

MACON COUNTY BOARD OF COMMISSIONERS
DECEMBER 5, 2005
MINUTES

Chairman Bryson convened the meeting at 6 p.m. All Board Members, the County Manager, Staff Attorney, Finance Director, Deputy Clerk, members of the news media and interested citizens were present. In lieu of the invocation Commissioner Shepherd lead the group in reciting the Lord's Prayer.

ELECTION OF CHAIRMAN AND VICE CHAIRMAN: Chairman Bryson turned the meeting over to County Manager Greenwood for election of chairman for the coming year. The floor was opened for nominations and Commissioner Davis nominated Chairman Bryson for another term. Commissioner Shepherd made a motion that nominations cease and all favored. Chairman Bryson was declared chair by acclamation. Chairman Bryson expressed appreciation to the Board for their confidence and opened the floor for nominations for vice-chairman. Commissioner Simpson nominated Vice-Chairman Leatherman for another term. Commissioner Shepherd made a motion that nominations cease and all favored. Commissioner Leatherman was elected by acclamation.

MINUTES: Upon motion by Commissioner Shepherd and seconded by Commissioner Leatherman the Board unanimously voted to approve the minutes of the November 7, 2005, meeting as submitted.

ADDITIONS/ADJUSTMENTS TO AGENDA: Commissioner Simpson made a motion that discussion of rental fees at the Community Facilities Building be added to the agenda. The motion was seconded by Commissioner Davis and all favored.

AUDIT REPORT: Chris Costner from Martin Starnes & Associates, CPA Firm presented the audit report and a power point presentation on the FY 04/05 county audit noting there were no reportable conditions related to internal controls or compliance and the audit received an unqualified opinion. No action was necessary and copies of the audit report are on file in the Finance Department and County Manager's Office.

LIBRARY FUNDRAISING UPDATE: Roberta Swank, Friends of the Library (FOL) President, gave an update on fundraising efforts for the new library stating among other things the group has set a goal of getting 100 people to pledge a \$1,000 each for matching grant funds. She also stated the FOL is paying for an interior designer out of their funds and will not use any donations for this purpose. Ms. Swank and the group were commended for their efforts.

FRANKLIN CHAMBER OF COMMERCE LODGING TAX REPORT: Linda Harbuck, Franklin Chamber of Commerce Executive Director, stated the annual occupancy tax report for the Chamber had been distributed to Board Members earlier and was present to answer any questions. No action was necessary and a copy of the report is on file in the County Manager's Office.

MENTAL HEALTH UPDATE: Shelly Lackey from Smoky Mountain Center gave an update on mental health reform and stated local entities must meet their goals of reform by 2007. Ms. Lackey explained there are still unresolved issues concerning the reform and will continue updates to the Board.

TRANSIT SERVICES: 6:45 p.m. public hearing - Chairman Bryson recessed the regular meeting and convened the public hearing on the Community Transportation Program to be submitted to the NCDOT at 6:45 p.m. as noticed. No one wished to speak. The hearing was adjourned and the Board reconvened in regular session. Funding resolution - Upon motion by Commissioner Leatherman and seconded by Commissioner Simpson the Board unanimously voted to adopt the attached resolution seeking permission to apply for funding, to enter into agreement with NCDOT and to provide the necessary assurances. (Attachment #1)

PUBLIC SESSION: Greg Hoover stated taxes had been paid twice on a tower

located on his property, gave a history of the process and stated a refund request had been denied by the Board. Mr. Hoover requested the Board to reevaluate the situation and determine if he can get a refund.

Narrell Kirkland expressed concerns about property on the Depot Street Extension that has old junk equipment on it. Ms. Kirkland stated it looks as if someone may be getting ready to build on the property and someone needs to urge the owner to get the equipment out before a building is built because it will be impossible to remove it by land after a building is on the property.

Wayne Haire stated no funds were being received from the allocation for restoration of the Pine Grove Community Building. The Staff Attorney explained legalities that held up the process and explained invoices had been sent to Finance to pay.

Sheriff Robbie Holland informed the Board his department is participating in the Shop With a Cop Program again this year and would appreciate any donations for the project. Sheriff Holland stated he his DARE officer is retiring and he plans to use the funds from that position to hire an SRO for Nantahala School and incorporate the DARE program into the SRO program.

HURRICANE RECOVERY: The County Manager gave an update on the continual bureaucratic red tape involved in the funding for restoration from Hurricane Ivan. Upon motion by Commissioner Leatherman and seconded by Commissioner Shepherd the Board unanimously voted to adopt the attached resolution authorizing the County Manager to execute hurricane recover documents for Crisis Housing Assistance Funds through the N.C. Department of Crime Control and Public Safety. (Attachment #2) Upon motion by Commissioner Simpson and seconded by Commissioner Davis the Board unanimously voted to approve the attached Hurricane Recovery Project Housing Coordination Recovery Strategy. (Attachment #3) Commissioner Davis made a motion to adopt resolutions designating the County Manager as agent for obtaining state and federal assistance for disaster relief more specifically for EWP - NRCS Stream Clearance and State Expanded Debris Removal Programs per attachments #4 and #5.

COMMUNITY FACILITIES BUILDING FEE POLICY - Commissioner Simpson stated he had been contacted by local resident Doris Hunter who has sponsored the Hard Candy Christmas Craft Show for several years at the Community Facilities Building on Friday and Saturday following Thanksgiving.

Commissioner Simpson explained that in the past Ms. Hunter has been allowed free use of the building on Thursday to allow vendors to set up for the show but this year she had been advised she would have to pay \$500 for use of the building on Thursday plus have liability insurance to cover the event and not use the back doors.

Commissioner Simpson made a motion to waive the set-up fee for Thursday, to revisit the ordinance (fee policy) and notify any involved parties of changes. Commissioner Leatherman stated he felt the motion had too many points and asked if Commissioner Simpson would be willing to break the motion into parts.

Commissioner Simpson rescinded his motion then made a motion to waive the \$500 fee charged for the set up day. Commissioner Davis seconded the motion for discussion purposes. A lengthy discussion followed concerning time of notification to Ms. Hunter and other points of the rental agreement. Also discussed was the fact that Ms. Hunter had given the County a check for the \$500 in question postdated to after this meeting.

The motion failed one to four with Chairman Bryson, Commissioners Davis, Leatherman and Shepherd opposing. Commissioner Simpson made a motion to revisit the ordinance (fee policy), install recommended changes and notify any applicable individuals of changes. The motion died for lack of a second.

JANUARY MEETING: Change of the date of the regular January meeting due to New

Year's Day holiday and change of the time in order to present annual employee service awards was discussed after which Commissioner Davis made a motion to hold the meeting on January 9th at the regular time with presentation of service awards at 5 p.m. just prior to the meeting. The motion was seconded by Commissioner Shepherd and all favored.

APPOINTMENTS: Planning Board - Upon motion by Commissioner Leatherman and seconded by Commissioner Simpson the Board unanimously voted to reappoint Evelyn Southard to the Planning Board. Term of appointment will expire November 1, 2008.

TAX DEPARTMENT: Releases - Upon motion by Commissioner Davis and seconded by Commissioner Leatherman the Board unanimously voted to approve tax releases in the amount of \$116.14 as submitted. (A printout of releases in on file in the Tax Office and the County Manager's Office.)

Refund - Commissioner Shepherd made a motion to approve a refund request in the amount of \$84 for Bessie Stockton which met the criteria for release under NCGS §105-381. The motion was seconded by Commissioner Davis and all favored.

FINANCING: The following budget revisions were unanimously approved: revisions #39, upon motion by Commissioner Shepherd and seconded by Commissioner Davis, appropriating \$8,862 additional health funds for family planning; revision #40, upon motion by Commissioner Simpson and seconded by Commissioner Leatherman, appropriating \$11,827 from fund balance to refund funds to NCDOT that were unspent in 04/05; revision #41, upon motion by Commissioner Davis and seconded by Commissioner Leatherman reduction JCPC budgets to final allocation; and revision #42, upon motion by Commissioner Leatherman and seconded by Commissioner Shepherd, appropriating state and federal forfeiture funds. (Note: budget revisions with corresponding numbers attached.)

LEGAL/NORTHLAND CABLE: The staff attorney reported that Northland Cable requested the Board to approve assignment of its franchise agreement to its lender as security for a refinancing. The staff attorney advised that language in the franchise agreement provided for an assignment of this nature without Board approval and that the franchise agreement was already assigned to the same lender. The staff attorney recommended approval of Northland's request. Commissioner Davis made a motion to approve Northland's request subject to the condition that the request was reviewed and approved by the county manager. The motion was seconded by Commissioner Leatherman and all favored.

CLOSED SESSION: Upon motion by Commissioner Davis and seconded by Commissioner Shepherd the Board unanimously voted to go into closed session to discuss personnel and legal matters. During closed session the above referenced items were discussed with no action being taken. Upon motion by Commissioner Davis and seconded by Commissioner Leatherman the Board returned to regular session.

CFB RENTAL FEES: Commissioner Shepherd made a motion that the County send Mr. Simpson a bill for the \$500 that he gypped the county out of related to rental of the Community Building. Commissioner Simpson seconded the motion for discussion and stated he had nothing to do with the postdated check. After a heated discussion Chairman Bryson requested Commissioner Bryson to rescind his motion since Ms. Hunter would probably pay the check because she is legally bound to and wait to see if she does before considering any action. Commissioner Shepherd agreed to rescind his motion and Commissioner Simpson rescinded the second. The County Manager stated he felt this would be a good time to emphasize the need for a separation of duties in that the Board deals with policy matters and county management deals with administrative issues.

ADJOURNMENT: Being no further action Commissioner Davis made a motion to a djourn and all favored.

Sam K. Greenwood, County Manager
Clerk to the Board

Daniel A. Bryson
Board Chairman

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