

MACON COUNTY BOARD OF COMMISSIONERS
OCTOBER 13, 2008
MINUTES

CALL TO ORDER: Chairman Leatherman called the meeting to order, welcomed everyone present and, before passing the gavel to Commissioner Davis who chaired the meeting, explained that the reason he was not chairing meetings was not to shirk his responsibilities but to allow other members to be prepared to serve as chairman should that time come. The gavel was passed to Commissioner Davis.

ANNOUNCEMENTS: Commissioner Davis expressed appreciation to everyone for their show of sympathy regarding the recent death of his mother.

INVOCATION AND TRIBUTE TO FORMER COMMISSIONER SUTTON RUSSELL: Sheriff's Department Chaplain Lynn Duklais gave the invocation and comments about the service of former Commissioner Sutton Russell who recently passed away were made. Commissioner Beale recognized Mr. Russell's wife and daughter who were present and read Mr. Russell's obituary. A moment of silence in his honor followed.

PLEDGE OF ALLEGIANCE: The pledge of allegiance was recited.

PUBLIC COMMENT PERIOD: No one wished to speak during the public comment period.

ADJUSTMENTS TO AND APPROVAL OF THE AGENDA: Upon motion by Commissioner McClellan, seconded by Commissioner Beale, the Board unanimously voted to approve the agenda with the following additions: a response by Chairman Leatherman to a recent letter to the editor in a local newspaper and closed session for property and personnel.

CHAIRMAN LEATHERMAN'S COMMENTS: Chairman Leatherman stated the comments being made were his opinion and he was going to exercise his freedom of expression in response to a recent letter to the editor in a local newspaper from Don Swanson. Chairman Leatherman explained about seven and one-half years ago a group called Concerned Citizens was formed then changed to Citizens for a Sound Economy and is now the local chapter of Freedom Works which is an advocate for lower taxes. He questioned who isn't in favor of lower taxes and stated no one advocates higher taxes. Leatherman added the group has repeatedly questioned and/or criticized the actions of county government but none of the group has been elected by the people or are authorized to speak for the people. Chairman Leatherman stated he does support and is an advocate of education, that the county is growing, noting that all growth is not good, and growth comes with a price tag. He questioned where do you cut - education, law enforcement, emergency services? Chairman Leatherman stated he is guided by his convictions, not by a group that is against trying to improve the County he loves, and it is time to move forward.

PUBLIC HEARING - ANIMAL CONTROL ORDINANCE: Commissioner Davis opened the public hearing on the proposed Animal Control Ordinance. John Grist stated he had spoken at previous meetings about the animal control issue and was glad to see a schedule in place and the county moving forward. He added he felt this ordinance would help with both animals and humans stating a friend of his had been bitten by a dog and had to have rabies shots, etc. at a lot of expense. Jan Meinders, President of the Humane Society, stated they were happy with the ordinance and proposed shelter and the Society would do anything they could to help. Deborah McCraw stated she was starting a rescue mission for animals and expressed concerns about the short length of stay of animals. Cynthia Stowers, a resident of Otto and former board member of Friends of Animals, commended the committee for their work on the ordinance, encouraged work on education and enforcement of the ordinance and noted healthy animals would not be kept as long as dangerous animals referencing Section 90-8(5)c of the ordinance. Teresa Lovall stated she resided at 233 Ray Downs Road and explained new people

had recently moved in next to her and are rescuing animals, operating a kennel or something. She added the dogs are noisy, dangerous and a general nuisance. She questioned if something could be done stating it was not safe for her young children to play outdoors. Neighbor Charlie Ward reiterated Ms. Lovall's comments and stated some of the dogs were on his porch barking at his dogs recently. Anne Lightner questioned if anything could be done about her neighbor raising fighting roosters and starving their animals. There were no other public comments and the hearing was closed.

ANIMAL CONTROL ORDINANCE: The Board discussed the proposed Animal Control Ordinance and comments made at the hearing after which Commissioner Beale made a motion to adopt the ordinance with the following changes: extend the seventy-two hour holding period to ten days and eliminate Section 90-23 as it duplicates state statute, to be effective April 6, 2009 or sooner if possible. The motion was seconded by Commissioner Simpson and all favored.
(See attachment #1)

PRESENTATIONS: Mountain Youth Resources (MYR): Executive Director Marcia Lewis and Fund Development Director Margie Allison gave an overview of services offered by Mountain Youth Resources and plans for future development. No action was necessary.

North Macon Water/Sewer P.E.R. - Jay Meliski and Jeff Bishop from McGill Associates presented the preliminary engineering report for the Iotla School water and sewer extension. The report included two alternatives for Town water service at a cost range of \$3,044,500 to \$3,597,500; four alternatives for Town sewer service at a cost range of \$1,910,000 to \$2,407,000; on-site water service at \$876,500 and on-site wastewater service at \$490,000. (A copy of the report is on file in the County Manager's Office,) The Board instructed the County Manager to move forward with the necessary field investigations for on-site services, soil sampling, water testing, etc. at the Iotla School site.

WORK FIRST PLAN: DSS Director Jane Kimsey informed the Board the public comment period on the County's Work First Plan ended Friday, September 26, 2008, comments have been reviewed and are incorporated where applicable. Ms. Kimsey stated the Macon County Welfare Reform Planning Committee recommends approval of the final plan as submitted and submission to the N.C. Division of Social Services.

Upon motion by Chairman Leatherman, seconded by Commissioner Beale, the Board unanimously voted to approve the plan and authorize submission as recommended.

HEALTH FEES: Health Director Jim Bruckner presented and requested approval of the 2008-2009 Macon County Public Health Center Billings and Collections Policies and Fee Plan Schedules in accordance with NCGS 130A-39(g) noting the Health Board had approved the schedule. After discussion Commissioner McClellan made a motion to adopt the fee schedule as presented with the exception of research fees which will be changed from \$30 minimum first hour and \$30 per additional hour to \$15 minimum and \$15 per additional hour. The motion was seconded by Chairman Leatherman and passed four to one with Commissioner Simpson opposing. (A schedule of fees is on file at the Health Department and the Clerk to the Board's Office.)

DUKE INTERVENTION: The County Manager reminded the Board that the County chose to intervene and entered into the relicensing issue with Duke Energy late in the approval process which has resulted in weakening the County's position in regard to negotiating a favorable settlement. He added that the issue of relicensing by F.E.R. is likely to be a drawn out process and there appears to be very little promise of positive benefit for the County at this time. The Manager advised the Board they should consider if it is in the best interest of the County to continue with the intervention or withdraw. He added in the meantime this issue is putting the County at odds with the power company when it comes to negotiating property and extending leases for recreation purposes. i.e. Nantahala Recreation Park. The Manager recommended the Board study this situation before the November 10th meeting.

CLARKS CHAPEL FIRE DEPARTMENT: The Manager advised that the Clarks Chapel

Volunteer Fire Department has a septic permit from Environmental Health for their substation but it will be necessary for the fire department to use some additional county property for required septic lines and repair area in order to install their system. Upon motion by Chairman Leatherman, seconded by Commissioner Simpson, the Board unanimously voted to grant the easement, authorized the County Attorney to prepare the necessary legal documents and authorized execution of the necessary documents.

CONSENT AGENDA: Commissioner Davis stated he had not had an opportunity to research Item C, resolution imposing a gross receipts tax on heavy equipment in lieu of property tax, and asked that it be continued until the November meeting. Upon motion by Commissioner Simpson, seconded by Commissioner McClellan, the Board unanimously voted to continue the item. It was noted Item F concerning the Old Mill Campground Flood Ordinance was for approval of the decision made at the September 18th by majority vote of the Board and the order indicates the vote on the issue. Upon motion by Commissioner McClellan, seconded by Commissioner Simpson, the Board unanimously approved the following items on the consent agenda:

Minutes - The minutes of the September 8th, 16th, 18th and 29th meetings with the following correction to the September 18th minutes: The motion to approve the terms of the Highlands TDC members was seconded by Commissioner Simpson rather than Commissioner Beale.

Tax releases - Approved tax releases in the amount of \$1,644.31. (Note: A print-out of tax releases is on file in the Tax Office and the Clerk to the Board's Office.)

Finance - Approved budget revision #46, budgeting \$1,618 additional funding for Criminal Justice Partnership Program;
revision #47, appropriating \$1,000 additional health funding for Childhood Lead Poisoning Prevention;
revision #48, appropriating \$4,121 increase in grant fund from the Health and Wellness Trust Fund;
revision #49, appropriating \$1,000 TATU Health funds;
revision #50, appropriating \$15,000 donation from the Zonta Club to the Health Department;
revision #51, appropriating \$1,862 increase in Health Family Planning/TANBF Funds;
revision #52, appropriating \$5,727 increased funding for Healthy Carolinians;
revision #53, and transferring \$132,729 to cover Highlands School Roof;
revision #54. (Note: revisions with corresponding numbers are attached.)

Sheriff/Surplus property - Surplused 48 handguns from the Sheriff's Department and authorized trade-in for new guns. (Note: A list of serial numbers is on file in the County Manager's Office.)

Old Mill Campground - Approved final order in the matter of the appeal of Michael and Jessi Calaflore (Old Mill Campground) from the Flood Plain Administrator Decision. (Attachment #2)

APPOINTMENTS: EDC - Upon motion by Commissioner Beale, seconded by Commissioner Simpson, the Board unanimously voted to accept the recommendation of the Economic Development Commission to establish terms for new members as follows: David Hubbs, 2 years; Johnny Mira-Knippel, 2 years; Connie Haire, one year, Hank Ross, one year; Joe Collins, one year and Steve Chenoweth, one year. Also included in the motion was to appoint Donnie Bishop as the Franklin Chamber of Commerce representative to the EDC for a one year term.

Library Board of Trustees - Upon motion by Commissioner Simpson and seconded by Commissioner Beale the Board unanimously voted to appoint Nancy Scott to the Library Board to fill the unexpired term of Gail Criminger who recently passed away. Term will expire February 10, 2010.

Planning Board - Upon motion by Commissioner Beale, seconded by Commissioner

Simpson, the Board unanimously voted to reappoint Lewis Penland to the Planning Board. Term will expire November 1, 2011.

Highlands EDC Chairman - Upon motion by Commissioner McClellan, seconded by Commissioner Simpson, pursuant to the TDC by-laws, the Board unanimously voted to approve the recommendation of the Highlands EDC to appoint Gary Drake as the Chairman of the Highlands EDC.

CLOSED SESSION: Commissioner Simpson made a motion to go into closed session to discuss personnel and property. The motion was seconded by Commissioner Beale and all favored. During closed session the referenced items were discussed with no action being taken. The Board returned to regular session.

ADJOURNMENT: The meeting was recessed until 6 p.m. on October 21st at the Fireside Inn in Highlands for a joint meeting with the Towns of Franklin and Highlands.

C. Jack Horton, County Manager
Clerk to the Board

Charles D. Leatherman
Board Chairman

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