

MACON COUNTY BOARD OF COMMISSIONERS

APRIL 14, 2008

MINUTES

CALL TO ORDER: Chairman Leatherman convened the regular meeting at 6 p.m. All Board Members, the County Manager, Deputy Clerk, County Attorney, County Finance Director, members of the news media and interested citizens were present. Chairman Leatherman welcomed everyone present.

ANNOUNCEMENTS: There were no announcements.

INVOCATION: Commissioner Davis gave the invocation.

PLEDGE OF ALLEGIANCE: Chairman Leatherman led the Pledge of Allegiance.

PUBLIC COMMENT PERIOD: Narrelle Kirkland invited the Board and public to a public meeting at Tartan Hall on April 22nd sponsored by Macon Pride dealing with recycling and litter laws. Shirley Ches stated concerns are brought to the Board when frequently their hands are tied and they cannot do anything. She expressed her appreciation to the Board for always listening very courteously, for sponsoring the Mountain Landscape Initiatives and for a job well done. Jack Acord expressed concerns about noise from road bikes being ridden on the corner of Morrison Church Road and Highway 441 South and questioned if there was anything the Board could do. He stated he and/or neighbors had spoken to the property owner and the Sheriff's Department numerous times. Concerns about erosion at the site were also voiced. Chairman Leatherman informed Mr. Acord he wasn't sure what could be done and asked the County Attorney to meet with the County Planner and Code Administrator and make a recommendation. Commissioner Davis suggested an attachment to the bike's muffler would help with the noise. Gail Vitale thanked the Board for sending the Siler Road plan back, stated the water table is dropping and requested a water study, stated law enforcement needs to be looking out for litterbugs, stated children need to be educated about recycling and the Task Force was a good idea and added that this is a beautiful area and we need to keep that.

ADDITIONS TO AND APPROVAL OF THE AGENDA: Commissioner Beale stated a group from Teens in Action would be attending the meeting and requested they be added to the agenda. It was also requested a brief closed session be added. Upon motion by Commissioner McClellan, seconded by Commissioner Simpson, the agenda was unanimously approved with additions.

REPORTS: Franklin Main Street Project - Main Street Project Chairman Janet Gillespie stated the Franklin Main Street Program was formed to rekindle and reinforce the economic vitality of the downtown district. She added instead of focusing on one street, the entire business district of downtown Franklin is part of this program. Ms. Gillespie explained the consulting firm of LandDesign has been selected to work on a Master Plan to include new signage, pedestrian and traffic recommendations, branding and slogan development at a cost of \$190,000. She stated the Town of Franklin has pledged \$40,000 to help pay for the Plan and requested the County to match the \$40,000. Upon motion by Commissioner Davis, seconded by Commissioner Simpson, the Board unanimously voted to consider the request in the budget process. SCHOOLS: School Superintendent Dan Brigman and Architect Mike Watson presented the final plans for the 5/6 school and the East Franklin expansion. Upon motion by Commissioner Beale and seconded by Commissioner Davis the Board unanimously voted to approve the final drawings and specifications as presented and authorize advertisement for bids.

CLOSED SESSION: Commissioner McClellan made a motion to go into closed session to discuss a legal matter with the County Attorney. The motion was seconded by Commissioner Beale and all favored. During closed session a legal issue was discussed and action taken instructing the Attorney how to handle the situation. Minutes are sealed and will be opened when

appropriate. The Board returned to regular session.

**TEENS IN ACTION:** Three members of Teens in Action and their sponsor were present to explain the program which deals with underage drinking. Lauren Higdon presented statistics on underage drinkers and explained the Middle Tennessee Teen Institute does training for teenagers and sponsors who bring the information back to the community, school, etc. The Board was informed the cost of the course is \$750 for five teens and an adult. Commissioner Beale stated he had discussed the program with Health Director Jim Bruckner who explained funds were available through Healthy Carolinians to sponsor two teams and, based on this information, made a motion to fund two teams from Healthy Carolinians funds. The motion was seconded by Commissioner McClellan and all favored.

**OLD BUSINESS:** Folk Heritage Association - Upon motion by Commissioner Simpson, seconded by Commissioner Beale, the Board unanimously voted to adopt a resolution approving conveyance of property to the Folk Heritage Association of Macon County, Inc. pursuant to North Carolina General Statutes §160A-279 per Attachment #1.

**NEW BUSINESS:**

**SHERIFF'S DEPARTMENT:** Detention Center Substance Abuse Program - Sheriff Holland presented a request for approval and allocation of a substance abuse program in the Detention Center. He reported he had requested Smoky Mountain Center to fund a substance abuse program almost two years ago but negotiations with a provider were unsuccessful. The Sheriff stated at their March 28th meeting the Mental Health Task Force voted to separate the Detention Substance Abuse program from the other issues they are reviewing and authorized requesting funding from the Board of Commissioners to begin the substance abuse program for the balance of this fiscal year and for next fiscal year. The Sheriff added that he had sent a Request for Proposal to all providers that service Macon County and that he will provide the Board with any proposals received. Upon motion by Commissioner Davis, seconded by Commissioner Simpson, the Board unanimously voted to approve funding of the program as requested through June 30, 2009. The County Attorney reminded the Board the contract would be between the provider and the Sheriff and the Jail Facilities Plan would need to be amended. Upon motion by Commissioner Davis, seconded by Commissioner Beale the Board unanimously voted to authorize amendment of the Plan.

Special Deputy Sheriffs - Sheriff Holland stated Special Deputy Sheriffs are authorized by NCGS 17E-2(3), that he has not previously used this authority to appoint any unpaid Special Deputies but he has two individuals who have previously assisted the Department with numerous criminal investigations searching and rescue operations in emergencies and natural disasters. He added these individuals have the training and expertise necessary to fulfill these duties, have trained animals in his K-9 Unit and own their trained dogs they utilize in searches, etc. Commissioner McClellan made a motion to accept the recommendation to exercise the Board's authority under NCGS 160A-282(c) to provide that persons who are deputized by the sheriff of the county as special deputy sheriffs or persons who are serving as volunteer law-enforcement officers at the request of the sheriff and under his authority, while undergoing official training and while performing duties on behalf of the county pursuant to orders or instructions of the sheriff, shall be entitled to benefits under the North Carolina Workers' Compensation Act and to any fringe benefits for which such persons qualify. The motion was seconded by Commissioner Simpson and all favored.

Grants - Sheriff Holland reported with permission of the previous County Manager he had submitted a Highway Safety Equipment Project Concept Statement for six mobile data terminals, six dual antenna radars and six in-car video systems to be installed in patrol vehicles. He explained the total Grant will be \$76,392 requiring a local match of \$28,992 and they have recently received verbal confirmation that the request will be approved in part. The Sheriff stated when written confirmation of approval is received he will request

approval of a GHSP Local Government Resolution and Project Contract and appropriation of funds for the local match. He also stated two other grant applications had been submitted but will not be reviewed or approved until 2009. Upon motion by Commissioner Davis, seconded by Commissioner McClellan, the Board unanimously voted to approve submission of the grants.

OTTO FIRE DEPARTMENT: The County Attorney reported the County had conveyed a piece of property to Otto Volunteer Fire and Rescue Department for construction of a substation that has a reversionary clause which has created problems with the title insurance and obtaining a construction loan. She stated there are three options being explored including a long term lease and a recommendation will be presented at the May meeting.

SUBDIVISION ORDINANCE: Planning Board Chairman Lewis Penland presented the Planning Board's recommended draft of the subdivision ordinance. The Board accepted the ordinance and scheduled a joint meeting for April 28th with the Planning Board to review the proposed ordinance.

RECYCLING TASK FORCE: Commissioner McClellan stated he is the solid waste liaison and has been approached about formation of a Recycling Task Force to work with Solid Waste Director Chris Stahl and staff to assist in education and marketing of recycling. It was noted the recently formed Macon Pride organization is interested in the same goals and if any one wishes to get involved they should contact them.

SCHOOLS - PERMIT FEES: Upon motion by Commissioner Simpson, seconded by Commissioner Davis, the Board unanimously voted to approve a request from the Board of Education for waiver of inspection/permit fees on the current school construction projects.

CONSENT AGENDA: Upon motion by Commissioner Simpson, seconded by Commissioner Beale, the Board unanimously voted to approve the following items on the consent agenda:

Minutes - The minutes from the March 10th, 18th and 22nd meetings were approved as submitted with the following change: on page 3 of the March 10th minutes under Health Department: Private Drinking Water Well Permits change the vote to show the motion passed four to one with Commissioner Simpson opposing rather than a unanimous vote.

August meeting - Due to schedule conflicts the August meeting was changed from August 11th to August 4th at 6 p.m.

NCACC Resolution - A resolution celebrating 100 years of county unity in recognition of NCACC's centennial was approved per attachment #2.

Housing: Approved and authorized execution of a Modification Agreement and Assignment of Note and Deed of Trust for Mattie Kay Talley and acknowledged support to secure the "World Changer" project for Macon County in 2009.

Tax releases - Approved tax releases in the amount of \$607.83. (A printout of releases is on file in the Tax Department and the County Manager's Office.)

Finance - The following budget revisions and project ordinances were approved: revision #118, \$1,476,000 for construction of solid waste transfer station and project ordinance per attachment #3;

revision #119, appropriating \$2,000,000 of QZAB funds for East Franklin School renovations and project ordinance per attachment #4;

revision #120, increasing Solid Waste revenues by \$11,000 to cover composting/grinding fees and scrap tire disposal costs;

revision #121, appropriating \$4,764 donations to Sheriff's Department;

revision #122, increasing DSS foster care appropriation by \$52,000;

revision #123, appropriating \$4,493 additional TANF Domestic Violence allocation;

revision #124, appropriating \$108,556 from Fund Balance to fund administrative costs in the Housing Department and

revision #125, transferring \$30,000 from Contingency to Court Facilities Fees.

(Note: revisions with corresponding numbers are attached.)

APPOINTMENTS: Planning Board - Upon motion by Commissioner Beale and seconded by Commissioner Simpson the Board unanimously voted to reappoint Lamar Sprinkle

and Evelyn Owens to the Planning Board. Terms will expire April 23, 2011. Board of Adjustment - Commissioner Simpson made a motion to reappoint Sue Waldroop and Dwight Vinson to the Board of Adjustment contingent upon their acceptance. The motion was seconded by Commissioner Davis and all favored. Terms will expire April 23, 2011.

SOUTH MACON SCHOOL ROAD: Upon motion by Commissioner Beale and seconded by Commissioner Simpson the Board unanimously voted to authorize the County Manager to proceed with the engineering plan for the South Macon School access road. The Manager noted he had spoken with Larry Lackey and he can put the specifications together.

RECESS: The meeting was recessed until 4:30 p.m. on April 16, 2008, for the NCDOT annual secondary roads hearing.

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C. Jack Horton, County Manager  
Clerk to the Board

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Charles D. Leatherman  
Board Chairman

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