

MACON COUNTY BOARD OF COMMISSIONERS
FEBRUARY 28, 2012 – 6 P.M.
CONTINUED SESSION
MINUTES

Chairman Corbin convened the continued session at 6:01 p.m. in the Commissioners' Boardroom on the third floor of the courthouse as recessed from the February 14th regular meeting. All Board Members, the County Manager, Deputy Clerk, Finance Director, County Attorney, interested citizens and members of the news media were present.

Chairman Corbin explained the need for continuing the February 14th regular meeting and opened the floor for adjustments to and approval of the agenda for this session. Following discussion, and upon a motion by Commissioner Koppers, seconded by Commissioner Beale, the board voted unanimously to adjust and approve the agenda as outlined below:

Under New Business:

- To make consideration of Change Orders 9 and 10 on the Little Tennessee River/Cartoogechaye Creek Trunk Sewer Project as Item 10A, and to add Change Order 11 to that item.
- To add consideration of the audit contract with Martin Starnes & Associates as Item 10B.
- To add consideration of the bids for the 911 call center as Item 10C.
- To add consideration of the bid for the Pate wall project as Item 10D.
- To add consideration of budget amendments as Item 10E.
- To add consideration of a resolution regarding term limits for advisory boards as Item 10F.

The board also agreed to consider approval of a health center lab fee (Item 11E), as removed from the consent agenda on February 14th, and to consider appointments to the planning board (Item 12B), economic development commission (Item 12C) and the library board (Item 12D), and to go into closed session to preserve the attorney/client privilege (Item 13A) and with regard to possible property acquisition (Item 13B). The County Manager also asked the board to consider giving formal approval of a letter to the Town of Franklin, and Chairman Corbin noted that it would be considered immediately following Item 10A.

REPORTS/PRESENTATIONS: Commissioner Beale addressed the issue of proposed legislation that would require testing all newly constructed private drinking water wells for Volatile Organic Compounds (VOCs), and

presented a copy of a proposed letter to state legislators regarding this matter. Following discussion, Chairman Corbin suggested that the board instruct the County Attorney to prepare a resolution addressing this issue for the commission's consideration on March 13. He also pointed out the "huge turnover coming" to the state's General Assembly, as 69 of the total 170 members are not seeking re-election. Commissioner Koppers addressed the issue of McCoy Bridge, stemming from recent correspondence with the North Carolina Department of Transportation (NCDOT) regarding additional funds for maintenance of the bridge. A copy of the letter from NCDOT is attached (Attachment 1) and is hereby made a part of these minutes. Commissioner Beale also requested that a letter to the board and other officials regarding a child being bitten by a dog at Big Bear Park on the Little Tennessee River Greenway be included in the minutes. In the letter, James Pader requested that the board "draft some meaningful ordinances that will protect children playing in a public park." By consensus, the board instructed the County Attorney to examine what could be done. A copy of the letter (Attachment 2) is hereby made a part of these minutes. Chairman Corbin then made an announcement regarding the death of county employee Suzanne Herman, a 911 dispatcher, and expressed the board's condolences to the family.

CONSIDERATION OF CHANGE ORDERS 9, 10 AND 11 ON THE LITTLE TENNESSEE RIVER/CARTOOGECWAY CREEK TRUNK SEWER PROJECT:

The County Manager went over the details of Change Order 9 in the amount of \$25,624, Change Order 10 in the amount of \$32,723, and Change Order 11 in the amount of \$78,431.85. He said the good news is that the change orders will not require any additional county or Town of Franklin funding, and will leave approximately \$215,000 in the project's contingency fund, adding that all of the major work on the project is complete, although the portion regarding the modified re-use system is still under negotiation with the state. Upon a motion by Commissioner Tate, seconded by Commissioner Haven, the board voted unanimously to follow the County Manager's recommendation and approve all three change orders as presented. Copies of each change order and its accompanying summary are attached (Attachments 3, 4 and 5) and are hereby made a part of these minutes.

LETTER TO TOWN OF FRANKLIN: The County Manager requested formal approval from the board to send a letter to the Town of Franklin in regard to the Cullasaja River Sewer Line. The letter requests that the town forgive a \$16,006.26 debt relative to a settlement agreement between the Town of Franklin, McGill Associates and L-J Inc. concerning

issues with the line crossing dating back to October of 2006. Upon a motion by Commissioner Beale, seconded by Commissioner Tate, the board voted unanimously to approve the letter (Attachment 6), a copy of which is hereby made a part of these minutes.

AUDIT CONTRACT: The Finance Director recommended that the board approve an audit contract for Fiscal Year 2011-12 with Martin Starnes & Associates of Hickory, NC in the amount of \$57,900. Although this is the first audit under a three-year agreement with Martin Starnes, the Finance Direction pointed out that the audit contract must be approved annually as required by the Local Government Commission (LGC). Upon a motion by Commissioner Haven, seconded by Commissioner Beale, the board voted unanimously to approve the “Contract to Audit Accounts” (Attachment 7) as presented, a copy of which is hereby made a part of these minutes.

BIDS FOR 911 CALL CENTER: The County Manager explained that improvements to the 911 call center would come from the 911 reserve fund. The Finance Director explained that the county received three bids for the CAD and GIS at the center, with the lowest one coming from Interact Public Safety in the amount of \$168,955.40. For the VoIP radio console system, the county received only one bid, even after rebidding the project, from Whitley’s Communications in the amount of \$280,632. Emergency Services Director David Key said the county was “running about 10 years behind” and that the improvements would result in a state-of-the-art center, noting that the funds must be used for 911 services. Individual commissioners raised a number of questions regarding the bids, and Commissioner Beale suggested that the board postpone any action on them. Chairman Corbin requested that Mr. Key meet with Commissioner Tate, the commission liaison to EMS, and go over the bids in detail, with this item to then be placed on board’s March 13th regular meeting agenda.

PATE RETAINING WALL: The County Manager explained how Macon County had been asked by the state to handle a Crisis Housing Assistance Fund (CHAF) case in Swain County, where a retaining wall needed to be built at the residence of 88-year-old Marjorie Pate. He further explained that the project required an engineer, a request for proposals and a bid process, whereby five bids were submitted. Larry Lackey, the engineer on the project, recommended awarding the bid to the low bidder, Legacy Homebuilders, at a cost of \$39,450. The County Manager pointed out that there will be no local money in the project. Upon a motion by Commissioner Beale, seconded by Commissioner Koppers, the board voted unanimously to award the bid to Legacy

Homebuilders as presented. A copy of the bid form is attached (Attachment 8) and is hereby made a part of these minutes.

BUDGET AMENDMENTS: Upon a motion by Commissioner Koppers, seconded by Commissioner Haven, the board voted unanimously to:

- Table Budget Amendment #147 regarding the E911 Fund.
- Approve Budget Amendment #148 in the amount of \$49,000 under the CHAF program to complete the Pate retaining wall in Swain County, using federal funds.
- Approve Budget Amendment #149 on the Little Tennessee River/Cartoogechaye Creek Trunk Sewer Project to move \$136,779 from contingency to cover the three change orders (9, 10 and 11) from Gary's Grading & Pipeline Co.

Copies of the budget amendments are attached (Attachment 9) and are hereby made a part of these minutes.

TERM LIMITS RESOLUTION: The board members, County Manager and County Attorney discussed, at length, a proposed resolution involving the appointment process for certain county advisory boards, and then agreed to table the matter until the March 13th regular meeting.

HEALTH CENTER LAB FEE: Upon a motion by Commissioner Koppers, seconded by Commissioner Beale, the board voted unanimously to approve a \$135 fee for a Deoxyribonuclease Antibody (DNA) test at the Macon County Health Center.

Chairman Corbin declared a recess at 7:30 p.m.

Chairman Corbin called the meeting back to order at 7:48 p.m.

APPOINTMENTS: Library Board: Upon a motion by Commissioner Koppers, seconded by Commissioner Beale, the board voted unanimously to appoint Dale Sticka and Crystal Bryson to the Macon County Public Library Board for terms of three years each, with those terms expiring February 28, 2015. The board also requested letters of appreciation to go out to Lee Byers and Vince West. **Economic Development Commission:** Upon a motion by Commissioner Beale, seconded by Commissioner Koppers, the board voted unanimously to reappoint Connie Haire and to appoint Farrell Jamison to the Macon County Economic Development Commission for terms of three years each, with those terms expiring February 28, 2015. **Planning Board:** Commissioner Tate made a motion to appoint Christopher Hanners and to reappoint C. Lewis Penland to the Macon County Planning Board, and it was seconded by Commissioner Beale. Commissioner Haven requested

that the board vote on each member separately, and following discussion, the board agreed to do so. Upon a motion by Commissioner Tate, seconded by Commissioner Beale, the board voted unanimously to appoint Mr. Hanners to the planning board for a term of three years, with the term to expire February 28, 2015. Upon a motion by Commissioner Tate, seconded by Commissioner Beale, the board voted 4-1 (with Commissioner Haven opposing) to reappoint Mr. Penland to the planning board for a term of three years, with the term to expire February 28, 2015. Under the newly revised planning board ordinance, this will be considered as Mr. Penland's second term on the board, after which he will be ineligible for reappointment for one year.

NCACC MEETING: Commissioner Beale reminded the board members of the North Carolina Association of County Commissioners (NCACC) meeting in Asheville on April 11, 2012.

CLOSED SESSION: Upon a motion by Commissioner Beale, seconded by Commissioner Koppers, the board voted unanimously to go into closed session at 8:08 p.m. for the purpose of (1) preserving the attorney/client privilege under G.S. 143-318.11(3) and (2) with regard to property acquisition under G.S. 143-318.11(5). Upon a motion by Commissioner Koppers, seconded by Commissioner Tate, the board voted unanimously to come out of closed session at 8:45 p.m. No action was taken.

ADJOURN: Upon a motion by Commissioner Beale, seconded by Commissioner Koppers, the board voted unanimously to adjourn at 8:45 p.m.

Jack Horton, County Manager
Clerk to the Board

Kevin Corbin
Board Chairman