"). The lessee accepts this lease and possession of the lease area, subject to any valid existing rights, and agrees to use the lease area only for construction, operation, maintenance, and termination of a communications facility. Authorized facilities under this lease include:

Wine Springs Communication Site:

Antenna support structures	80' lattice freestanding tower
Ancillary improvements	8 kw generator 1000 gallon LP tank

The location of the lease area is described or shown generally in the Wine Spring Bald Communication Site Management Plan, which is attached as Appendix A of this lease. This and any other appendices are hereby incorporated into this lease.

Any additional appendices to this lease are incorporated into and made a part of this instrument as fully and effectively as if they were set forth herein in their entirety.

This lease is issued subject to the following terms and conditions.

I. TENURE, RENEWAL AND TRANSFERABILITY

A. This lease shall terminate at one minute after midnight on 5/01/2042. Termination at the end of the lease term shall occur by operation of law and shall not require any additional notice or documentation by the authorized officer. This lease is not renewable, but the lessee has the right to request a new lease.

B. If the lessee desires a new lease upon termination of this lease, the lessee shall notify the authorized officer accordingly, in writing. The notice must be received by the authorized officer at least one year prior to the end of the lease term. The authorized officer shall determine if the use should continue and, if it is to continue, if a new lease should be issued to the lessee and under what conditions. The authorized officer shall require payment of any amounts owed the United States under any Forest Service authorization before issuance of another authorization.

C. This lease is assignable with prior written approval of the authorized officer, except when rent has been exempted or waived in whole or in part. Renting of space does not constitute an assignment under this clause.

II. RENT

A. The lessee shall pay rent annually in advance as determined by the authorized officer in accordance with law, regulation, and policy. The annual rent shall be adjusted by the authorized officer to reflect changes in fair market value, annual adjustments using the Consumer Price Index-Urban (CPI-U), changes in tenant occupancy, or phase-in rent, if applicable.

B. Rent is due at the close of business on January 1 of each year for which a payment is due. Payments in the form of a check, draft, or money order are payable to USDA, Forest Service. If the due date for the rent falls on a non-work day, the charges shall not apply until the close of business on the next workday. This lease shall terminate if rent is not received by the Forest Service within 90 calendar days of the due date.

C. Pursuant to 31 U.S.C. 3717 et seq., interest shall be charged on any rent not paid within 30 days from the date the rental or rental calculation financial statement specified in this authorization becomes due. The rate of interest assessed shall be the higher of the rate of the current value of funds to the U.S. Treasury (i.e., Treasury tax and loan account rate), as prescribed and published by the Secretary of the Treasury in the Federal Register and the Treasury Fiscal Requirements Manual Bulletins annually or quarterly or at the Prompt Payment Act rate. Interest on the principal shall accrue from the date the rent is due. In addition, an administrative penalty at a

percentage rate prescribed by law or regulation will be assessed for failure to pay any portion of the debt that is more than 90 days past due. This paragraph shall survive the termination or revocation of this lease, regardless of cause.

D. Disputed rent is due and payable by the due date. No appeal of rent shall be considered by the Forest Service without full payment of the disputed amount.

III. RESPONSIBILITIES OF THE LESSEE

A. The lessee is authorized to rent space and provide other services to customers and tenants and shall charge each customer and tenant a reasonable rent without discrimination for the use and occupancy of the facilities and services provided. The lessee shall not impose unreasonable restrictions or restrictions restraining competition or trade practices. By October 15 of each year, the lessee shall provide the authorized officer a certified statement listing all tenants and customers by category of use in the authorized facilities on September 30 of that year.

B. All development, operation and maintenance of the authorized facilities, improvements, and equipment located in the lease area shall be in accordance with stipulations in the applicable communications site management plan approved by the authorized officer. If required by the authorized officer, all plans for development, layout, construction, or alteration of improvements in the lease area, as well as revisions of those plans, must be prepared by a licensed engineer, architect, and/or landscape architect. These plans must be approved in writing by the authorized officer before commencement of any work. After completion, as-built plans, maps, surveys, or other similar information shall be provided to the authorized officer and appended to the communications site management plan.

C. The lessee shall comply with applicable federal, state, county, and municipal laws, regulations and standards for public health and safety, environmental protection, siting, construction, operation, and maintenance in exercising the rights granted by this lease. The obligations of the lessee under this lease are not contingent upon any duty of the authorized officer or other agent of the United States to inspect the authorized facilities or lease area. A failure by the United States or other governmental officials to inspect is not a defense to noncompliance with any of the terms and conditions of this lease. The lessee waives all defenses of laches or estoppel against the United States. The lessee shall at all times keep the title of the United States to the lease area free and clear of all liens and encumbrances.

D. Use of communications equipment in the lease area is contingent upon possession of a valid Federal Communication Commission (FCC) license or Director of Telecommunications Management/Interdepartmental Radio Advisory Committee (DTM/IRAC) authorization and operation of the equipment in strict compliance with applicable requirements of the FCC or IRAC. A copy of each applicable license or authorization shall at all times be maintained by the lessee for each transmitter being operated. The lessee shall provide the authorized officer, when requested, with current copies of all FCC licenses and DTM/IRAC authorizations for equipment in or on facilities covered by this lease.

E. The lessee shall ensure that equipment within facilities authorized by this lease (including tenant and customer equipment) operates in a manner that will not cause harmful interference with the operation of existing

equipment on or adjacent to the communications site covered by this lease. If the authorized officer or authorized official of the FCC determines that the lessee's use interferes with existing equipment, the lessee will promptly take the necessary steps to eliminate or reduce the harmful interference to the satisfaction of the authorized officer or FCC official.

F. When requested by the authorized officer, the lessee shall furnish technical information concerning the equipment located in the lease area.

IV. LIABILITIES

A. The lessee assumes all risk of loss to the authorized facilities and ancillary improvements.

B. The lessee shall comply with all applicable federal, state, and local laws, regulations, and standards, including but not limited to the Federal Water Pollution Control Act, 33 U.S.C. 1251 et seq., the Resource Conservation and Recovery Act, 42 U.S.C. 6901 et seq., the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. 9601 et seq., and other relevant environmental laws, as well as public health and safety laws and other laws relating to the siting, construction, operation and maintenance of any facility, improvement, or equipment in the lease area.

C. The lessee shall indemnify, defend, and hold harmless the United States for any violations incurred under any such laws and regulations or for judgments, claims, or demands assessed against the United States in connection with the lessee's use or occupancy of the lease area. The lessee's indemnification of the United States shall include any loss of personal injury, loss of life or damage to property in connection with the occupancy or use of the lease area during the term of this lease. Indemnification shall include but not be limited to the value of resources damaged or destroyed; the costs of restoration, cleanup, or other mitigation; fire suppression or other types of abatement costs; third-party claims and judgments; and all administrative, interest, and other legal costs. This clause shall survive the termination or revocation of this lease, regardless of cause.

D. The Forest Service has no duty, either before or during the lease term, to inspect the lease area or to warn of hazards and, if the Forest Service inspects the lease area, it shall incur no additional duty nor any liability for hazards not identified or discovered through those inspections. This paragraph shall survive the termination or revocation of this lease, regardless of cause.

E. The lessee has an affirmative duty to protect from damage the land, property, and interests of the United States.

F. In the event of any breach of the lease by the lessee, the authorized officer may, on reasonable notice, cure the breach at the expense of the lessee. If the Forest Service at any time pays any sum of money or does any act which will require payment of money or incurs any expense, including reasonable attorney's fees, in instituting, prosecuting, or defending any action or proceeding to enforce the United States' rights hereunder, the sums paid by the United States, with all interests, costs, and damages, shall at the election of the Forest Service be deemed to be additional rent under this lease and shall be due from the lessee to the Forest Service on the first day of the month following that election.

V. MISCELLANEOUS PROVISIONS

A. Nondiscrimination. The lessee and its employees shall not discriminate against any person on the basis of race, color, sex (in educational and training programs), national origin, age, or disability or by curtailing or refusing to furnish accommodations, facilities, services, or use privileges offered to the public generally. In addition, the lessee and its employees shall comply with the provisions of Title VI of the Civil Rights Act of 1964 as amended, Section 504 of the Rehabilitation Act of 1973, as amended, Title IX of the Education Amendments of 1972, as amended, and the Age Discrimination Act of 1975, as amended.

B. Revocation, Termination and Suspension

1. General. For purposes of this lease, termination, revocation, and suspension refer to the cessation of uses and privileges under the lease.

"Revocation" refers to an action by the authorized officer to end the lease because of noncompliance with any of the prescribed terms, abandonment, or for reasons in the public interest. Revocations are appealable.

"Termination" refers to the cessation of the lease under its own terms without the necessity for any decision or action by the authorized officer. Termination occurs automatically when, by the terms of the lease, a fixed or agreed upon condition, event, or time occurs. For example, the lease terminates at expiration. Terminations are not appealable.

"Suspension" refers to a revocation which is temporary and the privileges may be restored upon the occurrence of prescribed actions or conditions. Suspensions are appealable.

2. This lease may be suspended or revoked upon breach of any of the conditions herein or upon nonuse. Nonuse refers to a failure to operate the authorized facilities on the property for a period of 2 years.

3. Except in emergencies, the authorized officer shall give the lessee written notice of the grounds for revocation or suspension and a reasonable time, not to exceed 90 days, to complete the corrective action. After 90 days, the Forest Service is entitled to such remedies as provided herein.

4. This lease may be revoked at the discretion of the Forest Service when in the public interest. When revoked in the public interest, the lessee shall be compensated subject to the availability of appropriated funds. Compensation shall be based upon the initial cost of improvements located on the lease, less depreciation as allocated over the life of the authorized facilities, based on the Lessee's federal tax amortization schedules.

5. Written decisions by the authorized officer relating to administration of this lease are subject to administrative appeal pursuant to 36 CFR 214.

6. If upon expiration of this lease the authorized officer decides not to issue a new lease, or the lessee does not desire a new lease, the authorized officer and the lessee shall, within six months prior to the termination date of this lease, agree upon a mitigation plan to restore and stabilize the site lease area.

7. Upon termination or revocation of the authorization, delinquent fees and other charges associated with the

authorization will be subject to all rights and remedies afforded the United States pursuant to 31 U.S.C. 3711 *et seq.* Delinquencies may be subject to any or all of the following conditions:

- a. Administrative offset of payments due the lessee from the Forest Service.
- b. Delinquencies in excess of 60 days shall be referred to United States Department of the Treasury for appropriate collection action as provided by 31 U.S.C. 3711(g)(1).
- c. The Secretary of the Treasury may offset an amount due the debtor for any delinquency as provided by 31 U.S.C. 3720 *et seq.*). If this lease is revoked for noncompliance, the lessee shall remove all authorized structures and improvements, except those owned by the United States, within 90 days, and shall restore the site as nearly as reasonably possible to its original condition unless this requirement is waived in writing by the authorized officer.

If the lessee fails to remove all authorized structures or improvements within the prescribed period, they shall become the property of the United States and may be sold, destroyed, or otherwise disposed of without any liability to the United States.

C. No member of or delegate to Congress or resident commissioner shall benefit from this lease whether directly or indirectly, other than to the extent the lease provides a general benefit to a corporation.

D. This lease is issued subject to the following reservations by the United States:

1. The right of the United States to all natural resources now or hereafter located in the lease area unless stated otherwise, and the right to utilize or dispose of those resources insofar as the rights of the lessee are not unreasonably affected.
2. The right of the United States to modify the communications site management plan as deemed necessary.
3. The right of the United States to enter the lease area and inspect all authorized facilities to ensure compliance with the terms and conditions of this lease.
4. The right of the United States to require common use of the lease area and the right to authorize use of the lease area for compatible uses.

E. The Forest Service and the lessee shall keep each other informed of current mailing addresses.

F. This lease supersedes a special use authorization designated WAY102810.

G. If there is any conflict between any of the preceding printed clauses and any of the following clauses the preceding printed clauses shall control.

THIS LEASE IS GRANTED SUBJECT TO ALL ITS TERMS AND CONDITIONS.

BEFORE ANY LEASE IS ISSUED TO AN ENTITY, DOCUMENTATION MUST BE PROVIDED TO THE AUTHORIZED OFFICER OF THE AUTHORITY OF THE SIGNATORY FOR THE ENTITY TO BIND IT TO THE TERMS AND CONDITIONS OF THE LEASE.

Derek Roland
Manager
Macon County

DATE

APPROVED:

M. TROY WASKEY
District Ranger

DATE

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0596-0082. The time required to complete this information collection is estimated to average one (1) hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at 202-720-2600 (voice and TDD).

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, 1400 Independence Avenue, SW, Washington, DC 20250-9410 or call toll free (866) 632-9992 (voice). TDD users can contact USDA through local relay or the Federal relay at (800) 877-8339 (TDD) or (866) 377-8642 (relay voice). USDA is an equal opportunity provider and employer.

The Privacy Act of 1974 (5 U.S.C. 552a) and the Freedom of Information Act (5 U.S.C. 552) govern the confidentiality to be provided for information received by the Forest Service.

(To Be Reproduced on County Letterhead)

DATE (please date after the department has held their public meeting on _____)

Municipal Lease and Option Agreement between HomeTrust Bank and Burningtown-lotla Volunteer Fire & Rescue, Inc.

I am Chairman of the County Commissioners of Macon County. This letter is to advise you that: Burningtown-lotla Volunteer Fire & Rescue, Inc. is a qualified Volunteer Fire Department, assigned to protect a specific Fire District within this County.

In addition, a special ad valorem (fire tax) is assessed on the real property owners of this district. Said tax is to be used exclusively to provide equipment, facilities, and training as is necessary to provide fire protection for said district. Said funds may also be used to upgrade equipment as the need arises. This tax is collected by the County and disbursed by the Finance Office to the Fire Department on a regular basis by the County Finance Officer. The Fire Department is operated and managed by the Board of Directors of the Fire Department and the Officers of said Department. The Department is currently meeting the requirements of their fire service contract.

The Fire Department has made us aware of their intention to acquire new capital assets through a Lease Purchase transaction with your firm. Please be advised that the County has no objection to this transaction.

Sincerely,

**Chairman
Macon County Commission**

STATE OF NORTH CAROLINA
COUNTY OF MACON

AGREEMENT

This Agreement is made and entered into this the ___ day _____, 20___, by and between Macon County, a North Carolina Body Politic and Corporate, and **Pradera Group, LLC**_____, hereinafter “Developer”.

WITNESSETH:

THAT WHEREAS, Macon County has an Ordinance known as the “Macon County Subdivision Ordinance” and the same was originally adopted on or about June 2, 2008, effective September 1, 2008, and the same has been amended and restated on October 12, 2021 (herein “Ordinance”); and

WHEREAS § 159.24 of said Ordinance and G.S. 160D-804.1 provides for performance guarantees at the time the plat is recorded to assure successful completion of required improvements to a subdivision; and

WHEREAS in accordance with Macon County Subdivision Ordinance § 159.24 and G.S. 160D-804.1(1) does require a Subdivider to obtain a performance guarantee which means any of the following: a) surety bond issued by a company authorized to do business in this State; b) letter of credit issued by any financial institution licensed to do business in this State; and c) other form of guarantee that provides equivalent security to a surety bond or letter of credit; and

WHEREAS, in accordance with Macon County Subdivision Ordinance § 159.24 and G.S. 160D-804.1(3), the performance guarantee shall be in the amount of 125% of the reasonably estimated cost of completion at the time the performance guarantee is issued; and

WHEREAS, Developer, in compliance with § 159.24 of the Macon County Subdivision Ordinance and G.S. 160D-804.1, desires to enter into such an agreement with Macon County to complete all required improvements for **Whiteside Cottages** Subdivision in Macon County, North Carolina, and does specifically agree to fully complete the following improvements to such subdivision as shown on attached Exhibit A, the same being incorporated herein by reference as if more fully set forth herein; and

WHEREAS, Developer agrees to cause a performance guarantee in the amount of \$ **110,361.00**, as set forth in attached Exhibit B and in favor of Macon County in accordance with the provisions of the Macon County Subdivision Ordinance at the time the plat is recorded; and

WHEREAS, the parties hereto desire to enter into this Agreement in order to

memorialize their agreement and to comply with the Ordinance above-referenced.

NOW THEREFORE, IN CONSIDERATION OF THE FOREGOING AND THE COVENANTS CONTAINED HEREIN, THE PARTIES HERETO DO AGREE AS FOLLOWS:

1. That in order to comply with the Macon County Subdivision Ordinance, Developer does hereby agree with Macon County to fully complete all of the improvements shown on attached Exhibit A, the same being incorporated herein by reference as if more fully set forth herein to the reasonable satisfaction of Macon County in connection with and to **Whiteside Cottages** Subdivision in Macon County, North Carolina, and in accordance with the terms of the Macon County Subdivision Ordinance referenced hereinabove.
2. That in order to comply with the Macon County Subdivision Ordinance, Developer does hereby agree to secure a performance bond in the form as set forth in attached Exhibit B, the same being incorporated herein by reference, in the amount of \$ 110,361.00 in connection with **Whiteside Cottages** Subdivision in Macon County, North Carolina, in order to insure the completion of the improvements as shown on attached Exhibit A, the same being incorporated herein by reference, to the reasonable satisfaction of Macon County and in accordance with the terms of the Macon County Subdivision Ordinance referenced hereinabove.
3. That the parties agree to and confirm the recitals set forth hereinabove.

This Agreement is made and entered into the day and year first above written.

Macon County

By:

Chairman, Macon County
Board of County Commissioners

Attest:

Clerk to the Board

(County Seal)

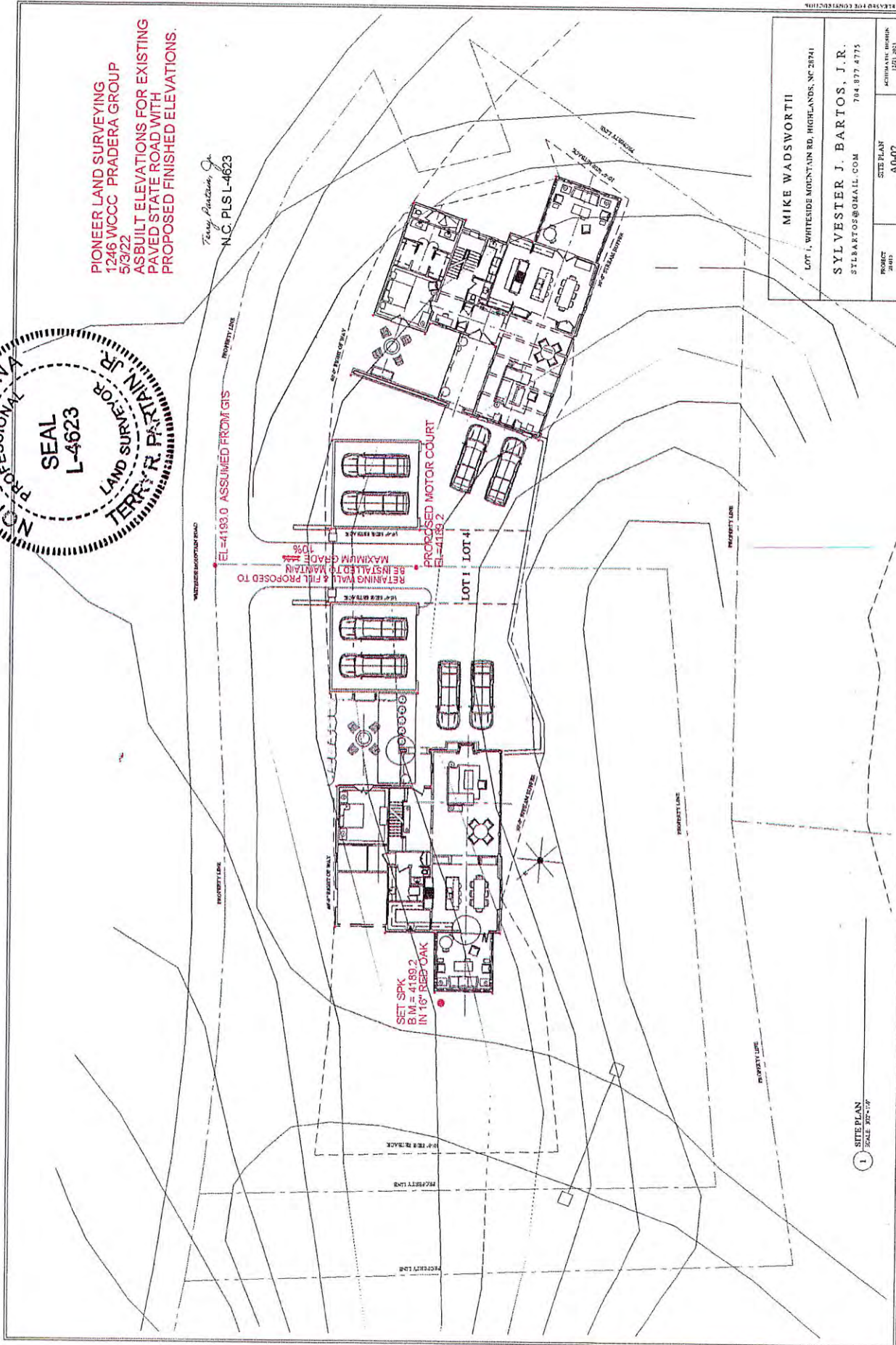
Developer

By: Authorized Representative,



PIONEER LAND SURVEYING
 1246 WCCC PRADERA GROUP
 5/3/22
 AS-BUILT ELEVATIONS FOR EXISTING
 PAVED STATE ROAD WITH
 PROPOSED FINISHED ELEVATIONS.

Terry R. P. Kytain, Jr.
 N.C. PLS L-4623



MIKE WADSWORTH II	
LOT 1, WHITESIDE MOUNTAIN RD, HIGHLANDS, NC 28741	
SYLVESTER J. BARTOS, J.R.	
SYLBARTOS@GMAIL.COM 704.877.4775	
PROJECT NAME	SITE PLAN
DATE	02-20-22

1 SITE PLAN
 SCALE 1/8"=1'-0"

PERFORMANCE BOND

KNOW ALL MEN BY THESE PRESENTS:

That we, Pradera Group, LLC, as Principal, and SureTec Insurance Company, a Texas Business Corporation, and Surety Bonding Company authorized to do business in North Carolina, with an address of 2103 CityWest Boulevard, Suite 1300, Houston, TX 77042 as Surety, are held and firmly bound unto Macon County, a North Carolina Body Politic and Corporate, as Obligee, in the full sum of One Hundred Ten Thousand Three Hundred Sixty One Dollars (\$110,361), lawful money of the United States of America, for the payment of which, well and truly to be made, we bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, the above bounden Principal has secured from the Obligee the final plat approval of Whiteside Cottages Subdivision in Macon County and has entered into an Agreement with Macon County to fully complete all of the improvements shown on attached Exhibit 1, the same being incorporated herein by reference as if more fully set forth herein to the reasonable satisfaction of Macon County in connection with and to Whiteside Cottages Subdivision in Macon County, North Carolina, and in accordance with the terms of the Macon County Subdivision Ordinance; and

WHEREAS, the Principal is required by Obligee and pursuant to such Agreement to secure with a Performance Bond the Principal's obligation to fully complete all of the improvements shown on attached Exhibit 1, the same being incorporated herein by reference as if more fully set forth herein, to the reasonable satisfaction of Macon County in connection with and to Whiteside Cottages Subdivision in Macon County, North Carolina, and in accordance with the terms of the Macon County Subdivision Ordinance.

NOW, THEREFORE, the condition of this obligation is such that if the Principal shall fully complete all of the improvements shown on attached Exhibit 1, the same being incorporated herein by reference as if more fully set forth herein, to the reasonable satisfaction of Macon County in connection with and to Whiteside Cottages Subdivision in Macon County, and in accordance with the terms of the Macon County Subdivision Ordinance on or before May 12, 2022 (or within such further extensions of time that shall be granted by Obligee in writing and consented to by Surety), then this obligation shall be void, otherwise to remain in full force and effect. This obligation is subject to the following conditions:

1. This bond runs to the benefit of the named Obligee only, and no other person shall have any rights under this bond. The duration of this bond shall be for Twelve (12) Months

year(s).

2. This bond is not a forfeiture obligation, and in no event shall the Surety's liability exceed the reasonable cost of fully completing all of the improvements shown on attached Exhibit 1, the same being incorporated herein by reference as if more fully set forth herein, to the reasonable satisfaction of Macon County in connection with and to Whiteside Cottages Subdivision in Macon County, North Carolina, and in accordance with the terms of the Macon County Subdivision Ordinance which are not completed by Principal, or the sum of this bond, whichever is less.

This bond is executed and becomes effective this the 4th day of May, 2022.

Pradera Group, LLC
Principal

By: _____
Authorized Representative, Developer

SureTec Insurance Company
Surety

By: 
Duly Authorized Representative



SureTec Insurance Company

LIMITED POWER OF ATTORNEY

Know All Men by These Presents, That SURETEC INSURANCE COMPANY (the "Company"), a corporation duly organized and existing under the laws of the State of Texas, and having its principal office in Houston, Harris County, Texas, does by these presents make, constitute and appoint

Brian E. Madden, Chancey J. Shepherd, Deborah B. Sasser, Rachel Fell,
Brittany Triplett, Felisa H. Vaughan

its true and lawful Attorney-in-fact, with full power and authority hereby conferred in its name, place and stead, to execute, acknowledge and deliver any and all bonds, recognizances, undertakings or other instruments or contracts of suretyship to include waivers to the conditions of contracts and consents of surety for, providing the bond penalty does not exceed

Five Million and 00/100 Dollars (\$5,000,000.00)

and to bind the Company thereby as fully and to the same extent as if such bond were signed by the President, sealed with the corporate seal of the Company and duly attested by its Secretary, hereby ratifying and confirming all that the said Attorney-in-Fact may do in the premises. Said appointment is made under and by authority of the following resolutions of the Board of Directors of the SureTec Insurance Company:

Be it Resolved, that the President, any Vice-President, any Assistant Vice-President, any Secretary or any Assistant Secretary shall be and is hereby vested with full power and authority to appoint any one or more suitable persons as Attorney(s)-in-Fact to represent and act for and on behalf of the Company subject to the following provisions:

Attorney-in-Fact may be given full power and authority for and in the name of and of behalf of the Company, to execute, acknowledge and deliver, any and all bonds, recognizances, contracts, agreements or indemnity and other conditional or obligatory undertakings and any and all notes and documents canceling or terminating the Company's Liability thereunder, and any such instruments so executed by any such Attorney-in-Fact shall be binding upon the Company as if signed by the President and sealed and effected by the Corporate Secretary.

Be it Resolved, that the signature of any authorized officer and seal of the Company heretofore or hereafter, affixed to any power of attorney or any certificate relating thereto by facsimile, and any power of attorney or certificate bearing facsimile signature or facsimile seal shall be valid and binding upon the Company with respect to any bond or undertaking to which it is attached. (Adopted at a meeting held on 20th of April, 1999.)

In Witness Whereof, SURETEC INSURANCE COMPANY has caused these presents to be signed by its President, and its corporate seal to be hereto affixed this 11th day of May A.D. 2021.



SURETEC INSURANCE COMPANY

By: Michael C. Keimig
Michael C. Keimig, President

State of Texas ss:
County of Harris

On this 11th day of May A.D. 2021 before me personally came Michael C. Keimig, to me known, who, being by me duly sworn, did depose and say, that he resides in Houston, Texas; that he is President of SURETEC INSURANCE COMPANY, the company described in and which executed the above instrument; that he knows the seal of said Company; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the Board of Directors of said Company; and that he signed his name thereto by like order.



Tanya Sneed
Tanya Sneed, Notary Public
My commission expires March 30, 2023

I, M. Brent Beaty, Assistant Secretary of SURETEC INSURANCE COMPANY, do hereby certify that the above and foregoing is a true and correct copy of a Power of Attorney, executed by said Company, which is still in full force and effect, and furthermore, the resolutions of the Board of Directors, set out in the Power of Attorney are in full force and effect.

Given under my hand and the seal of said Company at Houston, Texas this 4th day of May, 2022, A.D.

M. Brent Beaty
M. Brent Beaty, Assistant Secretary

Any instrument issued in excess of the penalty stated above is totally void and without any validity. 1010005
For verification of the authority of this power you may call (713) 812-0800 any business day between 8:30 am and 5:00 pm CST.

Mark Rogers Grading Company, LLC

1305 Hicks Rd
Highlands, N.C. 28741

Estimate

Date	Estimate No.
4/29/2022	290

Name/Address

PRADERA GROUP LLC
PO BOX 723235
ATLANTA GA 31139

E-mail	Phone #
markrogersgrading@outlook.com	(828) 421-5320

		Project	
		WILDCAT COTTAGES	
Description	Qty	Rate	Total
INSTALLATION OF BLOCKS MOVE IN MEDIUM SIZE EXCAVATOR WITH OPERATOR	1	150.00	150.00
MEDIUM SIZE EXCAVATOR WITH OPERATOR FOR 2 WEEKS	80	120.00	9,600.00
2 LABORERS FOR 2 WEEKS	80	120.00	9,600.00
SMOOTH FACED TOX BLOCKS 675 SQ FEET OF TOX BLOCK PICKED UP AND DELIVERED TO JOB SITE - WITH USE OF BLOCK SLINGER \$22,393.54			
OR			
ROCK FACED TOX BLOCK 675 SQ FEET OF TOX BLOCK PICKED UP AND DELIVERED TO JOB SITE - WITH USE OF BLOCK SLINGER \$23,939.14			0.00 \$23,939.14
IF PINNING IT 1" X 20' REBAR FOR HOLES = 51.89 NUMBER NEEDED TO BE DETERMINED CONCRETE FOR HOLES 3000 PUMP MIX FOR HOLES = \$219.36 PER YARD TO BE DETERMINED TO BE DETERMINED			\$24,500.00
		Total	

Mark Rogers Grading Company, LLC

1305 Hicks Rd
Highlands, N.C. 28741

Estimate

Date	Estimate No.
4/29/2022	290

Name/Address

PRADERA GROUP LLC
PO BOX 723235
ATLANTA GA 31139

E-mail	Phone #
markrogersgrading@outlook.com	(828) 421-5320

		Project	
		WILDCAT COTTAGES	
Description	Qty	Rate	Total
BACK FILL TO BE DETERMINED \$325 PER TANDEM LOAD OF CLEAN FILL DIRT (15-18 TONS PER LOAD)			\$20,500.00
		Total	\$88,289.14

NOT RESPONSIBLE FOR DAMAGE TO UNDERGROUND UTILITIES. NOT RESPONSIBLE FOR DAMAGE TO PAVERS, CONCRETE, OR PAVEMENT DRIVING TO OR FROM THE PROJECT. NOT RESPONSIBLE FOR FAULT IN OUR WORK BEYOND OUR CONTROL. ROCK REMOVAL THAT REQUIRES HYDRAULIC HAMMERING, EXPANDER OR BLASTING IS NOT INCLUDED IN NORMAL EXCAVATION CHARGES NOR IS THE HAUL OFF AND DISPOSAL FEES.

STATE OF NORTH CAROLINA
COUNTY OF MACON

APPLICATION FOR PERMIT TO EXHIBIT, USE AND/OR DISCHARGE
PYROTECHNICS FOR CONCERT OR PUBLIC EXHIBITION

1. Display Operator/Applicant's full name and address: Eric Wright - JECO Pyrotechnics Inc
195 Rogers Ridge Rd. Newland, NC 28657
2. Has the Display Operator/Applicant been issued a display operator license under N.C. Gen. Stat. § 58-82A-3 and does the same remain in effect? Yes. Attach copy.
3. Place of proposed public exhibition: 470 Skyline Lodge Rd. Highlands, NC 28741
4. Will the exhibition be indoor? NO. If so, additional rules apply.
5. Will the proposed exhibition be in connection with concerts or public exhibitions, such as fairs, carnivals, shows of all descriptions and/or public celebrations? Yes. If so, which: wedding
6. Will the proposed exhibition be used for any other purpose? NO. If so, what? _____
7. Does the Display Operator/Applicant have insurance in the amount of at least five hundred thousand dollars (\$500,000) or the minimum amount required by the North Carolina Building Code pursuant to N.C. Gen. Stat. § 143-138(e), whichever is greater? Yes. Attach full copy of the same.
8. The names of all Individual(s) who are to exhibit, use, handle or discharge pyrotechnics in connection with the concert or public exhibit: Eric Wright, Cody Greene,
Laura Wright
9. Have all persons identified in #8 above completed training and licensing required under Article 82A of Chapter 58 of the North Carolina General Statutes? Yes
10. Will the display operator or proximate audience display operator, as required under Article 82A of Chapter 58 of the North Carolina General Statutes, be present at the concert or public exhibition? Yes
11. Will the display operator or proximate audience display operator, as required under Article 82A of Chapter 58 of the North Carolina General Statutes, personally direct all aspects of exhibiting, using, handling, or discharging the pyrotechnics? Yes
12. Does Display Operator/Applicant have all necessary permissions from the property owner of the lands where the display will take place? Yes

I certify under penalty of perjury that the responses to the above are truthful all respects.

This the 28th day of April, 2022.

Eric Wright
Display Operator/Applicant



JECO Pyrotechnics, Inc.
195 Rodgers Ridge Rd.
Newland, NC 28657
Ph. 828-260-2619
Jecopyro@gmail.com

Date: 3-31-2022

Attention: Jimmy Teem

Re: application for fireworks permit

Attached to this cover sheet, please find the documents listed below in support of our request for a permit for an outdoor fireworks display.

- Certificate of insurance
- Shot list
- Site display
- Copy of operator license

The date of the show is 6-10-2022 , and the location is Skyline Lodge 470 Skyline Lodge Rd. Highlands, NC 28741.

Please let me know if further information is needed.

Thank you,

Eric Wright

Eric Wright, president
JECO Pyrotechnics, Inc.



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
3/12/2022

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an **ADDITIONAL INSURED**, the policy(ies) must be endorsed. If **SUBROGATION IS WAIVED**, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Ryder Rosacker McCue & Huston (MGD by Hull & Company) 509 W Koenig St Grand Island NE 68801	CONTACT NAME: Kristy Wolfe PHONE (A/C, No, Ext): 308-382-2330 E-MAIL ADDRESS: kwolfe@ryderinsurance.com	FAX (A/C, No):
	INSURER(S) AFFORDING COVERAGE	
INSURED JECO Pyrotechnics, Inc. 195 Rogers Ridge Rd Newland NC 28657	INSURER A: SCOTSDALE INS CO NAIC # 41297	
	INSURER B:	
	INSURER C:	
	INSURER D:	
	INSURER E:	
	INSURER F:	

COVERAGES **CERTIFICATE NUMBER:** 395861775 **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC			CPS3994197	10/25/2021	10/25/2022	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COM/OP AGG \$ 2,000,000
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> NON-OWNED AUTOS						COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	UMBRELLA LIAB <input type="checkbox"/> OCCUR EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$						EACH OCCURRENCE \$ AGGREGATE \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below		Y/N N/A				WC STATUTORY LIMITS OTH-ER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

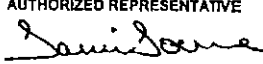
DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

Regarding the General Liability coverage, Blanket Additional Insured applies to the entities listed below per attached form GLS-150s when required by written agreement.

Regarding the General Liability coverage, Waiver of Subrogation applies to the entities listed below per attached form CG 24 04 when required by written agreement.

display date: June 10, 2022
 additional insured: Macon County, NC

CERTIFICATE HOLDER **CANCELLATION**

Skyline Lodge 470 Skyline Lodge Rd Highlands NC 28741	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE 
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JECO Pyrotechnics, Inc
195 Rodgers Ridge Rd
Newland, NC 28657
828-260-2619
jecopyro@gmail.com

Shot List

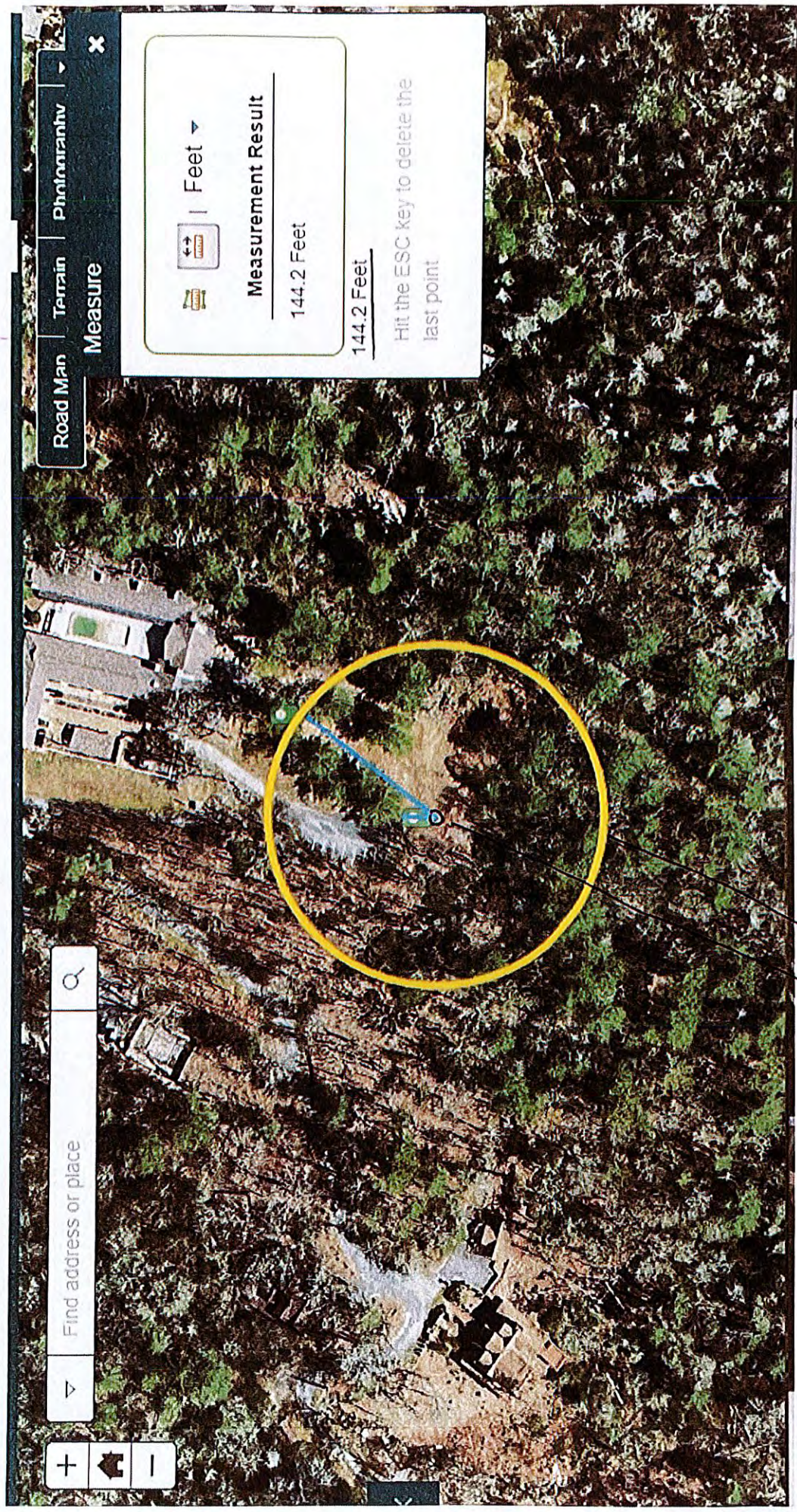
Location:
Samford-Halbrat wedding
Skyline Lodge
470 Skyline Lodge Rd.
Highlands, NC 28741

Date: 6/10/2022

Shots to be fired:

<u>Number of shots</u>	<u>description of shot</u>
180	1 3/4 inch shell
16	500 gram cakes
8	200 gram cakes

Skyline Lodge
470 Skyline Lodge Rd.
Highlands, NC 28741



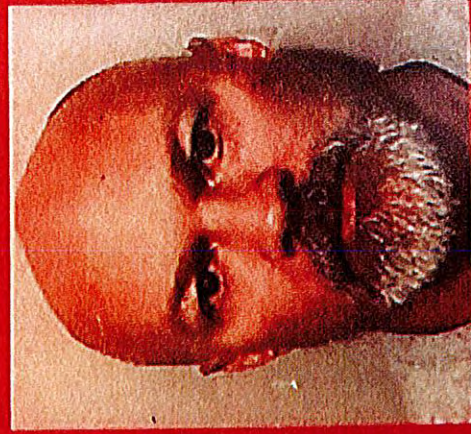
Discharge Site
Display Site

Outdoor Pyrotechnics
Display

**OPERATORS
LICENSE**

J U N

2 0 2 3



**Eric Wright
License # 3822**

MACON COUNTY BOARD OF COMMISSIONERS

AGENDA ITEM

CATEGORY – CONSENT AGENDA

MEETING DATE: May 10, 2022

Item 12A. Draft minutes from the April 12, 2022 regular meeting are attached for the board's review and approval. (Mike Decker/Tammy Keezer)

Item 12B. Budget Amendments #259-268 are attached for your review and approval. (Lori Carpenter)

Item 12C. Approval of tax releases for the month of April 2022 in the amount of \$116.22, per the attached memorandum from Tax Collections Supervisor Delena Raby.

Item 12D. Tax refund requests for (1) Nelson Bates in the amount of \$15.92, (2) Tim and Carol Bates in the amount of \$16.02 and (3) the Violet Klatt Trust in the amount of \$571.36. Please see the attached memorandums on each of these items, along with supporting documentation, from Tax Administrator Abby Braswell.

Item 12E. The application to the Public School Building Capital Fund of the North Carolina Education Lottery requesting the release of \$355,758.15 in lottery distribution funds. (Lori Carpenter)

Item 12F. A copy of the ad valorem tax collection report, which shows a 98.42 percent collection rate as of April 30, 2022. Report only. No action is necessary. (Delena Raby)

MACON COUNTY BOARD OF COMMISSIONERS
April 12, 2022
MINUTES

Chairman Tate called the meeting to order at 6:00 p.m. All Board Members, County Manager Derek Roland, Deputy Clerk Mike Decker, Finance Director Lori Carpenter, County Attorney Eric Ridenour, members of the news media, county employees and interested citizens were present.

ANNOUNCEMENTS: Commissioner Beale recognized and thanked members of the Daybreak and Noon Rotary Clubs who had completed work on the county-owned pavilion on the Little Tennessee River Greenway located behind the shopping center. The Daybreak Club President, Angela Deal, and the Service Chair of the Noon Club, Amy Manshack, were present to provide information about the project. Commissioner Beale recognized Angela Kinsland for her 30 years of service and congratulated her on her upcoming retirement in May. Chairman Tate announced that the annual Law Enforcement Memorial Tribute will be held on May 13, 2022 at noon at the Town Square Gazebo in Franklin to honor law enforcement officers who have lost their lives in the line of duty.

MOMENT OF SILENCE: Chairman Tate requested that all in attendance rise and a moment of silence was observed.

PLEDGE TO THE FLAG: Led by Mrs. Carpenter, the pledge to the flag was recited.

PUBLIC HEARING TO CONSIDER PROPOSED NAMES FOR NEW ROADS IN MACON COUNTY AND TO ASSIGN A RANGE OF ROAD NUMBERS IN CONNECTION WITH THE SAME, TO CONSIDER REQUESTS FOR ROAD NAME CHANGES, TO CHANGE THE RANGE OF NUMBERS FOR CERTAIN ROADS, TO CONSIDER REQUESTS FOR DELETION OF CERTAIN ROADS AND TO CONSIDER A CHANGE OF RANGE OF NUMBERS FOR CERTAIN ROAD: At 6:05 p.m., Chairman Tate called the public hearing to order. Angela Kinsland, Macon County 911 Addressing Coordinator, stated that road changes had been advertised in accordance with the North Carolina General Statutes and requested they be approved as presented. After a brief discussion, confirming that no telephone calls concerning the changes had been received, and with no one from the public wishing to speak to the changes, Chairman Tate closed the public hearing at 6:06 p.m. Upon a motion by Commissioner Higdon, seconded

by Commissioner Young, the board voted unanimously to approve the “April 12, 2022 Amendment to Chapter 14 of the Macon County Code of Ordinances, the Macon County Road Naming and Numbering System,” a copy of which is attached (Attachment 1) and is hereby made a part of these minutes.

PUBLIC COMMENT PERIOD: Tracy Dogan shared her concerns about the proposed changes to the Animal Control Ordinance. She provided a handout of her concerns to board members and indicated she would bring her concerns back again at the public hearing on the ordinance amendments when it is scheduled.

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

- To add Item 9E, DOT report on road and bridge projects, as requested by Commissioner Beale.

Proposed change to Workforce Innovation and Opportunity Act Consortium – David Garrett, Southwestern Commission Workforce Director, and Southwestern Commission Executive Director Russ Harris provided information about the recommendation from March 30, 2022 by the NCWorks Commission to realign workforce development board boundaries to reduce the number of these boards from 23 to eight across the 100 counties, which would make Macon County part of a 13-14 county area instead of a seven-member one. Mr. Garrett requested the board approve a resolution requesting that the Southwestern Commission Board remain unchanged and continue to serve the seven far-western counties. Mr. Garrett stated that the Southwestern Commission Board approved a resolution to this effect at their March 1, 2022 meeting. Mr. Harris stated that the regional board has positive and active working relationships with all the agencies and governments in the current seven-county area and does not want to see a negative impact on those relationships that could occur with realignment to a larger area. After a brief discussion, Commissioner Beale made a motion, seconded by Commissioner Shields, to approve the resolution as presented. The vote was unanimous.

Discussion regarding Environmental Health staffing issues at Macon County Public Health – Commissioner Higdon provided a review of the loss of staff in the Environmental Health program at Macon County Public Health over the past couple of years and the challenges of recruitment. A brief discussion including board members, Health Director Kathy McGaha, Environmental Health Supervisor Charles Womack, Environmental Health Program Specialist Jon Fouts, and Personnel Technician Jessica Baucum, along with local realtors Evan Harrell and Teresa Murray, summarized recruitment challenges and the impact the staff shortage is having on the county’s economy and workloads on

the remaining staff. Following the discussion, Commissioner Higdon discussed forming a committee to work with Mr. Ridenour to draft a letter to send to the state requesting a review and change in the educational and experience requirements of these positions. Members of that committee will include Ms. McGaha, Mr. Womack (when available), Ms. Baucum, and Mr. Harrell. Commissioner Beale requested that a septic installer also be asked to participate. The committee will provide a report at the next regular meeting.

Discussion regarding safety concerns and condition of Nantahala EMS building and work on Nantahala library/community building – Commissioner Higdon stated that a meeting is scheduled to discuss the EMS building and a report would follow at a later meeting. Mr. Roland stated that the Macon County Library Board and the Nantahala Community Club had agreed to split the building in half. He said the project is already in the county’s Capital Improvement Plan (CIP) and budgeted for next fiscal year. Commissioner Beale asked Macon County Library Director Karen Wallace to inform the board about an architectural contact for design. Ms. Wallace stated she feels it is imperative that an architect be consulted on design needs specific to a library. She provided Mr. Roland with the contact information of an architect who has considerable experience in library renovation and design and requested he be contacted regarding his availability to work on this project. Mr. Roland said he would contact him and request a quote.

Proposed changes to Animal Control Ordinance – Mr. Roland stated this is the beginning of a process for review and approval of a revised Animal Control Ordinance. He indicated the Macon County Board of Health has reviewed the ordinance and has recommended thirteen changes, a list of which will be attached (Attachment 2) and is hereby made a part of these minutes. Ms. McGaha introduced Jimmy Villiard, the Animal Control Section Administrator, who gave an overview of the recommended changes and stated the recommendations were listed in priority order.

DOT Report on Roads and Bridges – Commissioner Beale reviewed the schedule for bridge replacements, the resurfacing of roads, and other projects to be completed in Macon County by the North Carolina Department of Transportation and timelines for each. A copy of that schedule is attached (Attachment 3) and is hereby made a part of these minutes.

OLD BUSINESS:

Consideration of change order for Macon Middle School – Jack Morgan reviewed the details of Change Order #016 on the Macon Middle School renovation project in the amount of \$65,954. Upon a motion by Commissioner

Shields seconded by Commissioner Young, the board voted unanimously to approve the change order as presented, along with the accompanying budget amendment, in the amount of \$65,954. An unexecuted copy of the change order is attached (Attachment 4) and is hereby made a part of these minutes.

NEW BUSINESS:

Request for new position – Housing Director John Fay reported that he is confident that grant funding will be received this summer from the American Rescue Plan Act COVID relief fund for improving infrastructure. Although he does not know the amount that will be received, he believes it will be considerable and more than enough to support the salaries of at least two new crewmembers. He requested that in preparation of receipt of those funds, he would like to go ahead and hire one weatherization crewmember, adding that he currently has funds in his budget to cover the addition. Mr. Fay said this would allow him to get the crewmember hired and trained, so they are ready to go when the funding arrives. Upon a motion by Commissioner Beale, seconded by Commissioner Shields, the board voted unanimously to approve a new weatherization crewmember position for the Macon County Housing Department.

Recommendation from the Community Funding Pool – Karen Wallace presented an overview of the applicants and recommended awards for this fiscal year's distribution of \$75,000 in Community Funding Pool dollars. She explained that 14 applications were received, totaling \$98,000 in fund requests. Ms. Wallace indicated the total amount available for distribution was \$75,000 and that two of the requests (KIDS Place and SK828) were not being recommended because they had already received funding directly from the commissioners. Ms. Wallace provided members with a handout of the requests and recommendations and requested approval of the distributions. Upon a motion by Commissioner Shields, seconded by Commissioner Beale, the board voted 4-1, with Commissioner Young opposing, to approve the distributions as requested, and a copy of the approved recommendations is attached (Attachment 5) and is hereby made a part of these minutes.

Proposed Child and Family Specialty Plan Medicaid Waiver – Commissioner Beale requested that Patrick Betancourt, Department of Social Services (DSS) Director, and Shelly Foreman, the Regional Community Relations Director for VAYA, explain the proposed statewide plan for DSS clients to transition from the current Local Management Entity (LME) plan to a new statewide plan. Mr. Betancourt indicated there are more than 80 children in the care of Macon County DSS today that would be negatively impacted in receiving behavioral health services with the implementation of this change. He spoke about the close working relationship that Macon County DSS has with VAYA and how beneficial that relationship is to the children, as well as DSS staff, in meeting the needs of

Minutes

4.12.22

Page 4 of 6

those children. Ms. Foreman indicated this change would present challenges not only for children in care, but also adults who are caregivers, guardian and other children in the home who are not in DSS care, and those who are involved in the in-home program through DSS, etc. She explained this change would put DSS in the position of having to negotiate the needs of the individuals with a private statewide vendor as opposed to VAYA acting as the LME. Commissioner Beale recommended the board send a letter to North Carolina Department of Health and Human Services Secretary Kody Kinsley opposing the statewide plan. Upon a motion by Commissioner Beale, seconded by Commissioner Shields, the board voted unanimously to approve the letter, a copy of which is attached (Attachment 6) and is hereby made a part of these minutes.

CONSENT AGENDA: Upon a motion by Commissioner Higdon, seconded by Commissioner Young, the board voted unanimously to approve the consent agenda as presented, which includes: (A) Minutes of the March 8, 2022 regular meeting and the March 24, 2022 called meeting, (B) Budget Amendments #220-231, (C) Tax releases for March 2022 in the amount of \$5,741.72, (D) a Capital Project Ordinance for Greenway Improvements in the amount of \$250,000, (E) a GPRS contract for underground location services at Franklin High School, and (F) the monthly ad valorem tax collection report, for which no action is necessary.

APPOINTMENTS:

(A) Upon a motion by Commissioner Beale, seconded by Commissioner Young, the board voted unanimously to reappoint Janet Greene as the Extra Territorial Jurisdiction (ETJ) representative on the Town of Franklin Planning Board.

(B) Upon a motion by Commissioner Beale, seconded by Commissioner Shields, the board voted unanimously to appoint John Fay to the newly-created Southwestern NC HOME Consortium Board of Directors.

CLOSED SESSION – At 8:08 p.m., upon a motion by Commissioner Beale, seconded by Commissioner Higdon, the board voted unanimously to go into closed session as allowed under NCGS 143-318.11(a)(3) in order to preserve the attorney client privilege and NCGS 143-381.11(a)(5) to establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease; or (ii) the amount of compensation and other material terms of an employment contract or proposed employment contract. At 8:48 p.m., upon a motion by Commissioner Young, seconded by Commissioner Higdon, the board voted unanimously to come out of closed session and return to open session. No action was taken.

ADJOURN: At 8:49 p.m., upon a motion from Commissioner Higdon, seconded by Commissioner Young, the board voted unanimously to adjourn.

Derek Roland
Ex Officio Clerk to the Board


Jim Tate
Board Chair

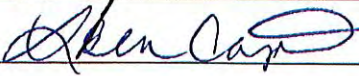
MACON COUNTY BUDGET AMENDMENT
 AMENDMENT # 259

FROM: Tina Wiggins

DEPARTMENT: Increase Insurance Settlement and Vehicle Repair due to accident.

ACCOUNT	DESCRIPTION	INCREASE	DECREASE
113839 485000	Insurance Settlement	8,610	
114350 556503	Vehicle Repairs & Maintenance	8,610	

REQUESTED BY DEPARTMENT HEAD Joe Allen 

RECOMMENDED BY FINANCE OFFICER 

APPROVED BY COUNTY MANAGER _____

ACTION BY BOARD OF COMMISSIONERS 5/10/2022

APPROVED AND ENTERED ON MINUTES DATED _____

CLERK _____

MACON COUNTY BUDGET AMENDMENT
AMENDMENT # 260

FROM: Robert L. Holland

DEPARTMENT: Sheriff Office

EXPLANATION: Insurance Settlement

ACCOUNT	DESCRIPTION	INCREASE	DECREASE
11-3839-4850-00	Insurance Settlement	\$33,173.00	
11-4310-5696-01	Vehicles	\$33,173.00	


REQUESTED BY DEPARTMENT HEAD _____
RECOMMENDED BY FINANCE OFFICER _____
APPROVED BY COUNTY MANAGER _____
ACTION BY BOARD OF COMMISSIONERS 5/10/22 _____
APPROVED AND ENTERED ON MINUTES DATED _____
CLERK _____

Robert Holland
Ken Coy

MACON COUNTY BUDGET AMENDMENT

AMENDMENT # 261
 DEPARTMENT 114370
 EXPLANATION TO COVER EMPLOYEE APPRECIATION

ACCOUNT		DESCRIPTION	INCREASE	DECREASE
113850	445807	DONATIONS - EMS	\$ 250.00	
114370	556011	OPERATING SUPPLIES	\$ 250.00	

REQUESTED BY DEPARTMENT HEAD _____
 RECOMMENDED BY FINANCE OFFICER 
 APPROVED BY COUNTY MANAGER _____
 ACTION BY BOARD OF COMMISSIONERS 5/10/22
 APPROVED & ENTERED ON MINUTES DATED _____
 CLERK _____

MACON COUNTY BUDGET AMENDMENT
 AMENDMENT # 262

Date: 4/18/2022

DEPARTMENT: HEALTH

Explanation: This AA was transferred to Transylvania County. This BA is to clear out the budget for ED Regional Prev Support Teams 115116.

ACCOUNT	DESCRIPTION	INCREASE	DECREASE
115116-555106	Contracted Services		\$ 77,509.00
11511-445716	EPI LAB CAPACITY INF DES		77,509

PREPARED BY Melissa Setzer

REQUESTED BY DEPARTMENT HEAD *Karen Mitchell*

RECOMMENDED BY FINANCE OFFICER *Alan Capner*

APPROVED BY COUNTY MANAGER _____

ACTION BY BOARD OF COMMISSIONERS 5/10/22

APPROVED AND ENTERED ON MINUTES DATED _____

CLERK _____


MACON COUNTY BUDGET AMENDMENT
AMENDMENT # 263

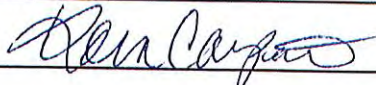
FROM: FINANCE

DEPARTMENT: TRANSIT

EXPLANATION: Sale of van #273

ACCOUNT	DESCRIPTION	INCREASE	DECREASE
11-4935-5597-00	Non - Capital Equipment	\$ 4,900.00	
11-3570-4820-00	Sale of Fixed Assets	\$ 4,900.00	

REQUESTED BY DEPARTMENT HEAD: 

RECOMMENDED BY FINANCE OFFICER: 

APPROVED BY COUNTY MANAGER: _____

ACTION BY BOARD OF COMMISSIONERS: 5/10/2022

APPROVED AND ENTERED ON MUNIS DATED: _____

CLERK: _____

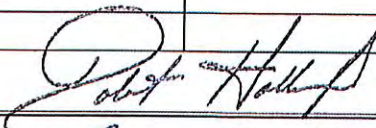
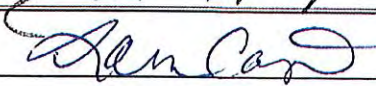
MACON COUNTY BUDGET AMENDMENT
 AMENDMENT # 264

FROM: Lindsay Leopard

DEPARTMENT: Sheriff's Office

EXPLANATION: Appropriate donation funds for the purchase of K-9 tracking collars.

ACCOUNT	DESCRIPTION	INCREASE	DECREASE
113840-417900	Fund Balance Appropriated	\$4,247.00	
114310-556011	Operating Supplies K-9	\$4,247.00	

REQUESTED BY DEPARTMENT HEAD 
 RECOMMENDED BY FINANCE OFFICER 
 APPROVED BY COUNTY MANAGER _____
 ACTION BY BOARD OF COMMISSIONERS 5/10/2022
 APPROVED AND ENTERED ON MINUTES DATED _____
 CLERK _____

MACON COUNTY BUDGET AMENDMENT
 AMENDMENT # 263

FROM: Robert L. Holland

DEPARTMENT: Sheriff Office
 EXPLANATION: Insurance Settlement

ACCOUNT	DESCRIPTION	INCREASE	DECREASE
11-3839-4850-00	Insurance Settlement	\$8,227.00	
11-4310-5565-03	Vehicle Repairs	\$8,227.00	

REQUESTED BY DEPARTMENT HEAD 

RECOMMENDED BY FINANCE OFFICER 

APPROVED BY COUNTY MANAGER _____

ACTION BY BOARD OF COMMISSIONERS 5/10/22

APPROVED AND ENTERED ON MINUTES DATED _____

CLERK _____

MACON COUNTY BUDGET AMENDMENT

AMENDMENT # 266
DEPARTMENT Education
EXPLANATION Increase timber sales budget to match actual receipts

ACCOUNT		DESCRIPTION	INCREASE	DECREASE
113839	444100	TIMBER SALES	121,864.00	
118000	571006	TIMBER SALES/PASS THRU TO MCS	121,864.00	

REQUESTED BY DEPARTMENT HEAD _____
RECOMMENDED BY FINANCE OFFICER Alan Cox
APPROVED BY COUNTY MANAGER _____
ACTION BY BOARD OF COMMISSIONERS 5/10/22
APPROVED & ENTERED ON MINUTES DATED _____
CLERK _____

MACON COUNTY BUDGET AMENDMENT

AMENDMENT # 267
DEPARTMENT Gen Fund & Econ Dev Reserve Fund

EXPLANATION Transfer funds received from loan program back to Econ Dev Reserve Fund.
Funds originally appropriated from the Econ Dev Reserve Fund.

ACCOUNT		DESCRIPTION	INCREASE	DECREASE
119000	980020	TRANSFER TO ECON DEV CAP RESER	229,893.00	
113840	417900	FUND BALANCE APPROPRIATED	229,893.00	
203000	980011	TRANSFER FROM GENERAL FUND	229,893.00	
204000	991000	ECONOMIC DEV CAPITAL RESERVE	229,893.00	

REQUESTED BY DEPARTMENT HEAD _____
RECOMMENDED BY FINANCE OFFICER [Signature]
APPROVED BY COUNTY MANAGER _____
ACTION BY BOARD OF COMMISSIONERS 5/10/22
APPROVED & ENTERED ON MINUTES DATED _____
CLERK _____

MACON COUNTY BUDGET AMENDMENT

AMENDMENT # 268

DEPARTMENT Jail

EXPLANATION Increase canteen rev & exp budget to cover remainder of FY

ACCOUNT		DESCRIPTION	INCREASE	DECREASE
113344	480000	CANTEEN PROCEEDS	30,000.00	
114321	552900	CANTEEN EXPENSES	30,000.00	

REQUESTED BY DEPARTMENT HEAD _____

RECOMMENDED BY FINANCE OFFICER *Ken Culp*

APPROVED BY COUNTY MANAGER _____

ACTION BY BOARD OF COMMISSIONERS 5/10/22

APPROVED & ENTERED ON MINUTES DATED _____

CLERK _____

Macon County Tax Office
5 West Main Street
Franklin, NC 28734



Phone: (828) 349-2149
draby@maconnc.org

TO: MACON COUNTY COMMISSIONERS

FROM: Macon County Tax Collector's Office
Delena Raby, Tax Collections Supervisor

DATE: May 04, 2022

RE: Releases for April, 2022

Attached please find the report of property tax releases for real estate and personal property that require your approval in order to continue with the process of releasing these amounts from the tax accounts. Please feel free to contact me if you should have any questions. The report of releases in alphabetical order is attached.

AMOUNT OF RELEASES FOR APRIL 2022: \$ 116.22

RUN DATE: 5/4/2022 9:31 AM

RELEASES REPORT
Macon County

NAME	BILL NUMBER	OPER	DATE/TIME	DISTRICT	VALUE	AMOUNT
141180 HMBROCIO, VICTORIO	2021-53117	LAS	12/31/9999 10:24:50 AM			
				F02 ADVLTAX	0.00	1.53
				TOTAL RELEASES:		1.53
141180 HMBROCIO, VICTORIO	2019-53117	LAS	12/31/9999 10:23:10 AM			
				F02 ADVLTAX	0.00	1.02
				TOTAL RELEASES:		1.02
141180 HMBROCIO, VICTORIO	2020-53117	LAS	12/31/9999 10:24:03 AM			
				F02 ADVLTAX	0.00	0.95
				TOTAL RELEASES:		0.95
48115 HODGIN, DARRELL	2021-55094	LAS	12/31/9999 10:18:06 AM			
				F05 ADVLTAX	1,001.00	0.72
				G01 ADVLTAX	1,001.00	4.00
				L01 FFEFEE	1,001.00	108.00
				TOTAL RELEASES:		112.72
NET RELEASES PRINTED:						116.22
TOTAL TAXES RELEASED						116.22



MACON COUNTY
TAX OFFICE

5 WEST MAIN ST
FRANKLIN, NC 28734
(828) 349-2143

MEMORANDUM

TO: Macon County Board of County Commissioners
FROM: Abby Braswell, Macon County Tax Administrator *AB*
cc: Derek Roland, Mike Decker
Date: May 10, 2022
Re: Nelson Wayne Bates Refund of Taxes for Condemnation by DOT, parcel
6584705026

A refund was requested for the .16 portion of taxes that were paid on the 2018 taxes for Nelson Wayne Bates. NC DOT condemned .16 of .36 acres on August 20, 2018. Per NC §136-121 *Reimbursement of owner for taxes paid on condemned property* this parcel should be issued a refund for taxes paid on the .16 of an acre that was condemned.

N.C.G.S §105-381 (a)(1) a. state a valid defense for refund shall include:
A. a tax imposed through clerical error. B. An illegal tax C. A tax levied for an illegal purpose. I do not believe this is a clerical error since North Carolina Courts have ruled that clerical errors only apply to a transcription error. I believe this is an illegal tax since it was a tax on a property that was condemned by the N.C. DOT.

Based on the date of August 20th, 2018 a proration has been completed for this property for a refund of \$15.91.

Please consider my recommendation that the amount of \$15.91 to be refunded based on date the complaint was filed of August 20, 2018 in accordance with G.S. §136-121.

Thank you for your consideration.

Abby Braswell
Macon County Tax Administrator



5 West Main St Franklin, NC 28734
828.349.2144

A/R Master Display

Account #:	12463	Bill Number:	2018-73170	Bill Type:	Current Balance:	0.00
	BATES, NELSON WAYNE	Abstract Number:	<u>2018-</u>		Original Levy:	41.48
	BATES, MAXINE M	Discovery Year:			Last Transaction Date:	11/9/2018
	67 BOYD LANE	Status:			Last Payment Date:	11/9/2018
	FRANKLIN NC 28734-					
PIN		Location Codes:	Twp: 12 - FRANKLIN CITY Fire: F01 - Franklin		Interest Stop:	
Parcel #:	6584705026	Escrow:			Real Property Value:	10,280
Parcel Address:	BOYD LN	Building:	0		Personal Value:	0
Legal:	GEORGIA RD BOYD RD	Obxf:	0		Exclusions:	0
Land Units/Type:	0.000	Market Land:	10,280		Deferred Value:	0
		Taxable Land:	10,280		Total Valuation:	10,280

DESCRIPTION	RATE	LEVIED	ADDITIONAL CHARGES	DISCOUNT	COLLECTED	RELEASED	UNDER PAYMENT	BALANCE
F01 ADVL TAX - FRANKLIN FIRE DISTRICT TAX	.0545	5.60	0.00	0.00	5.60	0.00	0.00	0.00
G01 ADVL TAX - GENERAL COUNTY TAX	.3490	35.88	0.00	0.00	35.88	0.00	0.00	0.00
TOTALS		41.48	0.00	0.00	41.48	0.00	0.00	0.00

Transaction Summaries

	TRANSACTION DATE	INTEREST DATE	USER	TYPE	SOURCE	PAYMENT TYPE	ADDITIONS	DISCOUNT	RELEASED	COLLECTED	CHANGE	OVER PAYMENT	BALANCE	COMMENTS
	11/9/2018 8:00:05 AM	11/9/2018	ZAD	PAYMENT		CHECK 1037	0	0	0	41.48	0	0	0.00	NELSON W BATES 



MACON COUNTY
TAX OFFICE

5 WEST MAIN ST
FRANKLIN, NC 28734
(828) 349-2143

MEMORANDUM

TO: Macon County Board of County Commissioners
FROM: Abby Braswell, Macon County Tax Administrator *AB*
cc: Derek Roland, Mike Decker
Date: May 10, 2022
Re: Tim and Carol Bates Refund of Taxes for Condemnation by DOT, parcel
6584617820

A refund was requested for the .06 portion of taxes that were paid on the 2018 taxes for Tim and Carol Bates parcel 6584617820 containing 3 acres. NC DOT condemned .06 of 3 acres on August 13, 2018. Per NC §136-121. *Reimbursement of owner for taxes paid on condemned property* this parcel should be issued a refund for taxes paid on the .06 of an acre that was condemned.

N.C.G.S §105-381 (a)(1) a. state a valid defense for refund shall include:

A. a tax imposed through clerical error. B. An illegal tax C. A tax levied for an illegal purpose. I do not believe this is a clerical error since North Carolina Courts have ruled that clerical errors only apply to a transcription error. I believe this is an illegal tax since it was a tax on a property that was condemned by the N.C. DOT

Based on the date of August 13th, 2018 a proration has been completed for this property for a refund of \$16.02.

Please consider my recommendation that the amount of \$16.02 be refunded based on date the complaint was filed of August 13, 2018 in accordance with G.S. §136-121.

Thank you for your consideration.

Abby Braswell
Macon County Tax Administrator

5 West Main St Franklin, NC 28734
828.349.2144

A/R Master Display

Account #:	25025	Bill Number:	2018-73028	Bill Type:	Current Balance:	0.00
	BATES, TIM	Abstract Number:	<u>2018-</u>		Original Levy:	2,339.75
	BATES, CAROL	Discovery Year:			Last Transaction Date:	6/7/2021
	25 SUMMER HILL DR	Status:			Last Payment Date:	6/7/2021
	FRANKLIN NC 28734-					
PIN		Location Codes:	Twp: 12 - FRANKLIN CITY Fire: F01 - Franklin		Interest Stop:	
Parcel #:	6584617820	Escrow:			Real Property Value:	556,320
Parcel Address:	29-41 BATES XING	Building:	425,070		Personal Value:	0
Legal:	BATES XING	Obxf:	0		Exclusions:	0
Land Units/Type:	0.000	Market Land:	131,250		Deferred Value:	0
		Taxable Land:	131,250		Total Valuation:	556,320

DESCRIPTION	RATE	LEVIED	ADDITIONAL CHARGES	DISCOUNT	COLLECTED	RELEASED	UNDER PAYMENT	BALANCE
A0 FFEFEE - ADVERTISEMENT FEE	.0000	0.00	5.00	0.00	5.00	0.00	0.00	0.00
A0 FFEINT - ADVERTISEMENT INTEREST		0.00	1.01	0.00	1.01	0.00	0.00	0.00
F01 ADVLINT - FRANKLIN FIRE DISTRICT INTEREST		0.00	72.01	0.00	72.01	0.00	0.00	0.00
F01 ADVLTX - FRANKLIN FIRE DISTRICT TAX	.0545	303.19	0.00	0.00	303.19	0.00	0.00	0.00
G01 ADVLINT - GENERAL COUNTY INTEREST		0.00	461.12	0.00	461.12	0.00	0.00	0.00
G01 ADVLTX - GENERAL COUNTY TAX	.3490	1,941.56	0.00	0.00	1,941.56	0.00	0.00	0.00
L02 FFEFEE - LANDFILL FEE COMMERCIAL	95.0000	95.00	0.00	0.00	95.00	0.00	0.00	0.00
L02 FFEINT - LANDFILL FEE COMMERCIAL INTEREST		0.00	22.56	0.00	22.56	0.00	0.00	0.00
TOTALS		2,339.75	561.70	0.00	2,901.45	0.00	0.00	0.00

Transaction Summaries

TRANSACTION DATE	INTEREST DATE	USER	TYPE	SOURCE	PAYMENT TYPE	ADDITIONS	DISCOUNT	RELEASED	COLLECTED	CHANGE	OVER PAYMENT	BALANCE	COMMENTS
3/22/2019 8:02:09 AM		GP	DISCOVERY			5.00	0	0	0	0.00	0	2,426.64	
6/7/2021 2:49:48 PM	6/7/2021	LAS	PAYMENT	COUNTER	CHECK 045747	556.70	0	0	2901.45	0.00	0	0.00	RUSSELL R BOWLING

STATE OF NORTH CAROLINA
COUNTY OF MACON

GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
CIVIL ACTION

18-CvS-519

DEPARTMENT OF TRANSPORTATION,
Plaintiff,

FILED

2018 AUG 13 A 10:46

v.

COMPLAINT

TIMOTHY C. BATES and wife, CAROL D. BATES;
SOUTH STATE BANK; TOWN OF FRANKLIN;
COUNTY OF MACON; and CARLA L. HAIRE, CPA, P.A.
Defendants.

Now comes the Department of Transportation, plaintiff herein, and for its cause of action says and alleges:

1.

That the Department of Transportation is an agency of the State of North Carolina with its principal office in Raleigh, North Carolina; and that it possesses the powers, duties and authority, including the power of eminent domain, vested in it by the General Assembly of North Carolina.

2.

That pursuant to the authority vested in the plaintiff under the provisions of Chapter 136 of the General Statutes, and pursuant to a resolution of the Board of Transportation duly passed, it is necessary to condemn and appropriate certain property described in Exhibit "B", attached hereto, and made a part hereof, for public use in the construction of that certain highway project described in Exhibit "C" attached hereto and made a part hereof.

3.

That the plaintiff and the defendants have been unable to agree as to the purchase price of the property herein appropriated.

4.

That the property which is the subject of this action, the interest or estate acquired, and the area appropriated are all described in said Exhibit "B".

5.

That the plaintiff is informed and believes, and alleges upon information and belief, that those persons whose names and addresses are set forth in Exhibit "A", attached hereto and made a part hereof, are, insofar as the same can, by reasonable diligence, be ascertained, the only persons who may have or who claim to have an interest or estate in the property described in said Exhibit "B", and that said named persons are under no legal disability except as may be stated in said Exhibit "A".

6.

That the plaintiff is informed and believes, and alleges upon information and belief that said property is subject only to such liens and encumbrances as are set forth in Exhibit "A", attached hereto.

7.

That the plaintiff be granted a trial by jury on the issue of just compensation.

WHEREFORE, plaintiff prays that just compensation for the appropriation herein set forth be determined according to the provisions and procedures contained in Article 9 of Chapter 136 of the General Statutes and for such other relief as to the Court may seem just and proper.

JOSH STEIN
Attorney General

Special Deputy Attorney General

Assistant Attorney General
North Carolina Department of Justice
1505 Mail Service Center
Raleigh, North Carolina 27699-1505
Telephone No. (919) 707-4480

Project No.
17.BP.14.R.154

Parcel No.
004

I.D. No.
056SR1152

A.G. FILE NO. TR-18-00605

STATE OF NORTH CAROLINA
COUNTY OF MACON

GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
CIVIL ACTION

18-CvS-519

DEPARTMENT OF TRANSPORTATION,
Plaintiff,

FILED

v.

2018 AUG 13 A 10:46

DECLARATION OF TAKING
AND
NOTICE OF DEPOSIT

TIMOTHY C. BATES, ET UX, ET AL,
Defendants.

MACON CO., G.S.C

BY *PK*

The plaintiff, Department of Transportation, declares as follows:

1.

That the Department of Transportation is an agency of the State of North Carolina with its principal office in Raleigh, North Carolina; and that it possesses the powers, duties and authority, including the power of eminent domain, vested in it by the General Assembly of North Carolina.

2.

That pursuant to the authority vested in the plaintiff under the provisions of Chapter 136 of the General Statutes, and pursuant to a resolution of the Board of Transportation duly passed, it is necessary to condemn and appropriate certain property described in Exhibit "B", attached hereto and made a part hereof, for public use in the construction of that certain highway project described in Exhibit "C", attached hereto and made a part hereof.

3.

That the plaintiff and the defendants have been unable to agree as to the purchase price of the property herein appropriated.

4.

That the property which is the subject of this action, the interest or estate acquired, and the area appropriated are all described in said Exhibit "B".

5.

That the plaintiff is informed and believes, and alleges upon information and belief, that those persons whose names and addresses are set forth in Exhibit "A", attached hereto and made a part hereof, are, insofar as the same can, by reasonable diligence, be ascertained, the only persons who may have or who claim to have an interest or estate in the property described in said Exhibit "B", and that said named persons are under no legal disability except as may be stated in said Exhibit "A".

6.

That by voucher number 3955916, the plaintiff has this date deposited the sum of \$22,550.00 with the Superior Court of the county in which the action is pending as provided by G.S. § 136-103(d), and the defendants herein may apply to the Court for disbursement of said money as full compensation, or as credit against just compensation, to be determined in this action.

7.

That the said interest and area as described in said Exhibit "B" are hereby appropriated and the said interest and area, together with the right to immediate possession thereof, are hereby vested in the plaintiff, Department of Transportation.

JOSH STEIN
Attorney General

Josh Stein

Special Deputy Attorney General

Jan B. Finkelstein

Assistant Attorney General
North Carolina Department of Justice
1505 Mail Service Center
Raleigh, North Carolina 27699-1505
Telephone No. (919) 707-4480

Project No.
17.BP.14.R.154

Parcel No.
004

I.D. No.
056SR1152

A.G. FILE NO. TR-18-00605

NAMES

ADDRESSES

Timothy C. Bates and wife, Carol D. Bates -----	25 Summer Hill Drive Franklin, NC 28734
South State Bank (by serving its Registered Agent, Corporation Service Company) -----	2626 Glenwood Avenue, Suite 550 Raleigh, NC 27608
Town of Franklin (by serving its Town Manager, Summer Woodard) -----	Post Office Box 1479 Franklin, NC 28744-1479
County of Macon (by serving its County Manager, Derek Roland) -----	5 West Main Street Franklin, NC 28734
Carla L. Haire, CPA PA (by serving Carla L. Haire) -----	376 West Main Street Franklin, NC 28734
Department of Transportation -----	Raleigh, NC
Town of Franklin -----	Franklin, NC
County of Macon -----	Franklin, NC

DISABILITIES OF DEFENDANTS: NONE

LIENS AND ENCUMBRANCES:

All past and current Ad Valorem taxes owing and due the Town of Franklin and the County of Macon, including but not limited to, taxes past due for the following years and amounts:

- (1) 2015 in the amount of \$2,228.44, plus interest;
- (2) 2016 in the amount of \$2,289.12, plus interest; and
- (3) 2017 in the amount of \$2,344.75, plus interest.

Project No.: 17.BP.14.R.154
Parcel No.: 004
I.D. No.: 056SR1152

A.G. FILE NO. TR-18-00605

Existing right of way for highway purposes -- Department of Transportation.

Deed of Trust dated April 30, 2009 to Kenneth W. Fromknecht, II, Trustee for Community Bank and Trust, and recorded May 1, 2009 in Book A-33, Page 212, Macon County Registry.

Transfer and Assignment of Note and Deed of Trust to Secure Debt dated November 26, 2012 executed by the Federal Deposit Insurance Corporation, in its capacity as Receiver for Community Bank & Trust (Assignor) to *SCBT d/b/a CBT, a Division of SCBT, f/k/a SCBT, N.A. d/b/a CBT, a Division of SCBT, N.A.* (Assignee), and recorded November 26, 2012 in Book H-35, Page 1594, Macon County Registry, regarding the deed of trust found in book A-33 page 212.

The plaintiff is informed and believes, and so alleges upon information and belief, that *SCBT d/b/a CBT, a Division of SCBT, f/k/a SCBT, N.A. d/b/a CBT, a Division of SCBT, N.A.* is now known as South State Bank according to an Amended Certificate of Authority filed June 17, 2014 in the N.C. Secretary of State's office by NCBT, a Division of SCBT. Reference is made to SOSID: 1287609 or to C2014 161 00723.

Bankruptcy Case No. 14-20099, Chapter 13 Case:

Order on Motion for Relief from Automatic Stay to commence Condemnation Action in case captioned "In Re: Timothy Clyde Bates *and* Carol Myers Bates, Debtors" filed June 22, 2018 in the U.S. Bankruptcy Court for the Western District of North Carolina, Asheville Division. The North Carolina Department of Transportation is allowed to commence and proceed with condemnation of the subject property and any proceeds allocated to the debtors, Timothy Clyde Bates and Carol Myers Bates, are ordered to be paid to the Trustee in Bankruptcy, for the benefit of the bankruptcy estate order of said court.

Default Judgment [File No. 17-CVD-225] filed July 3, 2017 in case captioned "Carla L. Haire, CPA, PA, Plaintiff, v. Timothy Bates, Carol Bates, and Bates Septic Tank & Concrete Products, Inc., Defendants," in favor of Carla L. Haire, CPA, PA, in the principal amount of \$8,550.00, prejudgment interest in the amount of \$1,197.00 which is calculated at 8% from the date of default October 15, 2015 with the principal amount bearing interest until the judgment is satisfied, and costs of \$285.00, docketed in the Macon County Clerk of Superior Court office.

Project No.: 17.BP.14.R.154

Parcel No.: 004

I.D. No.: 056SR1152

A.G. FILE NO. TR-18-00605

EXHIBIT "B"

DESCRIPTION OF SUBJECT PROPERTY:

Those certain lands lying and being in the Franklin Township, Macon County, North Carolina, and being more particularly described as follows:

Being that land described in a Warranty Deed dated October 24, 2003 to Timothy C. Bates and wife, Carol D. Bates, and recorded October 24, 2003 in Book M-27, Page 1632, Macon County Registry. The property description contained in said deed is hereby incorporated by reference.

Also, being that land identified as Tax PIN No. 6584617820 as is shown in the Macon County Tax Office.

INTEREST OR ESTATE TAKEN:

Fee simple title to right of way, and a slope easement for providing lateral support to the highway, or land adjacent thereto, which easement will terminate at such time as the owners lower or raise the elevation of the land adjacent to said highway to the extent that such lateral support is no longer needed and, in addition, a temporary construction easement to continue until the completion of the project, at which time said temporary construction easement will terminate.

A permanent utility easement for all purposes for which the plaintiff is authorized by law to subject the same. Said utility easement in perpetuity is for the installation and maintenance of utilities, and for all purposes for which the Department of Transportation is authorized by law to subject same. The Department of Transportation and its agents or assigns shall have the right to construct and maintain in a proper manner in, upon and through said premises a utility line or lines with all necessary pipes, poles and appurtenances, together with the right at all times to enter said premises for the purpose of inspecting said utility lines and making all necessary repairs and alterations thereon; together with the right to cut away and keep clear of said utility lines, all trees and other obstructions that may in any way endanger or interfere with the proper maintenance and operation of the same with the right at all times of ingress, egress and regress. The Department of Transportation shall have the right to construct and maintain the cut and/or fill slopes in the above-described permanent utility easement area(s). The Permanent Utility Easement shall be used by the Department of Transportation for additional working area during the above described project.

AREA TAKEN:

That area sufficient to acquire for Department of Transportation Project 056SR1152 the right of way shown over and upon Parcel 004 on Plan Sheet 4 of the above-mentioned project, plus such additional areas as indicated as temporary construction easement, as slope easement, and as permanent utility easement on said plan sheet. The aforesaid plan sheet is attached hereto for the purpose of identification of the areas taken and for no other purpose. Said areas taken will be more specifically described on the plat provided for in G. S. 136-106.

Project No.: 17.BP.14.R.154

Parcel No.: 004

I.D. No.: 056SR1152

A.G. FILE NO. TR-18-00605

DOCUMENT NOT CONSIDERED FINAL
UNLESS ALL SIGNATURES COMPLETED



PI Stg 15+22.95
D = 140.00
L = 218.52
R = 129.35
h = 400.00

PI Stg 15+44.78
D = 140.00
L = 218.52
R = 129.35
h = 400.00

PI Stg 15+66.34
D = 140.00
L = 218.52
R = 129.35
h = 400.00

GENERAL LEGEND

NEW RIGHT-OF-WAY	—
TEMPORARY CONSTRUCTION EASEMENT	---
PERMANENT DRAINAGE EASEMENT	-.-.-
WOOD EASEMENT AREA	
PERMANENT CONSTRUCTION EASEMENT	----
PERMANENT UTILITY EASEMENT
DANGER TREE EASEMENT
AERIAL UTILITY EASEMENT	-----
DRAINAGE/UTILITY EASEMENT	-----
TEMPORARY UTILITY EASEMENT	-----
CONTROLLED ACCESS	---
EXISTING CONTROLLED ACCESS	---

PROJECT: 05530152
WBS: 17BP-JAR15A
COURTY: IIACON
PARCEL NO: 004
TIMOTHY C. BATES

ALL UTILITIES IN THIS PLAN ARE FOR INFORMATION PURPOSES TO PARCEL.



BRIDGE 55034
NAD 83 NA 1011

END TIP PROJECT: 17BP-JAR15A
-L- STA 16+25.00

END BRIDGE
-L- STA 14+284

END APPROACH SLAB
-L- STA 15+50.00

PI Stg 16+09.02
D = 60.00
L = 47.00
R = 106.24
h = 127.00

PI Stg 16+51.52
D = 60.00
L = 47.00
R = 106.24
h = 127.00

BOUNDARY CORNER TO MATTHEWS INC
PC + CAMP 487

EXHIBIT "C"

**DESCRIPTION OF PROJECT 17.BP.14.R.154, MACON COUNTY: BRIDGE NO. 314 OVER
CARTOOGECHAYE CREEK ON SR 1152 (BELDEN CIRCLE).**

Project No.: 17.BP.14.R.154
Parcel No.: 004
I.D. No.: 056SR1152

A.G. FILE NO. TR-18-00605



MACON COUNTY
TAX OFFICE

5 WEST MAIN ST
FRANKLIN, NC 28734
(828) 349-2143

MEMORANDUM

TO: Macon County Board of County Commissioners
FROM: Abby Braswell, Macon County Tax Administrator *AB*
cc: Derek Roland, Mike Decker
Date: May 10, 2022
Re: Violet Klatt Trust Refund of Taxes for Condemnation by DOT, parcel
6583892523

A refund was requested for the 1.18 portion of taxes that were paid on the 2018 taxes for Violet Klatt Trust. NC DOT condemned 1.18 of 34.00 acres on September 12, 2018. Per NC §136-121 *Reimbursement of owner for taxes paid on condemned property* this parcel should be issued a refund for taxes paid on the 1.18 of an acre that was condemned.

N.C.G.S §105-381 (a)(1) a. state a valid defense for refund shall include:

A. a tax imposed through clerical error. B. An illegal tax C. A tax levied for an illegal purpose. I do not believe this is a clerical error since North Carolina Courts have ruled that clerical errors only apply to a transcription error. I believe this is an illegal tax since it was a tax on a property that was condemned by the N.C. DOT

Based on the date of September 12th, 2018 a proration has been completed for this property for a refund of \$571.36.

Please consider my recommendation that the amount of \$571.36 to be refunded based on date the complaint was filed of September 12, 2018 in accordance with G.S. §136-121.

Thank you for your consideration.

Abby Braswell
Macon County Tax Administrator

5 West Main St Franklin, NC 28734
828.349.2144

A/R Master Display

Account #:	49429	Bill Number:	2018-72292	Bill Type:	Current Balance:	0.00
	KLATT, VIOLET TR	Abstract Number:	<u>2018-</u>		Original Levy:	6,294.84
	P O DRAWER 1240	Discovery Year:			Last Transaction Date:	12/3/2018
	BOYNTON BEACH FL 33425-	Status:			Last Payment Date:	12/3/2018
PIN		Location Codes:	Twp: 01 - FRANKLIN Fire: F01 - Franklin		Interest Stop:	
Parcel #:	6583892523	Escrow:			Real Property Value:	1,560,060
Parcel Address:	1556 GEORGIA RD	Building:			Personal Value:	0
Legal:	GEORGIA RD & WIDE HORIZON DR	Obxf:			Exclusions:	0
Land Units/Type:	0.000	Market Land:		1,560,060	Deferred Value:	0
		Taxable Land:		1,560,060	Total Valuation:	1,560,060

DESCRIPTION	RATE	LEVIED	ADDITIONAL CHARGES	DISCOUNT	COLLECTED	RELEASED	UNDER PAYMENT	BALANCE
F01 ADVLTX - FRANKLIN FIRE DISTRICT TAX	.0545	850.23	0.00	0.00	850.23	0.00	0.00	0.00
G01 ADVLTX - GENERAL COUNTY TAX	.3490	5,444.61	0.00	0.00	5,444.61	0.00	0.00	0.00
TOTALS		6,294.84	0.00	0.00	6,294.84	0.00	0.00	0.00

Transaction Summaries

TRANSACTION DATE	INTEREST DATE	USER	TYPE	SOURCE	PAYMENT TYPE	ADDITIONS	DISCOUNT	RELEASED	COLLECTED	CHANGE	OVER PAYMENT	BALANCE	COMMENTS
12/3/2018 8:00:28 AM	12/3/2018	TLM	PAYMENT		CASH	0	0	0	6294.84	0	0	0.00	KLATT, VIOLET TR

DEPARTMENT OF TRANSPORTATION,
Plaintiff,

FILED

v.

COMPLAINT

2018 SEP 12 P 1:27
ELsie A. WINCHESTER and BILL R. WINCHESTER,
as Successor Special Trustees of the Violet Klatt Revocable Trust,
Agreement dated May 18, 1990,
Defendants.
MACON CO., N.C.S.C.
BY PK

Now comes the Department of Transportation, plaintiff herein, and for its cause of action says and alleges:

1.

That the Department of Transportation is an agency of the State of North Carolina with its principal office in Raleigh, North Carolina; and that it possesses the powers, duties and authority, including the power of eminent domain, vested in it by the General Assembly of North Carolina.

2.

That pursuant to the authority vested in the plaintiff under the provisions of Chapter 136 of the General Statutes, and pursuant to a resolution of the Board of Transportation duly passed, it is necessary to condemn and appropriate certain property described in Exhibit "B", attached hereto, and made a part hereof, for public use in the construction of that certain highway project described in Exhibit "C" attached hereto and made a part hereof.

3.

That the plaintiff and the defendants have been unable to agree as to the purchase price of the property herein appropriated.

4.

That the property which is the subject of this action, the interest or estate acquired, and the area appropriated are all described in said Exhibit "B".

5.

That the plaintiff is informed and believes, and alleges upon information and belief, that those persons whose names and addresses are set forth in Exhibit "A", attached hereto and made a part hereof, are, insofar as the same can, by reasonable diligence, be ascertained, the only persons who may have or who claim to have an interest or estate in the property described in said Exhibit "B", and that said named persons are under no legal disability except as may be stated in said Exhibit "A".

6.

That the plaintiff is informed and believes, and alleges upon information and belief that said property is subject only to such liens and encumbrances as are set forth in Exhibit "A", attached hereto.

7.

That the plaintiff be granted a trial by jury on the issue of just compensation.

WHEREFORE, plaintiff prays that just compensation for the appropriation herein set forth be determined according to the provisions and procedures contained in Article 9 of Chapter 136 of the General Statutes and for such other relief as to the Court may seem just and proper.

JOSH STEIN
Attorney General

Erskine Haywood
Special Deputy Attorney General

John B. Finkelstein
Assistant Attorney General
North Carolina Department of Justice
1505 Mail Service Center
Raleigh, North Carolina 27699-1505
Telephone No. (919) 707-4480

Project No.
50192.2.1

Parcel No.
004

I.D. No.
R-5734A

A.G. FILE NO. TR-18-00654

STATE OF NORTH CAROLINA
COUNTY OF MACON

GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
CIVIL ACTION
18-CVS-603

DEPARTMENT OF TRANSPORTATION,
Plaintiff,

v.

ELSIE A. WINCHESTER and BILL R. WINCHESTER,
as Successor Special Trustees of the Violet Klatt Revocable Trust
Agreement dated May 18, 1990,
Defendants.

FILED

2018 SEP 12 P 1:27

MACON CO. C.S.C.

DECLARATION OF TAKING
AND
NOTICE OF DEPOSIT

The plaintiff, Department of Transportation, declares as follows:

1.

That the Department of Transportation is an agency of the State of North Carolina with its principal office in Raleigh, North Carolina; and that it possesses the powers, duties and authority, including the power of eminent domain, vested in it by the General Assembly of North Carolina.

2.

That pursuant to the authority vested in the plaintiff under the provisions of Chapter 136 of the General Statutes, and pursuant to a resolution of the Board of Transportation duly passed, it is necessary to condemn and appropriate certain property described in Exhibit "B", attached hereto and made a part hereof, for public use in the construction of that certain highway project described in Exhibit "C", attached hereto and made a part hereof.

3.

That the plaintiff and the defendants have been unable to agree as to the purchase price of the property herein appropriated.

4.

That the property which is the subject of this action, the interest or estate acquired, and the area appropriated are all described in said Exhibit "B".

5.

That the plaintiff is informed and believes, and alleges upon information and belief, that those persons whose names and addresses are set forth in Exhibit "A", attached hereto and made a part hereof, are, insofar as the same can, by reasonable diligence, be ascertained, the only persons who may have or who claim to have an interest or estate in the property described in said Exhibit "B", and that said named persons are under no legal disability except as may be stated in said Exhibit "A".

6.

That by voucher number 3957278, the plaintiff has this date deposited the sum of \$417,700.00 with the Superior Court of the county in which the action is pending as provided by G.S. § 136-103(d), and the defendants herein may apply to the Court for disbursement of said money as full compensation, or as credit against just compensation, to be determined in this action.

7.

That the said interest and area as described in said Exhibit "B" are hereby appropriated and the said interest and area, together with the right to immediate possession thereof, are hereby vested in the plaintiff, Department of Transportation.

JOSH STEIN
Attorney General

E. Burke Hagwood
Special Deputy Attorney General

Ann B. Finkelstein
Assistant Attorney General
North Carolina Department of Justice
1505 Mail Service Center
Raleigh, North Carolina 27699-1505
Telephone No. (919) 707-4480

Project No.
50192.2.1

Parcel No.
004

I.D. No.
R-5734A

A.G. FILE NO. TR-18-00654

EXHIBIT "A"

NAMES

ADDRESSES

Elsie A. Winchester,
as Successor Special Trustee of the
Violet Klatt Revocable Trust Agreement
dated May 18, 1990 -----5765 Bryson City Road
Franklin, NC 28734

Bill R. Winchester,
as Successor Special Trustee of the
Violet Klatt Revocable Trust Agreement
dated May 18, 1990 -----5765 Bryson City Road
Franklin, NC 28734

Department of Transportation ----- Raleigh, NC

Town of Franklin ----- Franklin, NC

County of Macon ----- Franklin, NC

DISABILITIES OF DEFENDANTS: NONE

LIENS AND ENCUMBRANCES:

All past and current Ad Valorem taxes owing and due the Town of Franklin and the County of Macon.

Existing right of way for highway purposes -- Department of Transportation.

Memorandum of Trust Agreement dated April 8, 1999 made by *Violet Klatt a/k/a Violet M. Klatt, as Sole Special Trustee of the Violet Klatt Revocable Trust Agreement dated May 18, 1990*, and recorded June 21, 1999 at 10:04 a.m. in Book J-23, Page 17, Macon County Registry. The plaintiff is informed and believes, and so alleges upon information and belief, that the said Violet Klatt (a/k/a Violet M. Klatt), during her lifetime, served as the Sole Special Trustee of the Violet Klatt Revocable Trust Agreement dated May 18, 1990, and in the event of her death, her daughter, Elsie A. Winchester and her son-in-law (or the husband of her daughter), Bill R. Winchester, were named/appointed as successor Special Trustees of the Violet Klatt Revocable Trust Agreement dated May 18, 1990.

The plaintiff is informed and believes, and so alleges upon information and belief, that Violet Martha Klatt (a/k/a Violet Klatt and Violet M. Klatt) died on June 10, 1999 in Boynton Beach, Palm Beach County, Florida.

Project No.: 50192.2.1
Parcel No.: 004
I.D. No.: R-5734A

A.G. FILE NO. TR-18-00654

EXHIBIT "B"

DESCRIPTION OF SUBJECT PROPERTY:

Those certain lands lying and being in the Franklin Township, Macon County, North Carolina, and being more particularly described as follows:

Being that land described in a Warranty Deed executed April 8, 1999 to *Violet Klatt, as sole Special Trustee of the Violet Klatt Revocable Trust Agreement dated May 18, 1990*, and recorded June 21, 1999 at 10:05 a.m. in Book J-23, Page 21, Macon County Registry. The property descriptions contained in said deed are hereby incorporated by reference.

Also, being that land identified as Tax Parcel No. 6583-89-2523 as is shown in the Macon County Tax Office.

INTEREST OR ESTATE TAKEN:

Fee simple title to right of way for all purposes for which the plaintiff is authorized by law to subject the same.

A permanent utility easement for all purposes for which the plaintiff is authorized by law to subject the same. Said utility easement in perpetuity is for the installation and maintenance of utilities, and for all purposes for which the Department of Transportation is authorized by law to subject same. The Department of Transportation and its agents or assigns shall have the right to construct and maintain in a proper manner in, upon and through said premises a utility line or lines with all necessary pipes, poles and appurtenances, together with the right at all times to enter said premises for the purpose of inspecting said utility lines and making all necessary repairs and alterations thereon; together with the right to cut away and keep clear of said utility lines, all trees and other obstructions that may in any way endanger or interfere with the proper maintenance and operation of the same with the right at all times of ingress, egress and regress. The Department of Transportation shall have the right to construct and maintain the cut and/or fill slopes in the above-described permanent utility easement area(s). The Permanent Utility Easement shall be used by the Department of Transportation for additional working area during the above described project.

Access is controlled by the Department of Transportation as is indicated by control-of-access (C/A) lines on the plan sheets attached hereto and there will be no access to, from, or across the areas within the control-of-access (C/A) lines to the main traffic lanes, ramps, or approaches over or from the property abutting said highway right of way.

AREA TAKEN:

That area sufficient to acquire for Department of Transportation Project 50192.2.1 the right of way shown over and upon Parcel 004 on Plan Sheets 4 and 5 of the above-mentioned project, plus such additional area as indicated as permanent utility easement on said plan sheets. The aforesaid plan sheets are attached hereto for the purpose of identification of the areas taken and for no other purpose. Said areas taken will be more specifically described on the plat provided for in G. S. 136-106.

Project No.: 50192.2.1

Parcel No.: 004

I.D. No.: R-5734A

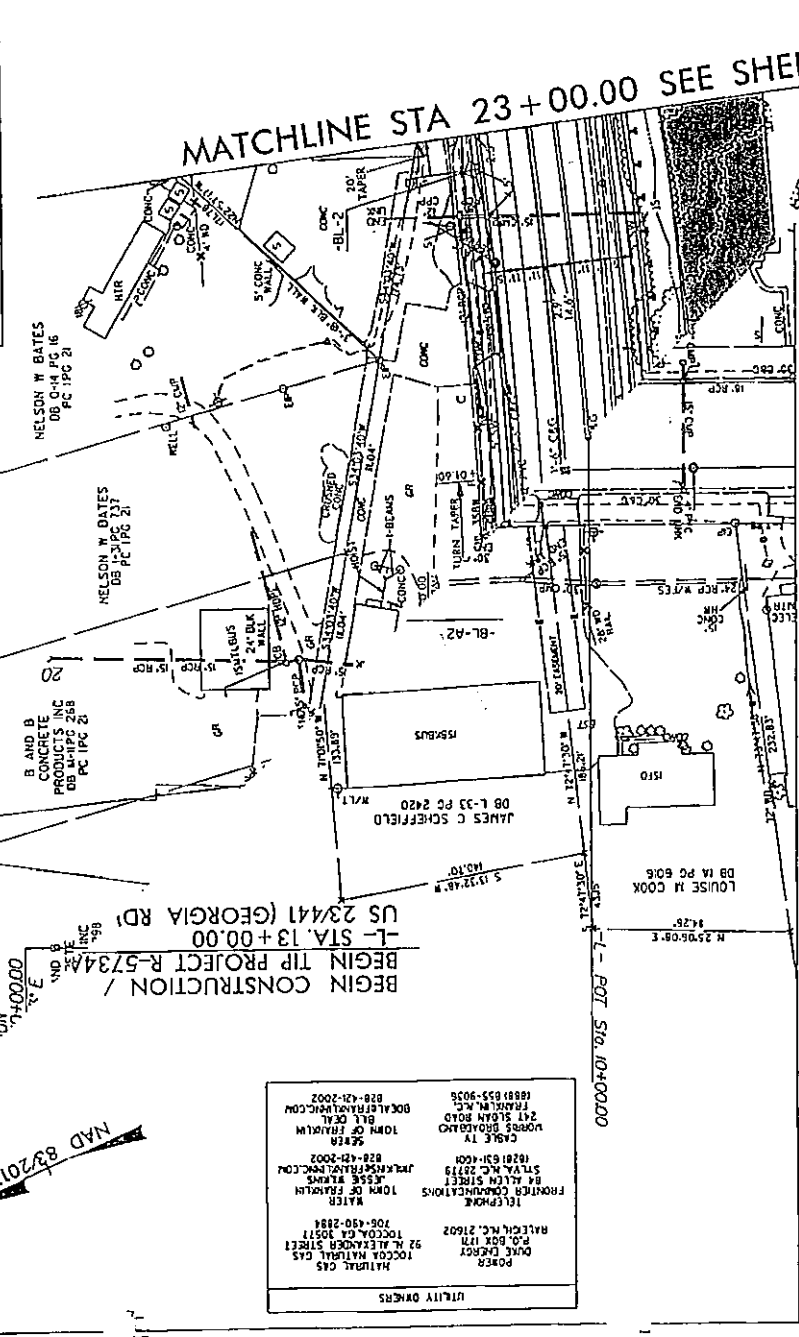
A.G. FILE NO. TR-18-00654

PROJECT REFERENCE NO. R-5734A	SHEET NO. 4
RDW SHEET NO. RDW 111	HIDRAULICS ENGINEER
ROADWAY DESIGN ENGINEER	

Stantec
 Stantec Consulting Services Inc
 801 Jones Franklin Road
 Suite 300
 Raleigh, NC 27606
 Tel. (919) 851-6866
 Fax. (919) 851-7024
 www.stantec.com
 License No. F-0672

SURGATE DESIGN GROUP, P.A.
 1001 1/2 Franklin Road
 Raleigh, NC 27609
 License No. C0090

**DOCUMENT NOT CONSIDERED FINAL
 UNLESS ALL SIGNATURES COMPLETED**



REVISIONS

1. AND 5. NOTED NO CLAIM ON PARCEL 5 ADDED TO PARCELS 1, 3, AND 10 (-DRAWS- ON PARCEL 10). (2017/09/12)

2. AND DEED BOOK ON PARCEL 3 (12/2018)

3. PARCEL 2 TO PROPERTY LINE AT 150' OFFSET. CHANGED PROPOSED ROW TO CA ON PARCEL 4 IN VICINITY OF U-TURN BUI. (2018/01/31)

4. 7/17/99

UTILITY OWNERS

NATURAL GAS DUC ENERGY P.O. BOX 1178 TALLAHASSEE, FL 32302	TELEPHONE FRONTIER COMMUNICATIONS 757 N. ALLEN STREET TALLAHASSEE, FL 32302	WATER FRONTIER COMMUNICATIONS 757 N. ALLEN STREET TALLAHASSEE, FL 32302	SEWER FRONTIER COMMUNICATIONS 757 N. ALLEN STREET TALLAHASSEE, FL 32302
FRANKLIN ELECTRIC CO 421 SOUTH ROAD TALLAHASSEE, FL 32302	FRANKLIN ELECTRIC CO 421 SOUTH ROAD TALLAHASSEE, FL 32302	FRANKLIN ELECTRIC CO 421 SOUTH ROAD TALLAHASSEE, FL 32302	FRANKLIN ELECTRIC CO 421 SOUTH ROAD TALLAHASSEE, FL 32302

**BEGIN CONSTRUCTION /
 US 23411 (GEORGIA RD)
 -L- STA. 13+00.00
 -L- POT STA. 10+00.00**

**-L- PC Sta. 10+68.33
 -L- POT STA. 10+34.85**

**-L- STA. 13+00.00
 -L- POT STA. 10+00.00**

NAD 83/2011

EXHIBIT "C"

DESCRIPTION OF PROJECT 50192.2.1, MACON COUNTY:

ROADWAY/INTERSECTION IMPROVEMENTS FOR US 441 SOUTH (GEORGIA ROAD)
FROM SR 1652 (WIDE HORIZON DRIVE)/SR 1151 (BELDEN CIRCLE) TO US 64.

Project No.: 50192.2.1
Parcel No.: 004
I.D. No.: R-5734A

A.G. FILE NO. TR-18-00654

STATE OF NORTH CAROLINA
COUNTY OF MACON

GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
CIVIL ACTION

18-CvS- 603

DEPARTMENT OF TRANSPORTATION,
Plaintiff,

APPLICATION FOR
DISBURSEMENT OF DEPOSIT

v.

ELSIE A. WINCHESTER and BILL R. WINCHESTER,
as Successor Special Trustees of the Violet Klatt Revocable Trust
Agreement dated May 18, 1990,
Defendants.

Now come the undersigned defendant and respectfully show unto the Court:

1.

Pursuant to the provisions of Article 9 of Chapter 136 of the General Statutes of North Carolina the plaintiff has instituted the above-captioned condemnation action by the filing of a Complaint and Declaration of Taking accompanied by the deposit of the sum of \$ _____ estimated by the plaintiff to be just compensation for the taking.

2.

The undersigned are all of the defendants named in said Complaint and Declaration of Taking; are all of the persons owning the property taken or any compensable interest therein at the time of the filing of said Complaint and Declaration of Taking; are all of the persons having any interest in the deposit; and are all 18 years of age or older and under no legal disability.

3.

There is no dispute as to the title to the property described in the Complaint and Declaration of Taking nor to the person entitled to disbursement of the deposit and the undersigned defendants agrees and consents that the deposit in the amount of \$ _____ be disbursed as follows*

A. First to the payment of ad valorem taxes and local improvement assessments through the year in which this action was filed and for any previous years which remain unpaid as of the date of the disbursement of the deposit, said taxes and assessments being more particularly set forth as follows:

B. The remaining balance of said deposit to be disbursed in the following manner:
and that such disbursement be as (strike inapplicable phrase) (1) full compensation with prejudice to further proceedings in the cause to determine just compensation or (2) a credit against just compensation without prejudice to further proceedings in the cause to determine just compensation.

Wherefore, the undersigned defendants respectfully apply to the Court under the provisions of G.S. 136-105 for disbursement of the deposit as agreed upon and consented to in Paragraph 3 herein and for such further orders as shall be just and equitable.

This the _____ day of _____, 20__.

*Special care should be taken to insure payment of any ad valorem taxes or local improvement assessments alleged to be owing.

NORTH CAROLINA
MACON COUNTY

_____, being first duly sworn, deposes and says that he/she is one of the defendants named herein, has read the foregoing Application for Disbursement of Deposit and knows the contents thereof; that the same is true of his/her own knowledge, except as to those matters therein stated on information and belief and as to those matters he/she believes to be true.

Sworn to and subscribed before me,
this the _____ day of _____, 20__.

NOTARY PUBLIC
My Commission Expires:

Project No.: 50192.2.1
Parcel No.: 004
I.D. No.: R-5734A

A.G. FILE NO. TR-18-00654

STATE OF NORTH CAROLINA

COUNTY OF MACON

DEPARTMENT OF TRANSPORTATION,
Plaintiff,

v.

ELSIE A. WINCHESTER and BILL R. WINCHESTER,
as Successor Special Trustees of the Violet Klatt Revocable Trust
Agreement dated May 18, 1990,
Defendants.

GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
CIVIL ACTION

18-CvS-603

ORDER DISBURSING DEPOSIT

THIS CAUSE coming on to be heard and being heard before the undersigned Judge of Superior Court at _____ pursuant to the foregoing and attached verified Application for Disbursement of Deposit; the Court being fully advised in the matter and it appearing to the Court that the things and matters recited therein are true, it is ORDERED:

1. That the sum of \$ _____ deposited by the plaintiff in this action as its estimate of just compensation be disbursed by the Clerk as follows:*

A. First to the payment of ad valorem taxes and local improvement assessments through the year in which this action was filed and for any previous years which remain unpaid as of the date of the disbursement of the deposit, said taxes and assessments being more particularly set forth as follows:

B. The remaining balance of said deposit to be disbursed in the following manner:

and that such disbursement be as (strike inapplicable phrase) (1) full compensation with prejudice to further proceedings in the cause to determine just compensation or (2) a credit against just compensation without prejudice to further proceedings in the cause to determine just compensation.

2. That the Clerk serve a copy of this Order disbursing the deposit upon the Department of Transportation as provided by N.C. Gen. Stat. § 136-105 by regular mail, addressed to the Attorney General, Counsel for the North Carolina Department of Transportation, Transportation Section, N.C. Department of Transportation, Attorney General's Office, 1505 Mail Service Center, Raleigh, North Carolina 27699-1505.

This the ____ day of _____, 20 ____.

JUDGE OF SUPERIOR COURT

(See G.S. 136-115(1))

*Special care should be taken to insure payment of any ad valorem taxes or local improvement assessments alleged to be owing.

Project No.: 50192.2.1

Parcel No.: 004

I.D. No.: R-5734A

A.G. FILE NO. TR-18-00654

STATE OF NORTH CAROLINA
COUNTY OF MACON

GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
CIVIL ACTION

FILE NO. 18CVS603

DEPARTMENT OF TRANSPORTATION,
Plaintiff,

v.

ELSIE A. WINCHESTER and BILL R. WINCHESTER,
as Successor Special Trustees of the Violet Klatt Revocable
Trust Agreement dated May 18, 1990,
Defendants.

CIVIL SUMMONS
N.C. Gen.Stat. § 1A-1, Rules 3,4
and § G.S. 136-107
___ Alias or Pluries Summons*
Date last summons issued: ___
*applicable only if checked

To: ELSIE A. WINCHESTER,
as Successor Special Trustee of the
Violet Klatt Revocable Trust
Agreement dated May 18, 1990

----- 5765 Bryson City Road
Franklin, NC 28734

A CIVIL ACTION HAS BEEN COMMENCED AGAINST YOU

You are notified to appear and answer the complaint as follows: (1) file the original of your written answer with the Clerk of Superior Court of the county named above within twelve (12) months from the date of service hereof and (2) serve a copy of your written answer upon the Department of Transportation in Raleigh, N.C. or its attorneys at the address listed below. If you fail to answer the complaint the plaintiff will apply to the Court for the relief demanded in the complaint.

Josh Stein, Attorney General
E. Burke Haywood, Special Deputy Attorney General
North Carolina Department of Justice
ATTORNEYS FOR PLAINTIFF DEPARTMENT OF TRANSPORTATION
1505 Mail Service Center
Raleigh, North Carolina 27699-1505
Telephone No. (919) 707-4480

Date Issued: 9-12-18
Time Issued: 1:27pm
Signature: P. Kirkland
Clerk/Asst. Clerk/Deputy Clerk

ENDORSEMENT

THIS SUMMONS WAS ORIGINALLY ISSUED ON THE DATE INDICATED ABOVE AND RETURNED NOT SERVED. AT THE REQUEST OF THE PLAINTIFF, THE TIME WITHIN WHICH THIS SUMMONS MUST BE SERVED IS EXTENDED SIXTY (60) DAYS.

DATE OF ENDORSEMENT: _____ TIME: _____ a.m./p.m.

SIGNATURE: _____
CLERK/ASST. CLERK/DEPUTY CLERK

Project No. 50192.2.1
Parcel No. 004
I.D. No. R-5734A

A.G. FILE NO. TR-18-00654

STATE OF NORTH CAROLINA
COUNTY OF MACON

GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
CIVIL ACTION

FILE NO. 18CV5603

DEPARTMENT OF TRANSPORTATION,
Plaintiff,

v.

ELSIE A. WINCHESTER and BILL R. WINCHESTER,
as Successor Special Trustees of the Violet Klatt Revocable
Trust Agreement dated May 18, 1990,
Defendants.

CIVIL SUMMONS
N.C. Gen.Stat. § 1A-1, Rules 3,4
and § G.S. 136-107
 Alias or Pluries Summons*
Date last summons issued: _____
*applicable only if checked

To: BILL R. WINCHESTER,
as Successor Special Trustee of the
Violet Klatt Revocable Trust
Agreement dated May 18, 1990

5765 Bryson City Road
Franklin, NC 28734

A CIVIL ACTION HAS BEEN COMMENCED AGAINST YOU

You are notified to appear and answer the complaint as follows: (1) file the original of your written answer with the Clerk of Superior Court of the county named above within twelve (12) months from the date of service hereof and (2) serve a copy of your written answer upon the Department of Transportation in Raleigh, N.C. or its attorneys at the address listed below. If you fail to answer the complaint the plaintiff will apply to the Court for the relief demanded in the complaint.

Josh Stein, Attorney General
E. Burke Haywood, Special Deputy Attorney General
North Carolina Department of Justice
ATTORNEYS FOR PLAINTIFF DEPARTMENT OF TRANSPORTATION
1505 Mail Service Center
Raleigh, North Carolina 27699-1505
Telephone No. (919) 707-4480

Date Issued: 9-12-18

Time Issued: 1:27 pm

Signature: P. Kunkel
Clerk/Asst. Clerk/Deputy Clerk

ENDORSEMENT

THIS SUMMONS WAS ORIGINALLY ISSUED ON THE DATE INDICATED ABOVE AND RETURNED NOT SERVED. AT THE REQUEST OF THE PLAINTIFF, THE TIME WITHIN WHICH THIS SUMMONS MUST BE SERVED IS EXTENDED SIXTY (60) DAYS.

DATE OF ENDORSEMENT: _____ TIME: _____ a.m./p.m.

SIGNATURE: _____
CLERK/ASST. CLERK/DEPUTY CLERK

Project No. 50192.2.1
Parcel No. 004
I.D. No. R-5734A

A.G. FILE NO. TR-18-00654

**APPLICATION
PUBLIC SCHOOL BUILDING CAPITAL FUND
NORTH CAROLINA EDUCATION LOTTERY**

Approved: _____

Date: _____

County: MACON

Contact Person: LORI M. CARPENTER

LEA: 560

Title: FINANCE DIRECTOR

Address: 5 W MAIN ST, FRANKLIN, NC 28734

Phone: 828-349-2027

Project Title: 2021-2022 DEBT SERVICE ON SCHOOLS

Location: VARIOUS

Type of Facility: SCHOOL FACILITY

North Carolina General Statutes, Chapter 18C, provides that a portion of the proceeds of the North Carolina State Lottery Fund be transferred to the Public School Building Capital Fund in accordance with G.S. 115C-546.2. Further, G.S. 115C-546.2 (d) has been amended to include the following:

- (3) No county shall have to provide matching funds...
- (4) A county may use monies in this Fund to pay for school construction projects in local school administrative units and to retire indebtedness incurred for school construction projects.
- (5) A county may not use monies in this Fund to pay for school technology needs.

As used in this section, "Public School Buildings" shall include only facilities for individual schools that are used for instructional and related purposes, and does not include central administration, maintenance, or other facilities. **Applications must be submitted within one year following the date of final payment to the Contractor or Vendor.**

Short description of Construction Project: _____

Estimated Costs:

Purchase of Land	_____	\$	_____
Planning and Design Services	_____		_____
New Construction	_____		_____
Additions / Renovations	_____		_____
Repair	_____		_____
Debt Payment / Bond Payment	_____		355,758.15
TOTAL	_____	\$	355,758.15

Estimated Project Beginning Date: _____ Est. Project Completion Date: _____

We, the undersigned, agree to submit a statement of state monies expended for this project within 60 days following completion of the project.

The County Commissioners and the Board of Education do hereby jointly request approval of the above project, and request release of \$ 355,758.15 from the Public School Building Capital Fund (Lottery Distribution). We certify that the project herein described is within the parameters of G.S. 115C-546.

(Signature — Chair, County Commissioners) (Date)

(Signature — Chair, Board of Education) (Date)

Macon County
Advalorem Tax Collections Report
Year To Date April 2022 Tax Year 2021

TAX YEAR 2021 Month To Date April 2022 Tax Year 2021									
Month to Date	Beginning Balance	Levy Added	Less Releases	Less Administrative Refunds	Less Write Offs	Equals Adjusted Levy	Less Payments	Outstanding Balance	
General Tax	556,653.86	10,581.21	-2,617.11	0.00	-18.59	564,599.37	-115,992.25	448,607.12	
Fire Districts	87,599.97	2,384.60	-325.26	0.00	-3.28	89,656.03	-18,672.71	70,983.32	
Landfill User Fee	108,752.89	0.00	-972.00	0.00	-2.73	107,778.16	-14,704.32	93,073.84	
TOTAL:	753,006.72	12,965.81	-3,914.37	0.00	-24.60	762,033.56	-149,369.28	612,664.28	

TAX YEAR 2021 Year To Date April 2022 Tax Year 2021

Year to Date	Beginning Balance	Levy Added	Less Releases	Less Administrative Refunds	Less Write Offs	Equals Adjusted Levy	Less Payments	Outstanding Balance	This Year		Last Year	
									Collection Percentage Tax Year 2021 As of 4/30/2022	Collection Percentage Tax Year 2020 As of 4/30/2021		
General Tax	0.00	31,735,117.77	-29,659.29	0.00	-1295.57	31,704,162.91	-31,255,555.79	448,607.12	98.59%	97.78		
Fire Districts	0.00	4,252,507.03	-3,385.70	0.00	-195.04	4,248,926.29	-4,177,942.97	70,983.32	98.33%	97.48		
Landfill User Fee	0.00	2,992,654.00	-49,693.70	0.00	-26.51	2,942,933.79	-2,849,859.95	93,073.84	96.84%	95.79		
TOTAL:	0.00	38,980,278.80	-82,738.69	0.00	-1517.12	38,896,022.99	-38,283,358.71	612,664.28	98.42%	97.6		

MACON COUNTY BOARD OF COMMISSIONERS

AGENDA ITEM

CATEGORY – APPOINTMENTS

MEETING DATE: May 10, 2022

13A. **Town of Franklin Planning Board (ETJ representative):** Per Town Planner Justin Setser with the Town of Franklin, the Franklin Town Council voted at its May 2, 2022 meeting to appoint Debbie Tallent as a new Extra-Territorial Jurisdiction (ETJ) representative on the town’s planning board. Mr. Setser is requesting that the commission concur with that appointment, with the term to expire May 2, 2025. Mr. Setser explained that this is a new seat on the planning board created due to the new requirements contained in Chapter 160-D of the state’s general statutes. The town planning board will now have five “town limit” seats and three “ETJ” seats.