

**MACON COUNTY BOARD OF COMMISSIONERS
MAY 12, 2015
MINUTES**

Vice-Chairman Tate called the meeting to order at 6:03 p.m., welcomed those in attendance, and noted the absence of Chairman Corbin, who was out of town. All of the other Board Members, the County Manager, Deputy Clerk, Finance Director, County Attorney, members of the news media and interested citizens were present.

ANNOUNCEMENTS: Commissioner Beale noted that there would be a meeting at the Town of Franklin Boardroom on Thursday, May 14th regarding the status of mental health in western North Carolina. The County Attorney noted that the board would be recessing this meeting until May 18th in order to hold a joint meeting with the Town of Franklin Board of Aldermen and the Town of Highlands Board of Commissioners.

MOMENT OF SILENCE: Prior to observing a moment of silence, Commissioner Beale and the County Manager shared condolences and remembrances regarding the passing of Mike Grubermann, the former Town of Franklin Planner who recently lost his battle with cancer. Vice-Chairman Tate asked those in attendance to observe a moment of silence.

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

PUBLIC HEARING ON THE FINANCING OF IMPROVEMENTS TO UNION ACADEMY AND HIGHLANDS SCHOOL (QZAB): Vice-Chairman Tate opened the public hearing at 6:08 and recognized the Finance Director, who explained that the purpose of the public hearing was to receive comment on the county's plan to enter into negotiations with respect to an installment financing contract in an amount not to exceed \$2,985,878 in order to pay the capital costs of improvements to Union Academy and Highlands School. In addition, the county would be entering into a deed of trust under which it will grant a lien on a portion of its fee simple interest in the site on which Highlands School is

located. She further explained that the term of the loan is for 15 years with a net interest rate of 0 percent. Vice-Chairman Tate noted that no one signed up to speak. Commissioner Shields stated that the project was “well needed” and Commissioner Beale thanked the Finance Director and County Attorney for their work on the project. The County Attorney noted the physical addresses of both facilities and stated that one or both could be encumbered. Vice-Chairman Tate explained that the board did not need to take any action at this time, and closed the public hearing at 6:12 p.m.

PUBLIC COMMENT: Holly Springs resident **Nina Scripps** addressed the board regarding what she described as on-going attacks on her two Australian Shepherd dogs by neighboring dogs. According to Ms. Scripps, on April 25th, the neighbors’ dogs tried to kill her dogs, prompting her to call 911. She said that a county Animal Control employee called back, and she provided the board with photos of the wounds to her dogs, some of which required surgery. Ms. Scripps told the board that since April 25th, “nothing’s been done,” and that she could not go out onto her porch without the neighbor’s dogs coming after her. She told the board she was scared to come out of her house, that she can’t go out and work in her yard, and asked why it was okay for these dogs to run free. Commissioner Shields explained that he had asked Animal Control Director John Hook to be present at this meeting in order to address the procedures his department uses in such cases, and that this was an upcoming item on the agenda.

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 a report from Commissioner Beale regarding a one-month update on the recently adopted nuisance ordinance as Item 8D under Reports/Presentations.
- To add a report from Commissioner Beale on County Assembly Day as Item 8E under Reports/Presentations.

WORK FIRST ELECTING COUNTY PLAN: Prior to her presentation, Social Services Director Jane Kimsey introduced the department’s new director, Patrick Betancourt, to the board members. Ms. Kimsey is retiring effective June 30, 2015. Mr. Betancourt comes to Macon County after 10 years with the state Social Services office followed by 10 years with Franklin County DSS. Commissioner Beale said that Ms. Kimsey will be a “hard act to follow.” Vice-Chairman Tate asked Ms. Kimsey to review the hiring process used to select Mr. Betancourt, who was one of six persons interviewed by the county’s DSS board. It was noted that Ms. Kimsey served as Macon’s DSS director for 26

years, which followed a 25-year tenure in that office by Dorothy Crawford. As to the Work First Electing Plan, Ms. Kimsey said the county has adopted all of the state's standard eligibility rules to comply with the NCFAST system. Macon remains one of only seven counties in the state that is an "electing" county, which in Macon's case results in \$183,000 in cash savings that is used for child protective services. "We like to be pilots and pioneers," she added. Upon a motion by Commissioner Beale, seconded by Commissioner Higdon, the board voted unanimously to approve the Work First Electing Plan as amended.

TRANSFER OF CONSTRUCTION AUTHORIZATION PERMITS: Public Health Director Jim Bruckner appeared before the board requesting the waiver of a permit fee. Mr. Bruckner explained that in December of 2014, the state Division of Environmental Health – in collaboration with the Attorney General's office – issued a position statement which makes an Authorization to Construct (AC) permit invalid if a property changes hands and a system has not been installed. Because the permit is made invalid by the transfer of the property, the new owner must make application, pay a fee and have the local environmental health staff conduct a field evaluation and issue a new permit. Mr. Bruckner said this has resulted in "push back" from property owners for two reasons: (1) the fact that a permit is valid one day and invalid the next due to a transfer in ownership and (2) the requirement to pay the \$500 for the new permit. He asked if the board would allow the fee for this action to be waived if (1) there were no changes in the site plan and the proposed facility and (2) the permit was issued prior to the decision by the commissioners to waive the fee, noting that there was only a "handful" of these permits issued since December of 2014. The County Attorney pointed out that if the fee is set by ordinance, it cannot be waived without revising the ordinance, but if it is set by resolution, then the board can waive it. Following discussion, Commissioner Higdon made a motion to waive the permit fee, retroactive to December of 2014, and to authorize refunds of fees paid for this specific type of permit issued between then and today's day. The motion was seconded by Commissioner Beale, and all favored.

UPDATE ON ANIMAL CONTROL POLICIES AND PROCEDURES: Animal Control Director John Hook responded to Mrs. Scripps' complaint, and gave the board a recap of how the situation was addressed. Mr. Hook read a letter that he sent to Jim Ledford, the owner of the other dogs in question, on April 30th noting that they were being deemed potentially dangerous and outlining the requirements with which he was to comply. Mr. Hook said that the department received notification that Mr. Ledford had signed for the certified letter on May 9th, but that he has failed to comply with the letter and will receive a visit from Animal Control tomorrow with a warrant in hand. While dogs are considered personal property, Mr. Hook said that Mrs. Scripps does have the right to protect herself. Mr. Bruckner stated that Mr. Hook was

supposed to be in collaboration with the health director in such matters so that they can be referred to the dangerous dog board if needed and the animal can be picked up. Commissioner Beale questioned why this incident was not referred to the committee. This led to further discussion that eventually involved Sheriff Robert Holland and Mrs. Scripps. Upon a suggestion by Mr. Bruckner and Sheriff Holland, Vice-Chairman Tate declared a recess at 7:01 p.m. in order to allow the members of the dangerous dog board (Mr. Bruckner, Mr. Hook, Commissioner Shields and Sheriff Holland, along with the County Attorney) to meet. Following the meeting of the dangerous dog board, Vice-Chairman Tate called the meeting back to order at 7:14 p.m. and the County Attorney announced that the dangerous dog board had voted to declare both of Mr. Ledford's dogs "dangerous" and that authorities would now follow the established process to deal with those animals. This was followed by a lengthy discussion between the commissioners and Mr. Hook regarding his department's policies and procedures. Referring to the incident with Mrs. Scripps, Commissioner Beale told Mr. Hook that it was "uncalled for" that two weeks transpired between the initial complaint and action being taken while "a citizen was terrorized in her own place." Commissioner Beale said that the commissioners "get a lot of complaints" about matters like these, and Mr. Hook outlined the process that his department must follow, noting that Animal Control gets an average of 18 calls per day. No action was taken.

UPDATE ON NUISANCE ORDINANCE: Commissioner Beale read the following report from Sheriff Holland in regard to enforcement of the recently adopted Macon County Nuisance Ordinance. "Since April 14, 2015 (the day the Nuisance Noise Ordinance was enacted), MCSO have had 8 calls for service related to "Nuisance Noise" complaints. Of those 8 calls 1 complaint made did not meet the criteria for a violation as specified in the new ordinance (Barking dogs). Of the other 7 calls for service each were complaints after 11pm and before 5am with exception of one. Deputies responded to the 7 calls and spoke with various individuals at each of the homes where the noise originated from and advised them the nature of the complaint received. Deputies explained the new nuisance noise ordinance and warned them of possible penalties in the event there were additional complaints. All parties complied immediately when requested to reduce the noise. During this one month period there have been no repeat offenders. As of today and since its enactment, there have been no individuals cited for being in violation of the Macon County Nuisance Noise Ordinance."

UPDATE ON COUNTY ASSEMBLY DAY: Commissioner Beale and the County Manager gave an update from the recent County Assembly Day in Raleigh. Commissioner Beale noted the governor's announcement regarding a \$400-million surplus in the state budget, yet the counties' request for the full reinstatement of lottery funds "fell on deaf ears." He also touched briefly on

efforts aimed at redistributing sales tax revenue, an “off-year” election bond referendum that would cost Macon County \$40,000, and predicted that Sunday hunting would easily pass in both chambers of the legislature. The County Manager discussed two specific bills that would redistribute the sales tax revenue, explaining that if Senate Bill 369 were to be enacted, it would cost Macon County \$1.1-million by Fiscal Year 2018-19.

CHANGE ORDER TO PENLAND CONTRACT: Jack Morgan, the county’s Director of Planning, Permitting and Development, outlined items involving the extensions of the retaining walls at the adult and youth ball fields at the Parker Meadows Recreational Complex. He said this will require lowering the elevation of two and raising two others, and the extensions of the retaining walls will be 109 feet at a minimum. This will have the benefit of providing additional areas to view games, he said. The County Manager said the change order totals \$50,000, and there is \$11,876 left in the project’s contingency fund. With approximately \$90,000 remaining in the county’s general fund contingency line item, the County Manager suggested taking the remaining \$38,124 from that account. Vice-Chairman Tate said that while he understands the nature of the work being performed, he would like to see a breakdown of the cost. Commissioner Shields made a motion to approve the change order in an amount not to exceed \$50,000, with \$11,876 to come from the project’s contingency fund and the remaining \$38,124 to be appropriated from the county’s general fund contingency. Commissioner Beale seconded the motion. During discussion, Commissioner Higdon asked if there were more change orders coming, and the County Manager said that by May 21st, he would be prepared to explain what would need to be requested to finish the project in this fiscal year. Vice-Chairman Tate again pointed out that while there is trust involved, it would be nice to have more specific information and he asked the County Manager and Mr. Morgan to “watch that very, very closely.” After discussion about the need for written change orders, the board approved this change order unanimously.

SOUTHWESTERN WORKFORCE DEVELOPMENT COMMISSION: Todd Douglas, the Workforce Development Director for the Southwestern Workforce Development Commission, presented changes to the current articles of association and agreement stemming from changes in federal law. Mr. Douglas explained that the current federal workforce development legislation, the Workforce Investment Act (WIA), will expire on June 30, 2015, along with the current consortium agreement. It will be replaced by new federal workforce legislation called the Workforce Innovation and Opportunity Act (WIOA) and will require a new consortium agreement. He told the board that approval of the new consortium agreement should make for a smooth transition of workforce programs and services to the member counties. “We have operated

off the current agreement for 15 plus years without any issues,” he said. Upon a motion by Commissioner Beale, seconded by Commissioner Shields, the board voted unanimously to approve the “Articles of Association and Agreement for the Southwestern Workforce Development Consortium (Attachment 1) as well as the updated Southwestern North Carolina Workforce Development Board By-Laws (Attachment 2). Copies of both are attached and are hereby made a part of these minutes.

HUDSON LIBRARY LEASE AGREEMENT: Following an explanation by the County Attorney, and upon a motion by Commissioner Beale, seconded by Commissioner Shields, the board voted unanimously to (1) approve a rescission of the lease agreement with The Hudson Library of Highlands and (2) approve a new lease agreement with The Hudson Library of Highlands as presented by the County Attorney. Copies of the “Rescission of Lease Agreement” (Attachment 3) and the new “Lease Agreement” (Attachment 4) are attached and are hereby made a part of these minutes.

RESCISSION OF LEASE AGREEMENT WITH FOREX CURRENCY TRADE ADVISORS, LLC: Following an explanation by the County Attorney and Economic Development Director Tommy Jenkins, upon a motion by Commissioner Shields, seconded by Commissioner Beale, the board voted unanimously to approve a “Rescission of Lease Agreement” with Forex Currency Trade Advisors, LLC regarding space in the county’s Business Development Center. A copy of the agreement is attached (Attachment 5) and is hereby made a part of these minutes.

CONSENT AGENDA: Upon a motion by Commissioner Shields, seconded by Commissioner Higdon, the following items on the consent agenda were approved unanimously: **Minutes** – Approved the minutes from the April 14, 2015 regular meeting. **Budget amendments** – Approved the following budget amendments: #185 for the Department of Social Services to appropriate additional SHIPP funds of \$1,774; #186 to amend the various fire district budgets and #187 for Parks and Recreation to appropriate \$28,436 for a grant received from the Cherokee Preservation Foundation for construction costs for the Parker Meadows burial site and a kiosk, plaque and other historical educational materials. (Revisions with corresponding numbers attached). **Tax refunds** – Did not approve tax refunds in the amount of \$125.29 to Black Bear Construction and \$225 to Jimmy Brogden, as recommended by the Tax Administrator. **Macon County Public Health Fee Schedule Changes** – Approved five items on the Macon County Public Health Fee Schedule as approved by the Macon County Board of Health regarding fees associated with dental services. **Monthly ad valorem tax collection report** – No action necessary.

APPOINTMENTS: **(1) Board of Adjustment:** The board agreed to postpone action on the reappointment of three members of the board of adjustment until they could be contacted to determine if they were willing to continue to serve. **(2) Board of Health:** Upon a motion by Commissioner Higdon, seconded by Commissioner Beale, the board voted unanimously to appoint Chris Hanners to fill the unexpired term of Russell Stevenson as the engineer serving on the Board of Health: **(3) Community Funding Pool:** The board agreed to postpone action on the reappointment of three members of the community funding pool until they could be contacted to determine if they were willing to continue to serve. **(4) Franklin/Nantahala Tourism Development Commission:** Upon a motion by Commissioner Higdon, seconded by Commissioner Shields, the board voted unanimously to appoint Ron Haven as the large accommodation representative and to appoint either Tom or Linda Sterrett to the vacant at large position on the Franklin/Nantahala TDC. **(5) Jury Committee:** The board agreed to postpone action on the reappointment of three members of the jury committee until they could be contacted to determine if they were willing to continue to serve.

RECESS: At 8:02 p.m., and upon a motion by Commissioner Beale, seconded by Commissioner Higdon, the board voted unanimously to recess the meeting until Monday, May 18, 2015 at 6 p.m. at the Macon County Heritage Center at the Historic Cowee School, 51 Cowee School Drive, Franklin, NC 28734 for the purpose of holding a joint meeting with the Town of Franklin Board of Aldermen and the Town of Highlands Board of Commissioners.

Derek Roland
Ex Officio Clerk to the Board

Kevin Corbin
Board Chairman