

Clay County Commissioners

Regular Meeting

Thursday, August 3, 2017

Chairman Logan called to order the regular scheduled meeting at 7:00PM. Those present where: Clay Logan, Chairman, Robert Cline Penland, Vice-Chairman, Randy Nichols, Commissioner, Ed Roach, Commissioner, Dr. Rob Peck, Commissioner, Merinda Woody, County Attorney and the press and general public.

Commissioner Robert Penland led the group in Prayer to open the meeting.

The Pledge of Allegiance was said by all in attendance.

Item 1 – Appointment of Clerk to the Board

Chairman Logan requested a motion to appoint Mark Pullium as Clerk to the Board of Commissioners. Mr. Roach made a motion to appoint Mr. Pullium as Clerk to the Board. Mr. Nichols seconded the motion and the motion carried.

Item 2 - Public Comment

- a. Chairman Logan announced to the public that the US Forest Service will be holding a meeting Tuesday, August 8, 2017 from 3:00 pm to 6:00 pm at the Brasstown Community Center. The meeting is not an open microphone meeting rather it is informational in nature. They will have charts and maps on the wall to show the public what is being considered. However, the public is invited to attend and should submit their comments in writing to assure these thoughts and comments are considered. There are three plans, plan 1, plan 2, and plan 3. Based upon his review and study of the respective plans, Mr. Logan stated that Plan 2 is the best plan for Clay County since it is a broader plan and allows for more use and access to the
- b. US Forest Service lands in the County. This plan allows more recreation, more hunting, more fishing, and more timber cutting and is a more open plan than Plan 1 which protects the forest lands. The more protection means less use of this portion of the County. With approximately 48% of the County being US Forest Service it is important for us to have some input on how these lands are used. The County has received money for fees in lieu of taxes from timber sales. In the past, the county has received a couple of hundred thousand dollars a year from timber sales. There hasn't been much lately but we need open access for the County to receive these funds.
- c. Janice Patterson, Director of Clay County Health Department, introduced members of the Armed Services who are providing medical services in support of Smoky Mountain Medical Mission. Ms. Patterson introduced Lt. Colonel Gary Easterly who spoke about the program. The armed services brought a little over 200 service personnel to Clay and Swain Counties combined from all branches of the armed services. These forces are providing medical, dental, optometry,

and veterinary services. In just a couple of days, the mission has provided more than \$75,000 worth of free medical services to members of our community. Ms. Patterson said she was really proud of the men and women who are here and welcomed them to the meeting. Lt. Colonel Easterly indicated that he was here from Toledo, Ohio. He stated this mission is truly a partnership and thanked the community for giving to the members of his team. He stated this is a win/win for both the County and the armed services. He introduced members of his team who were in attendance at the meeting and thanked the staff and volunteers from Clay County for their hospitality. The team is from all over the United States and literally from all over the world for this training and includes Doctors, Dentists, Optometrists, and Veterinarians are here in support of this mission. He further stated the military is good at what they do because of their continuous focus on training. He stated this is something that is really, really, really good for the local community. The mission will continue through next Thursday from 8:00 am until 4:00 pm each day. He encouraged everyone to come.

On behalf of Clay County, Vice Chairman Penland thanked each and every one of the active duty members present for their service to our country and to our community. A round of applause followed in recognition of the men and women who are graciously serving in fulfilling this mission.

Janice Patterson added that in addition to health services to people that veterinarian services are available to dogs and cats. She further mentioned that people can get their pets vaccinated through this program.

Ms. Patterson acknowledged Charlie Daniels for purchasing rabies vaccinations and donating them. Mr. Daniels donated enough vaccine to administer the shots to 100 animals. Ms. Patterson thanked Mr. Charlie Daniels of the Charlie Daniels band for his generous donation in support of this mission.

Chairman Logan mentioned this program ran several years ago and it was a success then and it was looking like this mission was going to be successful, too.

- d. Mr. Tommy Davis acknowledged the agenda and noted Ms. Patterson's report on the agenda tonight regarding Clay County Health Department. Mr. Davis asked to see financial reports of the County Government at least quarterly. He mentioned the possibility of seeing a monthly report on the
- e. County's financial operations or at least quarterly instead of at the end of the year. He asked the Commissioners to consider his point and to see if it could be implemented. Chairman Logan indicated that this could be done. Vice Chairman Penland indicated that members of the Commission have been getting monthly financial reports and that the information is public and that this information is kept in the finance office and is available to the public.

- f. Mr. Keith Hartness manager of a propane gas company in Murphy spoke and indicated he would like to have an opportunity to compete for Clay County's propane gas business. Mr. Hartness indicated he would like to save the County some money and believed his company could save the County dollars on this item of expense. He indicated that his company is cheaper on propane for commercial entities than the County's current provider and usually is on residential accounts as well. He indicated that this solicitation usually comes up in July or August and would like to be able to provide a quote. Chairman Logan indicated that Mr. Hartness could get in touch with County Manager Pullium to be included on the bidders list for propane.
- g. Sandy Zimmerman presented the 2017 Main Street and Small Town Street Reinvestment Stats to the Commissioners. A copy of this report is attached to these minutes.
- h. Chairman Logan announced that Clay County government offices will be open on Eclipse Day, Monday, August 21, 2017.

Item 3 - Approval of Minutes

Minutes of July 6, 2017 meeting stand approved.

Item 4 – Approval of Tax Settlement

Rehnaye Talley presented detail information regarding tax collections for the 2016 tax year. According to Ms. Talley, the collection rate was 97.54%. The tax collector has stepped up the efforts to collect delinquent taxes. As a result, the collection of prior year taxes has improved significantly during the current year. Ms. Talley indicated the Tax Collector's Office is pursuing legal actions to collect taxes and has been working with the County Attorney on the delinquent tax bills. Commissioner Randy Nichols moved to approve the 2016 tax settlement as presented by Tax Collector Talley, motion seconded by Commissioner Ed Roach. Motion passed unanimously.

Item 5 – Authorization of Order to Collect Taxes

Commissioner Dr. Rob Peck made a motion to authorize the Tax Collector to collect the taxes set forth in the tax records in the office of the Clay County Tax Collector, seconded by Commissioner Randy Nichols, the motion passed unanimously.

Item 6 – Approval of Refunding Tax Payments

Commissioner Robert Penland moved to approve the refunding tax payments, followed by a second from Commissioner Randy Nichols, the motion passed unanimously.

Item 7 – Environmental Health Review – Health Department Director – Janice Patterson

Janice Patterson, Director of Clay County Health Department, explained that she has been getting comments from several realtors regarding the time it takes to get septic permits turned around from the start of the process until a permit is approved. Ms. Patterson said she has been getting feedback since the spring of this year about this issue. She further indicated that surrounding counties are seeing more construction activity. Ms. Patterson shared her desire to improve customer service in this area of

environmental health by processing septic permits in a reasonable time. As a result, Ms. Patterson compiled a report that surveyed surrounding counties. Ms. Patterson indicated that Clay County averages 3-4 weeks on processing a new septic system. Ms. Patterson explained that there are two full-time staff members who are devoted to environmental health. One staff member provides inspections for septic systems and wells while the second staff member provides food service (restaurants) and institutions.

Ms. Patterson indicated that with only one person being dedicated primarily to septic systems and well inspections that the permitting process gets bogged down due the need to handle complaints such as failing septic systems. According to Ms. Patterson, there has been an increase in the number of complaints for septic system failures and that these problems take a substantial amount of time to address them properly. At this time, Ms. Patterson indicated that some extra help in the form of a professional staff member qualified in environmental health could alleviate some of the backlog for septic system permits.

To address funding related to environmental health inspections, Ms. Patterson discussed comparative fees of surrounding counties as compared with Clay County environmental fees. Ms. Patterson said the fees being charged by Clay County for environmental fees are just about half of what Cherokee County is charging for example. Ms. Patterson indicated that it has been nine years since the environmental health fees have been adjusted. She further explained how the basic fees are charged. i.e. (two bedroom, three bedroom, four bedroom, and greater than four bedroom) Ms. Patterson indicated that the Board of Health had directed her to present a new fee structure to the Board of County Commissioners for consideration. Ms. Patterson asked if there were questions or comments regarding the information she had presented.

Commissioner Robert Penland indicated that he had looked over the materials presented and that he would like to see an effort focused on decreasing the time it takes to issue permits. Ms. Patterson agreed with Commissioner Penland. Commission Chair Clay Logan stated the issued permits are good for five years and Ms. Patterson agreed. Commissioner Logan asked for clarification on the amount being charged for a two bedroom septic permit. According to the information presented, Clay County is charging \$300 for a two bedroom unit. The Board of Health proposed increasing the fee for a two bedroom unit to \$450 in the fee schedule that was introduced to the Board of Commissioners for consideration. Ms. Patterson pointed out that Cherokee County is currently charging \$600 for a two bedroom unit which is \$150 more than the Clay County Board of Health proposed. Ms. Patterson indicated she felt like the person getting the permit should be paying for the cost associated with issuing the permit and not the taxpayers of Clay County. At this point, Ms. Patterson said it is a fee for service.

Clay Logan, Commission Chairman, indicated he had done some checking on this, too. Commissioner Logan indicated that Cherokee County's time to issue septic permits was 5-7 days. Ms. Patterson indicated that her information was 7-10 days. There was some discussion on this point between Commissioner Logan and Ms. Patterson. Commissioner Clay Logan indicated that if the County could set a goal of issuing permits within 7 days it would eliminate a lot of complaints surrounding this topic.

Commissioner Logan indicated that the County needs to work on this and that it was taking four weeks right now. Ms. Patterson indicated that septic system failures including legal matters were causing a drag on the department's ability to cut down the time it takes to issue permits as the existing staff is needed to handle these as well. Commissioner Logan asked Ms. Patterson if the department had two or three inspections in the Brasstown area could the department complete all of them in one trip. Ms. Patterson indicated that the Health Department completes inspections in the order according to application date. Ms. Patterson asked for a trial of two to three months for a temporary employee to help reduce the time to issue permits for septic systems.

Commissioner Randy Nichols asked if a temporary contractor could work off some of the backlog for septic permits. Ms. Patterson indicated that an environmental health inspector needs to have a home county and that she had a plan to meet the standards established by the State of North Carolina.

Commissioner Ed Roach indicated that septic permits were not holding up sales of vacant lots in the County. Commissioner Roach indicated that a realtor told him he would never bring another customer to Clay County because the process is too exhaustive. According to Commissioner Roach, the salesman was in the \$1,000,000 sales level. Ms. Patterson indicated that others had told her that the process was fine. In reply, Commissioner Roach indicated that realtors from Cherokee County had told him the same thing and they didn't like to sale in Clay County because of this issue.

Commissioner Dr. Rob Peck expressed his appreciation to Ms. Patterson for what she had done to research this topic and to bring the information forward for consideration. Commissioner Peck acknowledged that public servants can and often do get some serious resistance for taking a stand on tough issues. Commissioner Peck further stated that he was a member of the Clay County Board of Health and that in the interest of full disclosure for the record he wanted everyone to know. Commissioner Peck further indicated that the environmental health fees currently being charged didn't even cover the costs associated with issuance of the permits. According to Commissioner Peck, this was one of the most important points that Ms. Patterson had made. While Commissioner Peck agreed that shorter turnaround times would be very desirable, the fees were not sufficient to cover the costs associated with inspections and other direct costs necessary to issue permits. Commissioner Peck made a motion to adopt the environmental health fees as proposed to break even on the costs and to avoid shifting the cost associated with those fees to the taxpayers of the County. A discussion began before the motion was seconded. County Attorney, pointed out a point of order to the Chairman that a motion was on the floor but a second had not been made and it was appropriate to have second before the motion could be discussed. Accordingly, Commissioner Dr. Rob Peck made a motion to adopt the environmental health fees as presented, seconded by Commissioner Randy Nichols. Commissioner Ed Roach asked for clarification on the septic permit fee associated with a two bedroom house going to be as proposed. Commission Chairman Logan indicated that the fee would be \$450 for a two bedroom house. Commissioner Dr. Rob Peck further elaborated the fees for three bedroom and four bedroom houses would be \$600 and \$700 respectively. Commissioner Robert Penland indicated that he had looked at these fees several months ago and he totally supports the motion. Commissioner Penland further indicated that for example if the costs of issuing permits was \$170,000 and the revenue from

fees were only \$70,000 there was a shortfall and this is not good business. Commissioner Penland further stated that he believed people will still come to the County even with these fee increases. Commissioner Penland indicated that if the County could turn around the permits quicker it would definitely help. The motion carried unanimously.

Item 8 – Approval of Budget Amendments

Commissioner Dr. Rob Peck made a motion to approve budget amendments, seconded by Commissioner Robert Penland, the motion passed unanimously.

Item 9 – Appointment of Board Member – Tri-County Community College

Motion made by Commissioner Ed Roach to appoint Bryan Hedden to the Board of Trustees of Tri-County Community College from July 1, 2017 to June 30, 2021, seconded by Commissioner Randy Nichols, the motion passed unanimously.

Item 10 – Resolution to Designate Clay County as a *Bee City USA* affiliate

County Manager Pullium read a resolution to designate Clay County as *Bee City USA* affiliate (a copy is attached). Commissioner Robert Penland made a motion to adopt the resolution as presented, seconded by Commissioner Randy Nichols, the motion passed unanimously.

Item 11 – Approval of Annual Contract with NC Department of Agriculture and Consumer Services (NC Forest Service) for fiscal year 2018

A motion was made by Commissioner Dr. Rob Peck, seconded by Commissioner Robert Penland to approve a contract with the NC Forest Service for fiscal year 2017, the motion passed unanimously.

Item 12 – Old Business

- a. Broadband Committee – Motion by Commissioner Robert Penland, seconded by Commissioner Ed Roach, to add Paul Belk, Larry Ford, and Mary Wiegold to the Committee. Motion carried 3-2 with Commissioners Logan, Penland and Roach in favor and Commissioners Nichols and Peck voting against the motion.
- b. Charters of Freedom – Commissioner Dr. Rob Peck made a motion to locate the Charters of Freedom Monuments at the County Recreation Park on the right side of the road, seconded by Commissioners Randy Nichols, motion carried unanimously.
- c. Transportation Grants – Commissioner Robert Penland made a motion seconded by Commissioner Dr. Rob Peck to authorize the Commission Chairman to sign the transportation grant documents for the fiscal year 2017-2018, motion carried unanimously.
- d. County Attorney – Ms Merinda Woody gave an update on tax foreclosure activities. At the present time, Ms. Woody indicated she was ready to file nine tax foreclosures amounting to accumulative back taxes totaling \$124,000. County Attorney indicated these will be filed in the very near future.

Item 13 – Closed Session

Commissioner Robert Penland made motion to enter into a closed session, seconded by Randy Nichols, motion carried unanimously. The commissioners entered into closed session at 8:15 p.m. After a discussion of personnel matters, Commissioner Nichols made a motion to exit closed session, seconded by Commissioner Roach and the Board enter back into Regular session. Regular Session resumed at 9:00 p.m.

Item 14 – Contract Amendment County Manager

Commissioner Nichols made a motion to amend County Manager's Employment Contract to allow County Manager Pullium to accumulate sick leave and annual leave year-to-year in the same manner as other county employees, seconded by Commissioner Penland, motion carried unanimously.

Item 15 – Contract Authorization – Building Inspections - Supervisor

Commissioner Nichols made a motion to authorize contract for Brian Trout to supervise Building Inspections seconded by Commissioner Roach, motion carried unanimously.

There being no further business to bring before the Board, Commissioner Nichols moved to adjourn the regular meeting of the Board. Commissioner Penland seconded the motion, and the motion carried. The meeting adjourned at 9:05 pm.

Chairman, Clay Logan

Commissioner, Ed Roach

Commissioner, Robert Cline Penland

Commissioner, Randy Nichols

Commissioner, Dr. Rob Peck

Attested: Clerk to Board