

**MACON COUNTY BOARD OF COMMISSIONERS
SEPTEMBER 13, 2010 - 6 P.M.
MINUTES**

CALL TO ORDER: Chairman Beale convened the meeting at 6:00 p.m. and welcomed everyone present. All Board Members, the County Manager, Deputy Clerk, Finance Director, Interim County Attorney, members of the news media and interested citizens were present.

ANNOUNCEMENTS: Chairman Beale reminded everyone the Macon County Fair would begin on Wednesday and County Manager Horton announced that the NCACC has named Chairman Beale as Chairman of the Human Services Committee.

INVOCATION: Commissioner Kupperts gave the invocation.

PLEDGE OF ALLEGIANCE: The pledge to the flag was recited.

PUBLIC COMMENT: None

ADDITIONS/ADJUSTMENTS TO THE AGENDA: Upon motion by Commissioner McClellan, seconded by Commissioner Kupperts, the agenda was approved with the following additions: add as item #8A(1), census award presentation; add as item #11C, Nantahala School project; add two budget revisions to item #12B and delay item #11A, scheduling a health insurance work session until the Chairman and Commissioner Davis can meet with county staff.

CENSUS PRESENTATION: Chairman Beale presented a plaque awarded to Macon County by the U.S. Census in appreciation for the County's partnership in achieving a complete and accurate census count. Chairman Beale recognized Derek Roland and Rhonda Blanton, County 2010 Census Coordinators, and commended them for their outstanding work on raising awareness and participation in the 2010 census.

VETERANS NIGHT: Rhonda Blanton explained to the Board that the first Franklin High School home football game would be Friday, September 17th and had been designated as "Veterans Honor Night". She distributed complimentary tickets and extended an invitation to attend the game.

SUPPORT OF LOCAL FARMERS AND OPPOSITION TO SENATE BILL #S510: Ms. Emily Dale stated she had been coming to Macon County since 1932 and moved here permanently in 1975. She explained one of the things she enjoyed most was the road side vegetable/fruit stands and she has now joined the Franklin Tailgate Project. She added that she had never gotten sick from any of these products and the farmers are proud of their crops; however, Senate Bill S510 would take this privilege away from road side and tail gate vendors. Ms. Dale presented a resolution opposing the Senate Bill and requested the Board to consider passage. **Ron Cabe** stated he is a seven generation Maconian and an organic farmer. He added SB 510 is one of the most dangerous bills

ever presented and will eliminate bake sales, tailgate sales, harvest sales and road side stands. He stated he felt the bill was written with good intentions but it is open-ended with too many loop-holes. Mr. Cabe requested the Board's assistance in opposing the bill stating it would certainly hurt small farmers. **Panthea Crawford** stated that Macon County has been her home since 1981 and quoted statistics from "*Hurting NC's Local Food Harvest*" which outlined unintended consequences of federal food safety legislation on North Carolina's small agricultural enterprises. Ms. Crawford stated SB 510 has been misnamed as a food safety bill and will close down family and organic farms. **Don Erickson** stated he and his wife had traveled for seven years before deciding Macon County is the place they want to live and they have been here since March, 2010. Mr. Erickson urged the Board to help get this proposed bill cleaned up for the people of Macon County and America. Chairman Beale stated the Board would review the information presented and the proposed resolution. Commissioner Davis informed the group that Senator Burr will be in Macon County in October and urged them to speak with him.

GREENWAY PARTNERSHIP: Dennis Desmond of the Land Trust for the Little Tennessee and Sonja Hines, Project Coordinator for the Greenway Invasive Partnership, presented information on the Partnership explaining it is a collaborative effort to control non-native invasive plant species and to restore native plants along the Little Tennessee Greenway which is mostly on County-owned land. They requested any support the county could give in disposal of the plant material and any other available support. The County Attorney will review the proposed contract between Macon County and the Land Trust for habitat restoration along the Greenway. Also present were Kay Corelli from FROGS and Mary Bennett from GEAR UP.

CLOSED SESSION: Upon motion by Commissioner McClellan, seconded by Commissioner Davis, the Board unanimously voted to go into closed session for attorney/client privilege. No action was taken in closed session and the Board returned to regular session.

HIGHLANDS POST OFFICE: Item #12D was moved from the consent agenda for consideration. Highlands Mayor David Wilkes gave background information on the offer by a private citizen to build a new post office for Highlands stating the Town had passed a resolution in support of the relocation. Upon motion by Commissioner McClellan, seconded by Commissioner Simpson, the Board unanimously voted to adopt the attached resolution in support of the Highlands Post Office relocation. **(Attachment #1)**

DETENTION CENTER SECURITY BIDS: Proposals for replacement of door control, intercommunication and closed circuit television systems for the County Detention Center were presented with a recommendation from consultant David Musacchio that a "Notice to Proceed" and contract be issued to the low proposer, Southwestern Communications, at \$79,616. Commissioner Simpson expressed concerns that specs were written so local vendors could not bid and questioned if Mr. Musacchio was part-owner of Southwestern. Commissioner Simpson made a motion to reject all bids for the purpose of redoing the specifications to allow local vendors to bid.

Commissioner Davis stated he would second the motion for the purpose of discussion. After further discussion the general consensus was to delay action pending discussion with Mr. Musacchio on the qualification of bidders and specs. Commissioners Simpson and Davis agreed to withdrawal of the motion.

SCHOOLS: Iotla Valley Elementary School Bids: The County Attorney advised that glitches had been found in the advertisements for bids on the Iotla Valley Elementary School construction project and the on-site water and sewer project, in that the advertisements for bids did not fully comply with the law which means any resulting contracts would be unlawful. The County Attorney stated the Local Government Commission had been consulted and they advised that they could not approve financing of these projects unless requirements of the general statutes regarding advertisements for bids have been met. He added that after discussions with attorneys at the School of Government the opinion is that the statutory requirements regarding advertisements for bids have not been met. The County Attorney advised that based upon the foregoing reasons that it would be in the best interest of Macon County to reject the bids set forth in Attachment #2 and Attachment #3. Based on the Attorney's recommendation that it would be in the best interests of Macon County to reject the bids set forth in Attachment #2 and Attachment #3 and based upon the reasons given by the County Attorney, Commissioner Davis made a motion that the Macon County Board of Commissioners has determined for such reasons that it is in the best interest of Macon County to reject all bids that appear on the schedule for Construction of a new K-4 North Macon Elementary School from Bowers, Ellis and Watson Architects, PA, dated June 24, 2010 (attachment #2) and all bids that appear on the schedule for Macon County K-4 Elementary School Onsite Water and Sewer Systems from Civil Design Concepts, PA dated June 24, 2010 (attachment #3) and to authorize rebid of both projects. The motion was seconded by Commissioner Simpson and all favored.

Nantahala School Project: Terry Bell, School Construction Liaison, recommended consideration of moving \$1,647.44 from Contingency in the Nantahala School Project for on-demand hot water heaters, gas-lines and pipes and \$3,123 for blinds for the classrooms which were originally cut from the project. Upon motion by Commissioner Davis, seconded by Commissioner Kuppers, the Board unanimously voted to approve the two allocations from the project contingency as requested.

CONSENT AGENDA: Upon motion by Commissioner Kuppers, seconded by Commissioner Simpson the Board unanimously voted to approve the following items on the consent agenda: **Minutes** – Approved the minutes of the August 23rd meeting. **Budget Revisions** - Approved budget revision #237, appropriating revenues to cover expenditures in the Health Insurance Reserve Fund; budget revision #238, appropriating fire tax collections for Clarks Chapel and Nantahala; revision #32, reversing budget amendment #4 and reappropriating end of year unexpended balance for capital expenses; revision #33, rolling forward \$3,731 Diabetes Grant Funds from FY 09/10; revision #34, budgeting \$875 in Health Department funding received from the State for Kaizen QI event; revision #35, appropriating \$38,842 Governor's Highway Grant balance in Sheriff's Department; and revision #36, appropriating \$2,277,778 NCDOT-Division of

Aviation grant funds for the Airport Authority. (Note: budget revisions with corresponding numbers attached.) **Community Funding Pool** – Approved the recommendation of the Community Funding Pool Task for expenditure of the \$50,000 allocated for non-profits per **attachment #4**. **Needmore Road** – Approved forwarding to NCDOT a request to hold a public hearing in Macon County on proposed improvements to Needmore Road.

APPOINTMENTS: Nursing/Adult Care Home Community Advisory Committee – Appointment was delayed. **Franklin TDC:** Commissioner Simpson made a motion to reappoint John Norris as the Chamber Board’s representative and Judy Chapman as the Franklin representative at large on the Franklin TDC and to appoint Kristine Flaig as the Nantahala at-large representative replacing Ron Baker. Terms will expire September 15, 2013. Also included in the motion was to appoint Laurie Richardson, General Manager of the Hampton Inn, to replace Elizabeth Coulter who is no longer eligible to serve as the “large accommodations” representative because she is no longer employed at Microtel Inn. Term will expire September 15, 2011. The motion was seconded by Commissioner McClellan and all favored. **Highlands TDC** – Upon motion by Commissioner McClellan, seconded by Commissioner Simpson, the Board unanimously voted to accept the recommendation to reappoint Helene Siegel to the Highlands TDC representing “small accommodations” with a term to expire September 15, 2011 and to reappoint Wolfgang Green as an at-large representative with a term to expire September 15, 2013. It was noted this action will bring member terms into compliance with the resolution establishing the TDC. **Economic Development Commission:** Upon motion of Commissioner Davis, seconded by Commissioner Simpson, the Board unanimously voted to reappoint Johnny Mira-Knippel and David Hubbs to the Economic Development Commission with terms to expire January 31, 2013.

ADJOURNMENT: Upon motion by Commissioner Koppers the meeting was adjourned.

Jack Horton, County Manager
Clerk to the Board

Ronnie Beale
Board Chairman