

County of Madison

The Madison County Board of Commissioners met in regular session on Tuesday, February 14, 2017 at 7:00 p.m. at A-B Tech, Madison Campus, Marshall, NC.

In attendance were Chairman Norris Gentry, Vice-Chairman Wayne Brigman, Commissioner Bill Briggs, Commissioner Clayton Rice, Commissioner Matt Wechtel, County Manager Forrest Gilliam, Attorney Donny Laws, Clerk Amanda Cutshaw and Deputy Clerk Brooke Smith.

The meeting was called to order by Chairman Gentry.

Agenda Item 1: Approval of the Agenda

Upon motion from Commissioner Wechtel, seconded by Vice-Chairman Brigman, the board voted unanimously to approve the agenda with the following amendments:

- Item 5A. Written report only
- Item 5B. Taylor Barnhill presenting for Sandy Stevenson

Agenda Item 2: Approval of Minutes

Upon motion from Commissioner Wechtel, seconded by Vice-Chair Brigman, the board voted unanimously to approve the minutes of January 10 and January 24, 2017 as submitted.

Agenda Item 3: Public Comment

No names were present on the sign in sheet for public comment.

Agenda Item 4: Resolution to Change Date for April 2017 Monthly Meeting

Upon motion from Vice-Chair Brigman, seconded by Commissioner Rice, the board voted unanimously to adopt the resolution moving the April Monthly meeting from the 11th to the 18th. Subsequent meetings will return to the second Tuesday of each month.

Agenda Item 5: Sandy Stevenson - Director, Madison County Visitor Center

- A. Sandy Stevenson with the Madison County Visitor Center and the Appalachian Barn Alliance was unable to attend the meeting. The commissioners were given a written 2016 Annual Report for the Visitor Center to review in her absence.
- B. Taylor Barnhill presented the 2016 Appalachian Barn Alliance Report.

Agenda Item 6: Callie Wellendorf, Expo Madison

Callie Wellendorf presented the commissioners with information on the upcoming Expo Madison which will be held on March 11, 2017 at Mars Hill University.

Agenda Item 7: Melanie Morgan - Director, Madison County Library

- A. Upon motion from Commissioner Rice, seconded by Commissioner Wechtel, the board voted unanimously to grant Melanie Morgan, Library Director, permission to apply for the 2017-18 LSTA Literacy and Lifelong Learning Grant on behalf of the Madison County Library. The grant is for \$9,252.50 with a 10% matching contribution coming from the current Library budget. The grant will be used to fund the ELITE (Education Leads into Excellence) Jail Program.
- B. Upon motion from Vice-Chair Brigman, seconded by commissioner Rice, the board voted unanimously to approve French Broad Electric's bid for ethernet connections as part of the E-Rate (Schools and Libraries Program of the Universal Service Fund) for all three library branches.

Agenda Item 8: Brooke Smith - Human Resources Director

Upon motion from Vice-Chair Brigman, seconded by Commissioner Rice, the board voted unanimously to approve the Contract for Services between Madison County Government and the Employee Assistance Network.

The Employee Assistance Network (EAN) is a program that provides confidential and professional assistance to help resolve problems that are affecting employees and/or their families. The program will cost the county \$16.00 per employee per year with a total cost of \$4,480.00 per year. The contract will be on a year to year basis with no obligation to renew.

Agenda Item 9: Donny Laws, County Attorney

Attorney Donny Laws updated the board on the collection of delinquent taxes.

Agenda Item 10: Forrest Gilliam, County Manager

- A. Mr. Gilliam presented the board with a general update, including transportation projects, Crossroads Parkway, the Courthouse Mini-Split project, a state wide Medicaid audit and the budget preparation process for FY 2018.
- B. Upon motion from Vice-Chair Brigman, seconded by Commissioner Briggs, the board voted unanimously to accept the offer of \$4,000.00 for the surplus property located at 15690 US 25/70 Hwy, with the addition of certain language as advised by the county attorney. The property will now enter into the upset bid process.

Upon motion from Commissioner Rice, seconded by Commissioner Wechtel, the board voted unanimously to accept the offer of \$15,000.00 for the surplus property known as the Barnard Property, with the addition of certain language as advised by the county attorney. The property will now enter into the upset bid process.

Upon motion from Vice-Chair Brigman, seconded by Commissioner Rice, the board voted unanimously to accept the offer of \$3,000.00 for the surplus property located at 142 Miller Road, with the addition of certain language as advised by the county attorney. The property will now enter into the upset bid process.

Upon motion from Commissioner Rice, seconded by Vice-Chair Brigman, the board voted 3-2 to reject the offer made for \$70,500.00 for the surplus property known as Wolf Mountain. Voting in the affirmative were Chairman Gentry, Vice-Chair Brigman and Commissioner Rice. Voting in the negative were Commissioner Briggs and Commissioner Wechtel.

- C. Mr. Gilliam presented the board with possible times, locations and topics for future Special Meetings and Work Sessions. The board decided to meet the fourth Tuesday of each month at 5:00 at the Marshall library for the Special Meetings and Work Sessions.
- D. Upon motion from Vice-Chair Brigman, seconded by Commissioner Rice, the board voted unanimously to approve the amendment of the QSCB Project Fund Agreement, authorizing Forrest Gilliam and Kary Ledford to sign requisition forms for disbursements for the ongoing school construction program.
- E. Upon motion from Commissioner Wechtel, seconded by Vice-Chair Brigman, the board voted unanimously to approve the attached Code of Ethics for the Board of Commissioners.
- F. Mr. Gilliam presented the January Financial report to the board.
- G. Upon motion from Vice-Chair Brigman, seconded by Commissioner Rice, the board voted unanimously to approve Budget Amendment #06.
- H. Mr. Gilliam provided the board with the Vaya Health Second Quarter Finance Report.
- I. Upon motion from Vice-Chair Brigman, seconded by Commissioner Rice, the board voted unanimously to approve the January Tax Releases and Refunds.
- J. Chairman Gentry opened the floor for nominations for the Nursing Adult Care Home Community Advisory Board. Vice-Chair Brigman nominated Linda Freeman for reappointment for three years and Commissioner Wechtel nominated John Fenwick for reappointment for three years. Commissioner Gentry closed the floor for further nominations.

Upon motion from Commissioner Rice, seconded by Vice-Chair Brigman, the board voted unanimously to reappoint Linda Freeman and John Fenwick to the Nursing Adult Care Home Community Advisory Board.

Chairman Gentry opened the floor for nominations for the Economic Development Board. Vice-Chair Brigman nominated Bruce Murray for a term of three years, Chairman Gentry nominated Ryan Rector for a term of three years, Commissioner Briggs nominated Mark Snelson for reappointment for a term of three years and

Commissioner Rice nominated Don Hallingse to serve until October 31, 2018, completing the term of Max Lennon.

Chairman Gentry opened the floor for nominations for the Board of Health. Vice-Chair Brigman nominated Commissioner Briggs, who declined the nomination. Commissioner Briggs nominated Commissioner Wechtel for a term of three years. Chairman Gentry nominated Dr. Robert Adams for a term of three years, Dr. Meg Pressley for reappointment for a term of three years and Andrew Thomas for reappointment for a term of three years.

Chairman Gentry opened the floor for nominations for the Housing Authority Board. Chairman Gentry nominated Nan Wise for reappointment for a term of five years.

Chairman Gentry closed the floor for further nominations.

Upon motion from Vice-Chair Brigman, seconded by Commissioner Rice, the board voted unanimously to approve all of the above mentioned individuals to their respective boards for the terms stated.

Agenda Item 11: Closed Session

Upon motion from Vice-Chair Brigman, seconded by Commissioner Rice, the board voted unanimously to enter into closed session pursuant to G.S. 143-318.11: personnel and economic development.

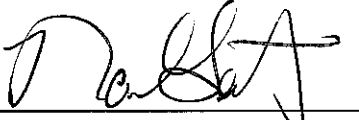
Upon motion from Vice-Chair Brigman, seconded by Commissioner Rice, the board voted unanimously to return to open session.

Agenda Item 12: Adjournment

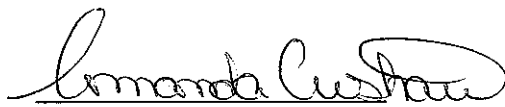
Upon motion from Commissioner Rice, seconded by Vice-Chair Brigman, the board voted unanimously to adjourn.

This the 14th day of February, 2017.

MADISON COUNTY

By: 
Norris Gentry, Chairman
Board of Commissioners

ATTEST:


Amanda Cutshaw, Clerk

**Code of Ethics for the
Board of Commissioners of
Madison County, North Carolina**

PREAMBLE

WHEREAS, the Constitution of North Carolina, Article 1, Section 35, reminds us that a "frequent recurrence to fundamental principles is absolutely necessary to preserve the blessings of liberty," and

WHEREAS, a spirit of honesty and forthrightness is reflected in North Carolina's state motto, *Esse quam videri*, "To be rather than to seem," and

WHEREAS, Section 160A-86 of the North Carolina General Statutes requires local governing boards and councils to adopt a code of ethics, and

WHEREAS, as public officials we are charged with upholding the trust of the citizens of this county, and with obeying the law.

NOW THEREFORE, in recognition of our blessings and obligations as citizens of the State of North Carolina and as public officials representing the citizens of the County of Madison, and acting pursuant to the requirements of Section 160A-86 of the North Carolina General Statutes, we the Madison County Board of Commissioners do hereby adopt the following General Principals and Code of Ethics to guide the Board of Commissioners in its lawful decision-making.

GENERAL PRINCIPALS UNDERLYING THE CODE OF ETHICS

- The stability and proper operation of the democratic representative government depend upon public confidence in the integrity of the government and upon responsible exercise of the trust conferred by the people upon their elected officials.
- Governmental decisions and policy must be made and implemented through proper channels and processes of the government structure.
- Commissioners must be able to act in a manner that maintains their integrity and independence, yet is responsible to the interests and needs of those they represent.
- Commissioners must always remain aware that at various times they play different roles:
 1. As advocates, who strive to advance the legitimate needs of their citizens;
 2. As legislators, who balance the public interest and private rights in considering and enacting ordinances, orders and resolutions; and
 3. As decision-makers; who arrive at fair and impartial quasi-judicial and administrative determinations.
- Commissioners must know how to distinguish among these roles, to determine when each role is appropriate and to act accordingly.

- Commissioners must be aware of their obligation to conform their behavior to standards of ethical conduct that warrant the trust of their constituents. Each official must find within his or her own conscience the touchstone by which to determine what conduct is appropriate.

CODE OF ETHICS

The purpose of this Code of Ethics is to establish guidelines for ethical standards of conduct for the Madison County Board of Commissioners and to help to determine what conduct is appropriate in particular cases. It should not be considered a substitute for the law or for a board member's best judgment.

Section 1.

Commissioners should obey all laws applicable to their official actions as members of the Board of Commissioners. Commissioners should be guided by the spirit as well as the letter of the law in whatever they do. Each Commissioner must honor his or her oath of office.

At the same time, board members should feel free to assert policy positions and opinions without fear of reprisal from fellow board members or citizens. To declare that a commissioner is behaving unethically because one disagrees with another commissioner on a question of policy (and not because of the board member's behavior) is unfair, dishonest, irresponsible and unethical.

Newly elected or re-elected Commissioners are required by North Carolina state law to attend two hours of ethics training within the first year of their election. Commissioners should endeavor to keep up to date, through the county's attorney or other sources such as the UNC School of Government or the North Carolina Association of County Commissioners, about new or ongoing legal or ethical issues they may face in their official positions. This educational function is in addition to the day-to-day legal advice the Board may receive concerning specific situations that may arise.

Section 2.

Commissioners should act with integrity and independence from improper influence as they exercise the duties of their offices. Requires board members to make decisions that are based on the public good and not on their desires or considerations of special interest. Characteristics and behaviors consistent with this standard include the following:

- Adhering firmly to a code of sound values;
- Behaving consistently and with respect toward everyone with whom they interact. Specifically Commissioners should refrain from side conversations with other members during presentations to the Board;
- Exhibiting trustworthiness;

- Living as if they are on duty as elected officials regardless of where they are or what they are doing;
- Using their best independent judgment to pursue the common good as they see it, presenting their opinions to all in a reasonable, forthright, consistent manner;
- Remaining incorruptible, self-governing and unaffected by improper influence while at the same time being able to consider the opinions and ideas of others;
- Disclosing contacts and information about issues that they receive outside of public meetings and refraining from seeking or receiving information about quasi-judicial matter outside of the quasi-judicial proceedings themselves;
- Treating other board members and the public with respect and honoring the opinions of others even when the board members disagree with those opinions;
- Not reaching conclusions on issues until all sides have been heard;
- Recognizing that they are part of a larger group and acting accordingly;
- Recognizing that individual board members are not generally allowed to act on behalf of the board, but may only do so if the board specifically authorizes it, and that the board must take official action as a body;
- Showing respect for their Board appointments and not behaving in ways that reflect badly on the Board of Commissioners or to the board/committee that the Commissioner serves; and
- Avoiding conflicts of interest.

Section 3.

- A. Board members should avoid impropriety in the exercise of their official duties. To act as "especially responsible citizens" honor the public trust as they carry out their duties. Their official actions should be above reproach. Although opinions may vary about what behavior is inappropriate, this board will consider impropriety in terms of whether a reasonable person who is aware of all of the relevant facts and circumstances surrounding the board member's action would conclude that the action was inappropriate.
- B. If a board member believes that his or her actions, while legal and ethical, may be misunderstood, the member should seek the advice of the county's attorney and should consider publicly disclosing the facts of the situation and the steps taken to resolve it.

Section 4.

Commissioners should faithfully perform the duties of their offices. Public officials should act faithfully and should act as responsible citizens whom others can trust and respect. They should set a good example for others in the community, keeping in mind that trust and respect must continually be earned.

Board members should faithfully attend and prepare for meetings. They should carefully analyze all credible information properly submitted to them, mindful of the need not to engage in communications outside the meeting in quasi-judicial matters. They should demand full accountability from those over whom the board has authority.

Board members should be willing to bear their fair share of the board's workload. To the extent appropriate, they should be willing to put the board's interests ahead of their own.

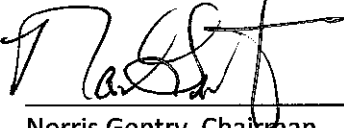
Section 5.

Commissioners should conduct the affairs of the board in an open and public manner. They should comply with all applicable laws governing open meetings and public records, recognizing that doing so is an important way to be worthy of the public's trust. A public official who is honest, fair, caring and honors the public trust will honor the spirit as well as the letter of the law. A public official who follows these guidelines will see openness or transparency is an important part of that responsibility. They should remember when they meet that they are conducting the public's business. They should also remember that local government records belong to the public and not to board members or their employees.


In order to ensure strict compliance with the laws concerning openness, board members should make clear that an environment of transparency and candor is to be maintained at all times in the governmental unit. They should prohibit unjustified delay in fulfilling public records requests. They should take deliberate steps to make certain that any closed sessions held by the board are lawfully conducted and that such sessions do not stray from the purposes for which they are called. Information discussed in lawfully conducted closed sessions shall be kept in confidence by the Commissioners in accordance with North Carolina law.

Adopted this the 14th day of February, 2017

MADISON COUNTY

By: 
Norris Gentry, Chairman
Board of County Commissioners

ATTEST:


Amanda Cutshaw, Clerk