

The Madison County Board of Commissioners met in regular session on Tuesday, October 14, 2014 at 7:00 p.m. in the Courtroom, Madison County Courthouse, Marshall, NC.

In attendance were Chairman Wayne Brigman, Vice-Chair Sue Vilcinskas, Commissioner Jim Baker, Commissioner Bill Briggs, Commissioner Hall Moore, Attorney Donny Laws, County Manager Allen Lamberson and Clerk Darlyne Rhinehart.

The meeting was called to order at 7:00 p.m. by Chairman Brigman.

I.

Upon motion from Commissioner Moore, seconded by Commissioner Vilcinskas, the Board voted unanimously to approve the agenda with the following additions: School Resource Officers, Fracking Resolution, Discussion of new Finance Office.

II.

Upon motion from Commissioner Moore, seconded by Commissioner Vilcinskas, the Board approved the minutes of the September 9, 2014, October 2, 2014, and October 6, 2014 meetings with the correction to the October 6 minutes to correct the name where indicated as Josh Burton to John Sherbert.

III.

A public hearing was conducted to seek public comments relating to the 2011 CDBG Scattered Site Grant.

No public comments were received.

Upon motion from Commissioner Baker, seconded by Commissioner Vilcinskas, the Board voted unanimously to approve a project amendment to the 2011 CDBG Scattered Site Grant.

Upon motion from Commissioner Moore, seconded by Commissioner Vilcinskas, the Board voted unanimously to approve the Chairman signing the required documents pertaining to this amendment.

IV.

A public hearing was conducted to seek public input relating to the Rural Operating Assistance Program for grant year July 01, 2014 through June 30, 2015.

No public comments were received.

Upon motion from Commissioner Moore, seconded by Commissioner Baker, the Board voted unanimously to approve the Rural Operating Assistance Program grant in the amount of \$102,864.00.

V.

Upon motion from Commissioner Baker, seconded by Chairman Brigman, the Board voted unanimously to deny a request from Jan Shepard, Health Director to enter into an agreement with Bottom

Line Technology Services and further directed the Finance Officer not to sign any checks to Bottom Line Technology for services.

Upon motion from Commissioner Vilcinskas, seconded by Commissioner Baker, the Board voted unanimously to allow Mrs. Shepard to post a new position for a Lab Technician II.

Upon motion from Commissioner Moore, seconded by Commissioner Vilcinskas, the Board voted unanimously to bring Heather Sharp, currently on contract for the NCCI Grant Coordinator position under the employment of the Health Department as a full time Human Service Planner/Evaluator II.

Upon motion from Commissioner Baker, seconded by Commissioner Vilcinskas, the Board voted unanimously to approve a Memorandum of Agreement for School Nursing Services between the Madison County Health Department and Madison County Schools with certain changes made by Attorney Laws.

Under this Agreement the Health Department assumes the role of employer for all four school nurse positions. School Nurse Funding Initiative (SNFI) funds will fully cover salary and benefits for each of the three positions it funds, and the Madison County Board of Education will pay the Madison County Health Department for the fourth position.

Stephanie Carter, Madison County Pregnancy Care Manager, and Cassie Davis, Program Participant, appeared before the Board to report on the success of the Mommy Mondays program.

## VI.

Chairman Brigman called for nominations to the Library Board of Trustees.

Chairman Brigman nominated Jane Briggs.

Upon motion from Chairman Brigman, seconded by Commissioner Vilcinskas, the Board voted unanimously to name Jane Briggs to the Library Board of Trustees for a term of three years. Mrs. Briggs replaces Mrs. Sandra Tolley.

Chairman Brigman called for nominations to the Nursing and Adult Care CAC.

Commissioner Moore nominated Laura Brigman.

Commissioner Vilcinskas nominated Danalee Pipes.

Nominations ceased.

Upon motion from Commissioner Moore, seconded by Commissioner Briggs, the Board voted unanimously to approve Laura Brigman and Danalee Pipes to the Nursing and Adult Care CAC for a term of one year (initial 1 year term limit, eligible for 3 year terms thereafter).

Upon motion from Commissioner Vilcinskas, seconded by Commissioner Moore, the Board voted unanimously to approve a Option To Purchase Agreement between Jane M. Barrow and Madison County for property located near the Beech Glen Community Center.

County Manager, Allen Lamberson, reported to the Board regarding the vending machines and the vendors located within the County offices.

Mr. Lamberson updated the Board on activities at Ebbs Chapel Community Center.

Upon motion from Chairman Brigman, seconded by Commissioner Briggs, the Board voted unanimously to place the lot owned by the County (PIN #9862-26-2549) at Wolf Laurel with a realtor.

Attorney Laws will prepare a title examination on County property located in Hot Springs off Upper Shut In Road (PIN #8749-00-8228).

Upon motion from Commissioner Vilcinskas, seconded by Commissioner Baker, the Board voted unanimously to accept an offer on surplus property located on Holcombe Branch Road (PIN #9759-68-9068) pending changes to Item#5 (legal description) as discussed by Attorney Laws.

Upon motion from Commissioner Moore, seconded by Commissioner Baker, the Board voted unanimously to declare property described in Book 578, Page 474 of the Registry of Deeds as surplus (PIN #8774-07-4571).

Upon motion from Chairman Brigman, seconded by Commissioner Vilcinskas, the Board voted unanimously to table a request from Mr. Lamberson to approve a master service agreement with AMEC.

Mr. Lamberson reported that Lady Justice would be placed back on the Courthouse on Saturday, October 18th at 10:00 a.m.

Mr. Lamberson also reported on the Family Dollar Store lease with the County.

Action was tabled on the paving of the road at the Transportation building.

Upon motion from Commissioner Baker, seconded by Chairman Brigman, the Board voted unanimously to allow the Marshall Volunteer Fire Department to remove the siren from the old jail building and place it at the Fire Department for display purposes. The County will retain ownership of the siren.

Mr. Lamberson reported that equipment belonging to Emergency Management needed to be temporarily moved to Ebbs Chapel Fire Department.

Upon motion from Commissioner Moore, seconded by Commissioner Vilcinskas, the Board voted unanimously to table action on the removal of bleachers from the Marshall Island gym.

Upon motion from Commissioner Vilcinskas, seconded by Commissioner Moore, the Board voted unanimously to table action on a request from Dr. Ron Wilcox to provide funding in the amount of \$53,000.00 for school resource officers.

Upon motion from Commissioner Baker, seconded by Chairman Brigman, the Board voted unanimously to approve the Fracking Resolution striking language pertaining to outside of Madison County.

Commissioner Baker spoke in regards to safety issues at the new Finance Office. Commissioner Baker requested that additional lighting at the main door be put in place, that signs be put up right away clarifying what the building is, that benefits of limitation to public areas be determined and that the Board receive a report at the November meeting.

## VI.

Upon motion from Commissioner Vilcinskas, seconded by Commissioner Baker, the Board voted unanimously to approve Budget Amendment #03.

Upon motion from Commissioner Moore, seconded by Commissioner Vilcinskas, the Board voted unanimously to approve the Property Tax Releases and Tax Refunds.

VII.

The Board heard from Mr. Pete Orthmann during public comment. Mr. Orthmann voice his concerns over the salaries at the Library that he considers very low. Mr. Orthmann also stated that he had provided documentation to the Board showing were money is located.

VIII.

Upon motion from Commissioner Moore, seconded by Commissioner Vilcinkas, the Board voted unanimously to enter into closed session to discuss legal and personnel matters.

IX.

Upon motion from Commissioner Moore, seconded by Commissioner Vilcinkas, the Board voted unanimously to return to open session.

X.

Upon motion from Chairman Brigman, seconded by Commissioner Moore the Board voted unanimously to move Ricky McDevitt from temporary to permanent full time Recycling Attendant with the Landfill.

Upon motion from Chairman Brigman, seconded by Commissioner Moore, the Board voted unanimously to employ Morgan Bishop with the 911 Office.

Upon motion from Commissioner Moore, seconded by Commissioner Baker, the Board voted 4 to 1 to employ Gregory Hyatt as Property Appraiser with the Tax Office. Voting in the affirmative were Commissioner Moore, Commissioner Vilcinkas, Commissioner Baker and Commissioner Briggs. Voting in the negative was Chairman Brigman.

XI.

Upon motion from Commissioner Moore, seconded by Commissioner Vilcinkas, the Board voted unanimously to adjourn.

This the 14th day of October, 2014.

MADISON COUNTY

By:

  
Wayne Brigman, Chairman  
Board of Commissioners

ATTEST:

  
Darlyne Rhinehart, Clerk

**State of North Carolina**

**Resolution**

**County of Madison**

**WHEREAS**, hydraulic fracturing, or “fracking” is a method of extracting natural gas in which a mixture of water, sand, and a combination of toxic chemicals is injected underground at an extremely high pressure to break up shale or other rock formations; and

**WHEREAS**, fracking often uses horizontal drilling, and unconventional and high controversial technology only recently applied to natural gas extraction on a large scale; and

**WHEREAS**, fracking requires millions of gallons of water per well, increasing demand on regional water supplies; and

**WHEREAS**, fracking produces large amounts of toxic and sometimes radioactive wastewater that requires disposal in special treatment facilities not found near Madison County; and

**WHEREAS**, scientific and regulatory authorities in other states have established documented links between fracking and contamination of drinking water wells, contamination of surface water, degradation of air quality, and increase in greenhouse gas emissions, increased incidents of earthquakes, and many other adverse environmental and health impacts; and

**WHEREAS**, fracking industrializes rural and urban areas, bringing with it unsightly drilling rigs, bright lights, twenty-four hour operations, new roads, wastewater containment ponds, new pipelines, and many other adverse environmental and health impacts; and

**WHEREAS**, fracking operations cause air, water, and noise pollution detrimental to property values and future economic growth; and

**WHEREAS**, the cost of mitigating future environmental damage, including the management of leaking wells after they close, is not funded; and

**WHEREAS**, on June 4, 2014 Governor Pat McCrory signed the Energy Modernization Act lifting the moratorium on fracking and allowing permits to be issued in early 2015; and

**WHEREAS**, the North Carolina General Assembly has allocated funding to the Department of Natural Resources to explore for shale gas in Western North Carolina and such exploration is scheduled to begin this summer; and

**WHEREAS**, Western North Carolina has diverse and abundant natural resources, including state parks, national parks, and national forests that are enjoyed by millions of people each year and are essential to the region’s multi-billion dollar tourist economy; and

**WHEREAS**, Madison County has a vested interest in protecting the region’s natural resources, both because of their intrinsic value and because they bring tourists and new residents to the region; and

**WHEREAS**, state law allows fracking companies to seize valuable property rights from individual landowners through involuntary “pooling”; and

**WHEREAS**, the Energy Modernization Act purports to diminish the authority of local governments to restrict or regulate fracking in their jurisdictions; and

**WHEREAS**, Section 5 of the North Carolina Constitution states that, “It shall be the policy of the State to conserve and protect its lands and waters for the benefit of all its citizenry, and to this end it shall be a proper function of the State of North Carolina and its political subdivisions...to control and limit the pollution of our air and water...and in every other appropriate way to preserve as part of our common heritage of this State its forest, wetlands, estuaries, beaches, historical sites, open lands, and places of beauty”;

**WHEREFORE**, the Madison County Board of Commissioners does hereby RESOLVE that:

1. Madison County believes fracking in our county would be contrary to the need to preserve the regions natural resources for the regions health, economy, and quality of life;
2. Madison County calls on the state not to explore the potential for fracking in Madison County;
3. Madison County calls on the General Assembly to reinstate the ban on fracking throughout the state, but specifically in Madison County;
4. Madison County calls on the General Assembly to reinstate the authority of local governments to regulate fracking and its impacts if local elected officials deem such action necessary.

Read, approved, and adopted this 14th day of October, 2015.

**MADISON COUNTY**

By:   
Wayne Brigman, Chairman  
Board of Commissioners

ATTEST:

(SEAL)

  
Darlyne Rhinehart, Clerk