

MACON COUNTY BOARD OF COMMISSIONERS  
APRIL 13, 2009  
MINUTES

CALL TO ORDER: Chairman Beale convened the meeting at 6 p.m. and welcomed everyone present. All Board Members with the exception of Vice-Chairman Davis who was out of town were present. Also present was the Deputy Clerk, Finance Director, County Attorney, members of the news media and interested citizens.

ANNOUNCEMENTS: Chairman Beale announced Vice Chairman Davis and the County Manager were out of town and excused from the meeting and that a work session would be held on Monday, April 20th to discuss the abandoned mobile home project, receive an update from on environmental health and well inspections and to discuss the county's budget and financial status. Chairman Beale expressed appreciation to everyone for their sympathy and kindness during the recent death of his mother.

INVOCATION: Rev. Keith Newell from Memorial United Methodist Church gave the invocation.

PLEDGE OF ALLEGIANCE: The pledge to the flag was recited.

PUBLIC COMMENT PERIOD: Jerry Moore stated he was a business owner in Highlands and a member of the Highlands Chamber and TDC and that if the TDC is tasked with day to day duties as recommended they do not have the time to do what the Chamber is doing. Mr. Moore submitted an occupancy tax revenue analysis and a proposed TDC budget and expenditure process by which the Chambers continue to write checks for expenditures with review each month by the County's finance office and the respective TDC's. Bob Kieltyka with the Highlands Chamber stated he would just reiterate Mr. Moore's comments and add that he was proud of the Chambers' record of dealing with occupancy tax since implemented. He added that the Chamber will certainly put in place any safe guards the County may want. Shirley Ches with Macon Pride reminded the Board of the county wide recycling and pick up day in collaboration with Earth Day and outlined the schedule and how to become to be involved.

ADJUSTMENTS TO AND APPROVAL OF THE AGENDA: Chairman Beale requested an appointment to the Mental Health Task Force be added to the agenda as item 12C. Upon motion by Commissioner McClellan, seconded by Commissioner Kuppers, the Board unanimously voted to add the item as requested and approve the agenda.

PRESENTATIONS:

KIDS PLACE: Alisa Ashe, Executive Director of Kids Place, informed the Board that April is Child Abuse Prevention Month and distributed Kids Place service statistics which reflect a drastic increase. Ms. Ashe explained services offered by the agency and expressed appreciation for the community support.

VETERAN'S MEMORIAL: Neal Riendeau gave an update on the Veteran's Memorial Project stating they had \$91,000 on hand which should be enough to complete the landscaping, war plaques and memorial bricks. Mr. Riendeau explained the plans to use artificial turf have been changed and plan to use sod and install a sprinkler system. He added, due to the weather, the project could not be competed in time for a Memorial Day dedication and the date had been moved forward to July 4th. He stated they hoped available funds would be sufficient to complete the project for dedication but to completely finish the project as proposed would take approximately an additional \$95,000. Chairman Beale advised the Board would be reviewing the county's financials on April 20th and would know more after that date.

COMMUNITY MEETINGS: Commissioners Kuppers and McClellan gave an update on scheduling of attendance at community meetings by Board members and distributed

a schedule. Commissioner Kupperts noted attendance was not necessarily to make a speech, unless asked, but to be present to answer questions and be available to the citizens for their input. No action was necessary.

UPDATES BY CHAIRMAN: Chairman Beale reported the Child Care Committee had held two meetings and Chuck Sutton had agreed to serve as Chairman. He added they are making progress and the next meeting is scheduled for May 11th. The Chairman explained the Community Garden Committee is very excited about the project and has possibly located some property for the garden. He stated the garden would not become a reality this year but next year everything would be in place in time for planting. Chairman Beale reported the old mental health building on Thomas Road is in the process of being renovated and the Macon County recovery center will be a model when completed, that interviews had been conducted for a new LME director, work is ongoing on the 160A and, in general, progress is being made in the mental health arena.

WORK FIRST PLAN: DSS Director Jane Kimsey reported the revised Work First Electing County Plan for 2009-2011 was posted on the Macon County website for public comment regarding the inclusion of Pay After Performance as an eligibility criteria to receive Work First Cash Assistance beginning July 1, 2009. She added as of April 5, 2009, no comments have been received and recommended the revised Work First Electing County Plan as presented to the Board of County Commissioners on March 23, 2009, be approved for submission to the state. Upon motion by Commissioner Simpson, seconded by Commissioner McClellan, the Board unanimously voted to approve the plan as recommended and submitted. (A copy of the complete plan is on file at the Department of Social Services)

TDC FUNDING: Commissioner McClellan stated as instructed at the March 23rd meeting, the County Manager, Finance Officer, County Attorney and representatives from the two TDC's and Chamber had held a meeting which he attended via telephone. He reported after the meeting he and Commissioner Simpson, the TDC liaisons, had discussed the proposal for a uniform system to identify and account for occupancy tax revenues and they had issues with item #4 under the list of County responsibilities which states the County will issue checks for the TDC's. He explained they felt with the county issuing checks another layer of bureaucracy was added. Commissioner Simpson gave a brief history of how occupancy tax revenues have been handled in the past. After a lengthy discussion Commission McClellan made a motion to approve the recommendation as presented with the deletion of Item #4 under the TDC Responsibilities and the deletion of Items #4, #5 and #8 of the County's responsibilities as follows:

TDC Responsibility:

1. Develop an annual budget that identifies line item areas to be utilized in the plan of work.
2. Work with the Chamber to investigate and recommend approval of specific activities and contracts for services.
3. Respective TDC's will designate individual responsible for requesting purchases and approving invoices for payment.
4. Provide County Finance Director contracts or other purchasing documents for preaudit. Provide approved invoices for payment.
5. Report periodically to the Board of County Commissioners on activities and results of TDC effort to promote tourism in Macon County.

County Responsibility:

1. Collect room occupancy tax in accordance with state legislative procedures.
2. Pursue collection of penalties and delinquent taxes.
3. Include recommended budget from respective TDC's into the annual budget.
4. Issue checks for approved invoices directly to vendors from appropriate line items.
5. Payments cannot be made faster than the flow of occupancy tax collections.
6. Contract with Chambers of Commerce to provide administrative/staff support for TDC (duties specified in agreement).
7. Make timely financial reports as to the collection and disbursement of

occupancy tax funds to TDC and Board of Commissioners.

8. Audit of occupancy tax transactions will be a part of the county's annual audit.

The motion also included that the chambers will continue to issue checks as provided for by necessary legal agreement and checks will be reviewed each month by an oversight committee of six members consisting of the two commissioner liaisons and two members from each of the TDC's. The motion was seconded by Commissioner Simpson and all favored. Upon motion by Commissioner McClellan, seconded by Commissioner Simpson, the Board unanimously voted that after the first quarter of collections the County Finance Director be instructed to review the actual cost to collect the occupancy tax and report back to the Board in order to adjust the cost accordingly or, if information is available earlier, to make the adjust at that time.

ABANDONED MOBILE HOME PROJECT: The proposed Abandoned Manufactured Home Project Initiative was presented by Jack Morgan. Discussion was postponed until the work session on April 20th in order for the Solid Waste Director and County Manager to be present.

RABUN COUNTY PERMIT FOR MUNICIPAL TREATMENT FACILITY: Upon motion by Commissioner Koppers, seconded by Commissioner Simpson, the Board unanimously voted to authorize submission of the attached letter requesting a public hearing on Rabun County's application that would allow for construction and/or modification of a county wastewater treatment facility proposed for Rabun Gap, Georgia. (Attachment #1)

PROPERTY EXCHANGE: Upon motion by Commissioner Simpson, seconded by Commissioner McClellan, the Board unanimously voted to adopt a resolution authorizing exchange of property with Big Bear of North Carolina, LLC for the Little Tennessee River/Cartoogechaye Creek Trunk Sewer Project per attachment #2.

FLOOD ORDINANCE: Permitting, Planning and Development Director Jack Morgan presented an amended Macon County Flood Ordinance stating minor modification to the ordinance is necessary due to new flood maps that will be effective May 4, 2009. Mr. Morgan added that the amendments will require a public hearing. The hearing was scheduled for 2:30 p.m. on April 27, 2009, and staff was authorized to advertise as required by law.

CONSENT AGENDA: The following items on the consent agenda were unanimously approved upon motion by Commissioner McClellan and seconded by Commissioner Koppers:

Minutes - The minutes from the March 23rd meeting correcting the "estimated \$3 million shortfall" to read "estimated \$3 billion shortfall" on page 3 under

Legislative Update.

Budget Revision - attached budget revision budgeting \$51,000 for DSS/Special Adoption Incentive Fund (attachment #3).

Housing-Modification Agreement - Approved and authorized execution of a Modification Agreement and Assignment of Note and Deed of Trust for Kenneth and Betty Jean Browning for the Housing Department.

911 Grant - Authorized Emergency Management to apply for grant funding from the NC-911 Board to facilitate remodeling and update of the 911 Center and related equipment.

COPS Grant - Authorized the Sheriff's Department to make application for a COPS Hiring Recovery Program grant for three positions which would be funded for three years with no local match but with a stipulation that at the end of the thirty-six month grant period positions would be retained at least twelve months.

APPOINTMENTS: Planning Board - Upon motion by Commissioner Simpson, seconded by Commissioner Koppers, the Board unanimously voted to reappoint Susan Erwin and Mark West to the Planning Board. Terms will expire April 23, 2012.

Board of Adjustments - Upon motion by Commissioner McClellan, seconded by Commissioner Simpson, the Board unanimously voted to reappoint Larry Stenger and Gary Drake to the Board of Adjustments. Terms will expire April 23, 2012.

Mental Health - Upon motion by Commissioner Simpson, seconded by Commissioner McClellan, the Board unanimously voted to appoint Jim Bottemly representing consumers on the Mental Health Task Force.

CLOSED SESSION: Upon motion by Commissioner Koppers, seconded by Commissioner McClellan, the Board went into closed session to discuss property acquisition. During closed session the above referenced was discussed with no action being taken. The Board returned to regular session.

PROPERTY/EASEMENT ACQUISITION/DILLS PROPERTY: Commissioner Koppers made a motion to approve purchase of a perpetual utility easement across the property of Glenn Dills that will accommodate part of the proposed Cartoogechaye/Little Tennessee sewer line project at a cost of \$25,000 and to authorize execution of the necessary legal documents. The motion was seconded by Commissioner Simpson and all favored.

ADJOURNMENT: Upon motion by Commissioner Simpson the meeting was adjourned.

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Jack Horton, County Manager  
Clerk to the Board

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Ronnie Beale  
Board Chairman

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