

**Monroe County Board of Commissioners**

**Minutes of the June 04, 2024**

*Regular Commissioners Meeting*

**6:00 P.M.**

**Present:**

Greg Tapley, Chairman

Eddie Rowland, Vice-Chairman

Lamarcus Davis, District 1

John Ambrose, District 3

George Emami, District 4

**Staff:**

Ben Vaughn, County Attorney

Lorri Robinson, Assistant County Manager/Finance Director

Janet Abbott, County Clerk

Kelsey Fortner, Community Development Manager

**Welcome**

Chairman Tapley welcomed everyone in attendance.

**Prayer**

Pastor Paul Watts Midway Baptist Church gave the invocation.

**Pledge**

Chairman Tapley led the Pledge.

**Roll Call**

County Clerk Janet Abbott called roll.

**Call to Order**

Chairman Tapley called the meeting to order at 6:00 P.M.



Commissioner Rowland asked Mr. Wood how much water projects have increased over the last several years.

Mr. Wood replied, “The cost has increased at least 2 to 2.5 times the amount they were 10 years ago. Mr. Woods stated he had very low confidence level in pricing when he gives a client a cost estimates due to the fluctuating prices.”

Commissioner Rowland stated he feels like prices have possibly tripled over the last few years.

Mr. Wood stated he would be correct in that statement.

Commissioner Davis asked Mr. Wood for a timeline for the Old Brent Road Bridge Project.

Mr. Wood stated it is his goal to start advertising for bids on June 26, 2024, and to open the bids on August 2, 2024.

### **Equestrian Arena Cover**

Statements of Qualifications (SOQs) for the Arena Cover at the Monroe County Recreation Facility were received from six companies. Triple Point Engineering has evaluated and scored the qualifications and is recommending award of contract as the lowest responsive and responsible bid to Proform Construction LLC., A Monroe County contractor well known from previous projects completed on time and on budget for Monroe County. The bid included fees of:

- 2.5% Design Fee
- 3.5% Construction Management Fee

Bids were scored and received as follows:

	Experience	Capacity	Approach	Total	Fees
Flint Building Company	34	28	28	90	\$5,000-7%
Longstar	15	20	15	50	
Proform	40	26	25	91	2.5%-3.5%
Renfroe Construction Company	40	28	30	98	\$5,200-7%
Riley Contracting	33	25	30	88	
Zmetra Clear Span Structures	30	20	10	60	

Commissioner Emami motioned to approve to award the contract to Proform Construction LLC for the Arena Cover at the Monroe County Recreation Facility.

Commissioner Ambrose seconded the motion, and the motion was carried 5-0.

### **County Extension Storage Building**

Commissioner Eddie Rowland has been working with Rachel Kirkland at the Extension Office regarding storage space for equipment. The Extension Office equipment is currently being stored at the Monroe County Hospital and the preference is to have this equipment stored adjacent to the Extension Office Hubbard Dorm building. The request is for a 10x10 metal building to store the Cattlemen's Association equipment, additional chairs, tents, shotgun throwers during the off-season, etc. Rachel Kirkland County Extension Coordinator was present for the discussion.

The Board discussed the need for the building and Commissioner Rowland and Rachel Kirkland were going to check with the Hubbard Alumni to make sure there was no issue with the addition of the building on the property.

### **2024-2025 Property & Liability Insurance**

Finance Director Lorri Robinson-Byrd stated we have received the annual premium notification from ACCG for the 2024-2025 Property & Liability Insurance coverage. Unfortunately, our annual premium is increasing from \$591,780 to \$711,848 if we elect to stay with our current deductibles. An increase of \$120,178. An alternative premium of \$686,345 is available if we choose to increase our deductibles.

1. Payment Option 1: Same as expiring deductibles \$2500 AL/APD; \$2500 Crime; \$2500 GL; \$5000 LEL; \$2500 Prop; \$5000 POL-\$25,000 Cyber-\$711,948
2. Payment Option 2: Deductible Option: \$5000 AL/APD; \$5000 Crime; \$5000 GL; \$10,000 LEL; \$5000 Prop; \$10000 POL; \$25000 Cyber-\$688,345.

Ms. Robinson stated Option 1 is an increase of \$120,178 and Option 2 is an increase of \$94,565.

Commissioner Davis motioned to go with Payment Option 1.

Commissioner Rowland seconded the motion and the motion carried 5-0.

### **Recycling Center Compactor Purchase**

The approved 2024 Capital Budget included funding for the purchase of two single cylinder trash compactors. Kim Stokes has obtained three quotes and recommends the purchase of two compactors from FleetGenius of NC, Inc., at a cost slightly below budget.

Quotes received are as follows:

- |                |                 |              |
|----------------|-----------------|--------------|
| • FleetGenius  | Single Cylinder | \$124,074.00 |
| • WasteQuip    | Single Cylinder | \$126,033.23 |
| • Global Trash | Twin Cylinder   | \$151,282.00 |

Commissioner Ambrose motioned to approve the purchase of the two compactors from FleetGenius at a cost of \$124,074.00.

Commissioner Rowland seconded the motion, and the motion was carried 5-0.

**Public Works Skid Steer Purchase**

AS we proceed with staffing the in-house paving crew, Kim Stokes has recognized the need for a compact track loader, another name for a skid steer. Quotes have been obtained from John Deere and Yancey CAT. The John Deer machine is slightly lower in cost than the Yancey CAT.

Quotes received are as follows:

- Dobbs            John Deere    333G            101 HP            2yr/2000 warranty    \$89,858.53
- Yancey           CAT            299D3            98                2yr/2000 warranty    \$95,940.00

Commissioner Ambrose motioned to approve the purchase of the John Deere 333G from Dobbs at a cost of \$89,858.53 with funding to come from TSPLOST.

Commissioner Davis seconded the motion, and the motion was carried 5-0.

**UDO Amendment-Recreational Vehicles (2<sup>nd</sup> Reading)**

County Attorney Ben Vaughn has developed, at the request of the Board of Commissioners, an amendment to the UDO relating to Recreational Vehicles (attached).

County Attorney Ben Vaughn presented the amendment to the Board for review.

Mr. Vaughn stated the amendment allows for the phasing out of non-compliant RV residency but leaving open the opportunity for persons to live in RVs as long as they are either located in A-R zoning with property of three acres or greater in size or located in a designated RV park. The RV would also have to be deemed by Code Enforcement to be “clean, safe, and fully functional” with working septic, water, and electrical service.

Mr. Vaughn stated it also allows for short-term guest quarters for up to 30 days in A-R, a permitting process for temporary living in RVs for work, and a permitting process for getting a non-conforming permit for residents wishing to live in RVs on a property with under three acres. For less than three acres the permit only applies as long as the applicant lives on the property.

Mr. Vaughn stated the amendment would need to be advertised and public hearings held prior to the adoption.

This was the second reading of the amendment therefore no action was taken.

### **UDO Amendment-Special Use**

County Attorney Ben Vaughn presented an amendment to the UDO as follows:

- A. In Chapter 2, Section 2.02.02, the Table of Permitted Uses is amended to add Amusement or recreational activities commercial as a Special Use (SU) in the A-R district.

The Planning and Zoning Board recommended approval 3-0 at the May 28, 2024, Planning and Zoning meeting.

Commissioner Ambrose motioned to open a public hearing at 7:04 p.m. for the UDO Amendment for special use in A-R Districts.

Commissioner Davis seconded the motion, and the motion was carried 5-0.

Commissioner Davis asked Kelsey Fortner, Community Development Manager if the Planning and Zoning Board had any concerns.

Ms. Fortner stated the Planning and Zoning board were concerned with driveways, traffic, parking, setbacks for the building, spacing between neighbors.

County Attorney Ben Vaughn stated amusement or recreational activities were not previously allowed withing the A-R zoning district, but they are currently allowed under commercial and industrial zoning districts. Mr. Vaughn stated this would still require Board approval for a special use.

Mr. Vaughn stated this amendment is not specific to an upcoming request to allow a baseball facility in A-R zoning at Twin Oaks Farm on Johnstonville Road, however the request will fall under the new special use in A-R.

The Board discussed in length the amendment.

Bronwen Morgan 159 Towaliga Lake Drive High Falls addressed the Board asking were they about to vote on the amendment and shouldn't the public hearing have been advertised.

Ms. Fortner stated it was advertised for the May 21<sup>st</sup> Commission meeting and for the June 4<sup>th</sup> Commission meeting.

Commissioner Ambrose motioned to come out of the public hearing at 7:13 p.m.

Commissioner Davis seconded the motion, and the motion was carried 5-0.

Commissioner Ambrose motioned to approve the amendment to the UDO.

Commissioner Rowland seconded the motion, and the motion was carried 5-0.

## **Public Comments**

James Green addressed the board regarding code enforcement for the county and city regarding blighted areas.

Bronwen Morgan asked the board to change the order of the agenda to allow public comments after commissioner comments.

## **Commissioner' Comments**

### **Commissioner Lamarcus Davis**

Commissioner Davis reminded the public about the SeeClickFix app for concerns about the county.

Commissioner Davis stated it was going to cost \$25,000 to run internet to the new High Falls Fire Station but thanks to Chairman Tapley for reaching out, it is now going to be run for free.

Commissioner Davis stated if anyone has any questions or concerns to reach out to him.

### **Commissioner Eddie Rowland**

Commissioner Rowland stated he appreciates everyone that voted for him and while he is thankful for the 55% but that is still an F to him and is a disappointment.

Commissioner Rowland read the following statement regarding the decision of the County to sell Plant Camillia:

*Decision of sell of Plant Camellia explained.*

*The city considered buying it in 2002 and chose to pass on the purchase for some reason, possibly from the results of the evaluation.*

*Several items needed to be addressed at the plant such as the plant had flooded at times in the past including but not limited to 1994.*

*In 2005, the county shows interest and had sent a letter to the EPD requesting the water permit be transferred if the county or development authority purchased it. There is no record of if they agreed to the transfer and I am of the understanding the permit ended with the sale to the development authority.*

*The property was sold to the development authority on 3/21/06 for \$1,700,000.00*

*Many times, the county authorized things such as searching out engineers for studies, requesting RFP's, reaching out to bond companies for financing, looking into \$4-million-dollar TAN loans, and setting up committees on financing, engineering, etc. When no follow-up records from these directives appeared in the minutes this indicated to me that based on the cost of putting it back in service and the lack of a withdrawal permit, the investors were simply not willing to take the risk.*

*On 6/20/08, the development authority sold 95 acres of usable property for a little over a million dollars. This was usable property, usable buildings and not in the flood plain. Most of the property unsold was in the flood plain. The rest was evidenced as having propensity to flood. It also had 3 ponds used to treat wastewater at the plant. The water was a byproduct of a dyeing process with chemicals that, in today's EPD environment, would never be allowed to be pumped into an unlined pond. The plant continued to sit and degrade. The prices to repair had started out at 1 million but were now 4-8 times that amount. The previous cost estimate of \$30.00 per foot to run water had greatly increased. (It's now \$150 plus per foot to run)*

*And after ALL these red flags saying this might not be such a good deal, the county bought it from the development authority for \$674,000.00. This happened in early 2009 with the nation on the verge of a real estate collapse. Within 3 months, the property was badly vandalized, and all the copper stolen. The person caught indicated he had been in communication with commissioner Bilderback regarding illegal removal of asbestos and had permission to take what he wanted out of the plant. This does indicate that we now own a property with asbestos issues at minimum and further reduced value due to vandalism.*

*In 2012, the county made a new agreement with MWA to give them sole rights to supply water to the south water system. The benefit was reduced water cost to the county. This was a great help as the MWA had been charging excessive rates up to this point. It did effectively render use of the plant to serve south Monroe County a useless venture. Commissioner Bilderback stated this in his debate with James Vaughn along with stating this would make it unlikely they would be able to get a permit for withdrawal. This only left sending water north (pumping water uphill) or selling to Forsyth (if a permit could be obtained). A joint city/county meeting ultimately brought the city a couple of paths. Either work with Monroe to rehab and use the plant for both municipalities or buy the plant from Monroe County. It was motioned to do so in a meeting and died for lack of a second. This tells me Forsyth saw diminished value in this project and didn't want any part of it. This was the second time they declined.*

*Then the idea of a private/public partnership attempt was voted on and Bilderback/Ambrose were the committee to find a partner. Two proposals were known to have been brought forward. One was an individual who wanted to bottle water, but he had limited experience and little capital. Not a viable option. The other was someone wanting to have the property donated to them so they could rehab the plant at a cost of \$7-\$14 million. Then they would bring water to Hwy 87 at the end of the plant road and sell it to us for what MWA was selling it to us for. Luckily, we didn't take that offer either as it not*



*only rendered a price of zero for the property but also was not nearly as secure a price, quality and delivery guarantee as we had with MWA.*

*From there, it was handed off to the current commission. After attempting to make financial sense of rehabbing the plant to use with the Juliette water project (cost according to engineers would have exceeded just razing it and building a new plant), and then asking for estimates to just clean the site up and remediate (\$3 million plus), we concluded that we had inherited an asset that may at one time have had some possibility but was now a vandalized, unmaintained, safety and environmental liability with propensity to be flooded. No one wanted to finance it, buy it, partner on it. Three appraisers were contacted to give us an appraisal. Two said absolutely not due to the environmental liabilities and the third never responded. We were stuck. And we could have kicked the can to the next commission to deal with, but we chose to take the unpopular path of selling it for the loss it had become. That's the long story of our involvement of the plant up to the decision to sell the scrap metal and then the property.*

*I recently visited the site myself after a lot of clean-up was done by the new owner, now being able to drive in further and see more clearly. It's not a 1/2 mile of prime river property. It's 1/2 mile of flooded swamp. And the million-dollar building is only worth that on paper when getting a tax credit for selling property to a municipality for below market value.*

*Now, these are all facts based on actual investigation. While the facts may get in the way of a juicy newspaper article, they are a requirement to get a good understanding of the truth. The decision to sell this liability was the right decision. I just apologize our procedures were not properly followed.*

**Commissioner John Ambrose**

Commissioner Ambrose stated he is still not satisfied with the way the library is run. He stated the County provides the funding and should have more say.

**Commissioner George Emami**

Commissioner Emami stated he would like to add to Commissioner Rowlands comment. Commissioner Emami stated if he had found a smoking gun in the sale of Plant Camilla, he would have turned them in but there was no smoking gun, an administrative mistake was made. He stated it seemed like a low price for land and he went out and inspected the property and unless you have been there and seen it, it is hard to understand. The amount of clearing and clean up needed is substantial.

**Chairman Greg Tapley**

Chairman Tapley stated in regard to the Plant Camilla property and people talking about a gun deal and hunting rights, County Attorney Vaughn will attest I signed on the dotted line. Chairman Tapley stated

there was a discussion about hunting with the new owners regarding Hatcher Davis and my son as part of the Outdoor Dream Foundation. The only discussion had to do with them hosting a kid or two a year if they were interested. Chairman Tapley continued we as a group made a procedural mistake and I apologize but it was the right decision to sell the property. Chairman Tapley stated he just wanted to make sure it was clear about what happened.

**Executive Session-Legal**

Commissioner Emami motioned to enter executive session at for Legal at 7:47 p.m.

Commissioner Davis seconded the motion, and the motion was carried 5-0.

Commissioner Ambrose motioned to come out of executive session at 7:58 p.m.

Commissioner Davis seconded the motion, and the motion was carried 5-0.

**Action from Executive Session.**

County Attorney Ben Vaughn stated a litigation matter was discussed in executive session, but no action was taken.

**Adjourn**

Commissioner Davis motioned to adjourn at 8:03 p.m.

Commissioner Ambrose seconded the motion, and the motion passed 5-0.

Respectively Submitted by:

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Janet Abbott, County Clerk