

# Macon County



**MACON COUNTY BOARD OF COMMISSIONERS  
OCTOBER 12, 2021  
6 P.M.  
AGENDA**

1. Call to order and welcome by Chairman Tate
2. Announcements
3. Moment of Silence
4. Pledge of Allegiance
5. Public Hearing(s) – **6 p.m.**
  - (A) Amended and Restated Macon County Subdivision Ordinance
    - (1) Presentation by Aaron Garrett, Macon County Planning Board Chairman, regarding subdivision ordinance revisions
  - (B) Amended and Restated Macon County Sign Control Ordinance
  - (C) Amended and Restated Macon County Sexually Oriented Businesses Ordinance

NOTE: Following the close of the public hearing(s), the board may choose to take action on any or all of the amended and restated ordinances.

6. Public Comment Period
7. Additions to agenda
8. Adjustments to and approval of the agenda
9. Reports/Presentations
  - (A) Macon County Airport Authority – Vice-Chair Jack Horton
    - (1) Presentation of annual report
    - (2) Request for matching funds for grant for fuel farm construction
10. Old Business
  - (A) Consideration of revised county pay scale – County Manager Derek Roland

- (B) Use of American Rescue Plan Act Coronavirus Local Fiscal Recovery Funds (ARP/CLFRF) – Mr. Roland

11. New Business

- (A) Continuation of Work First (TANF) Program “Electing County” status – Patrick Betancourt, Director, Department of Social Services
- (B) Macon County Transit plans and policies, Darlene Asher, Assistant Director
  - (1) System Safety Plan
  - (2) Zero Tolerance Policy (Drug & Alcohol)
  - (3) Title VI Policy
- (C) Change order #010 on Macon Middle School (MMS) project – Jack Morgan, Director, Planning, Permitting and Development
- (D) Rejection of bids on the locker room project at MMS – Schools Liaison Committee members
- (E) Discussion/consideration of architect for Franklin High School project – Schools Liaison Committee members
- (F) Scheduling of public hearings for the November 9, 2021 regular meeting for the following:
  - (1) Amendments to the Soil Erosion and Sedimentation Control Ordinance
  - (2) Amendments to the Voluntary Farmland Preservation Ordinance
  - (3) Amendments to the Watershed Protection Ordinance

12. Consent Agenda – Attachment #12

All items below are considered routine and will be enacted by one motion. No separate discussion will be held except on request of a member of the Board of Commissioners.

- (A) Minutes of the September 14, 2021 regular meeting
- (B) Budget Amendments #67-77
- (C) Tax releases for September 2021
- (D) Updates to Macon County Public Health fee plan
- (E) 2022 County Holiday Schedule
- (F) Monthly ad valorem tax collection report – no action necessary

13. Appointments

14. Closed session as allowed under NCGS, if necessary

15. Adjourn/Recess

# MACON COUNTY BOARD OF COMMISSIONERS

## AGENDA ITEM

### **CATEGORY – PUBLIC HEARINGS**

**MEETING DATE: October 12, 2021**

We have a trio of public hearings on the agenda, and all three involve amendments to existing ordinances.

County Attorney Eric Ridenour has been working to revise the county's ordinances regarding subdivisions, sign control and sexually oriented businesses in order to bring them into compliance with North Carolina General Statute 160D.

A copy of each notice of public hearing is included in the agenda packet, and the notices appeared in the September 29, 2021 and October 5, 2021 editions of *The Franklin Press* as required.

Also included in the packet are "red-line" copies of each amended and restated ordinance.

Aaron Garrett, the chair of the Macon County Planning Board, has requested time to present information on the planning board's proposed changes to the subdivision ordinance, and that presentation would ideally be incorporated into the public hearing on that ordinance revision.

Immediately following the close of the public hearings, the board may consider taking action on any or all of the revised ordinances, and Mr. Ridenour has provided resolutions of approval for each one, copies of which are also included in the packet.

Mr. Ridenour has also provided "final" copies of each ordinance for recording in the Register of Deeds office – pending any changes made by the board of commissioners – and each will be accompanied by the appropriate signed resolution.

Once approved, the updated ordinances will be made available on the county's website.

The board will essentially repeat this process next month with three different ordinances that need to be brought into compliance with the Chapter 160D requirements, and those are addressed later in the agenda.

## NOTICE OF PUBLIC HEARING

Please take notice that the Macon County Board of Commissioners will conduct a public hearing on Tuesday, October 12, 2021 at 6:00 p.m. in the Commission Boardroom located on the third floor of the Macon County Courthouse at 5 West Main Street, Franklin, NC 28734, concerning the proposed “Amended and Restated Macon County Subdivision Ordinance,” which amends and restates the presently existing Macon County Subdivision Ordinance. Public comment upon the same shall be received at this public hearing. The public is invited to attend this public hearing.

The proposed amendments are for the purpose of bringing the Subdivision Ordinance into compliance with Chapter 160D of the North Carolina General Statutes and to make revisions recommended by the Macon County Planning Board. The proposed amendments can be viewed on the Macon County website, [www.maconnc.org](http://www.maconnc.org), under “Public Announcements,” and a hard copy may be obtained in the lobby of the Courthouse Annex Building, 5 West Main Street, Franklin, North Carolina. The proposed revisions to comply with Chapter 160D are noted in red text and the proposed revisions by the Macon County Planning Board are noted in blue text.

This the 24<sup>th</sup> day of September, 2021.

Derek Roland, Ex Officio Clerk to the  
Macon County Board of Commissioners

## NOTICE OF PUBLIC HEARING

Please take notice that the Macon County Board of Commissioners will conduct a public hearing on Tuesday, October 12, 2021 at 6:00 p.m. in the Commission Boardroom located on the third floor of the Macon County Courthouse at 5 West Main Street, Franklin, NC 28734, concerning the proposed “Amended and Restated Sign Control Ordinance of the County of Macon, North Carolina,” which amends and restates the presently existing Sign Control Ordinance of the County of Macon, North Carolina. Public comment upon the same shall be received at this public hearing. The public is invited to attend this public hearing.

The proposed amendments are for the purpose of bringing the Macon County Sign Ordinance into compliance with Chapter 160D of the North Carolina General Statutes. The proposed amendments can be viewed on the county website at [www.maconnc.org](http://www.maconnc.org), under “Public Announcements,” and a hard copy may be obtained in the lobby at the Courthouse Annex Building, 5 West Main Street, Franklin, North Carolina.

This the 24<sup>th</sup> day of September, 2021.

Derek Roland, Ex Officio Clerk to the  
Macon County Board of Commissioners

## NOTICE OF PUBLIC HEARING

Please take notice that the Macon County Board of Commissioners will conduct a public hearing on Tuesday, October 12th, 2021 at 6:00 p.m. in the Commission Boardroom located on the third floor of the Macon County Courthouse, located at 5 West Main Street, Franklin, NC 28734, concerning the proposed “Amended and Restated Sexually Oriented Businesses Ordinance” which amends and restates the presently existing Sexually Oriented Businesses Ordinance. Public comment upon the same shall be received at this public hearing. The public is invited to attend this public hearing.

The proposed amendments are for the purpose of bringing the Macon County Sexually Oriented Businesses Ordinance into compliance with Chapter 160D of the North Carolina General Statutes. The proposed amendments can be viewed on the county website at [www.maconnc.org](http://www.maconnc.org) under “Public Announcements,” and a hard copy may be obtained in the lobby at the Courthouse Annex Building at 5 West Main Street, Franklin, North Carolina.

This the 24th day of September, 2021.

Derek Roland, Ex Officio Clerk to the  
Macon County Board of Commissioners

**Note: Revisions in Blue are recommended changes  
from Planning Board**

**MACON COUNTY  
SUBDIVISION  
ORDINANCE**

Originally Adopted: June 2, 2008 effective September 1, 2008

Amended: September 8, 2008

Amended: September 14, 2009

Amended: January 25, 2010

Amended: July 9, 2013

Amended: \_\_\_\_\_, 2021



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## GENERAL PROVISIONS

### §159.01 Title

This Ordinance shall be known and may be cited as the Subdivision Ordinance of the County of Macon, North Carolina, and may be referred to as the Subdivision Regulations.

### §159.02 Purpose

The purpose of this Ordinance is to establish procedures and standards for the development and subdivision of land within Macon County. It is further designed to promote the orderly growth and development of the county; for the coordination of roads and highways within proposed subdivisions with existing or planned roads and highways with other public facilities. It is also designed to provide the County Commissioners, Planning Board, Planning Department, Tax Assessor, Land Records Office, Code Enforcement and other local government agencies and officials with information regarding land development taking place in Macon County. This information will assist county officials in projecting the need for various public programs and facilities, in estimating population and growth, and in projecting revenue and expenditures.

### §159.03 Authority

This Ordinance is hereby adopted under the authority and provisions of the General Statutes of North Carolina, Chapter ~~160D, Article 8-153A, Article 18, Part 2, and NC Session Law 2009-33.~~

### §159.04 Jurisdiction

The regulations contained herein, as provided by G.S. ~~160D 153A~~, Article ~~818~~ shall govern each and every subdivision within Macon County outside of the jurisdiction of any incorporated municipality.

### §159.05 Compliance with Ordinance Required

All plats for the subdivision of land shall conform to the requirements of this Ordinance, and shall be submitted in accordance with the procedures and specifications established herein with the final plat being prepared, approved and recorded pursuant to the provisions of this ordinance whenever any subdivision of land takes place.

### §159.06 Plats to Be Approved

After the effective date of this Ordinance no subdivision plat of land within the County's Subdivision Ordinance jurisdiction shall be filed or recorded until it is submitted to and approved by the Subdivision Administrator of Macon County as provided hereinafter in this Ordinance, and no land shall be sold or transferred by reference to a plat that has not been approved and recorded in accordance with the provisions of this Ordinance.

### §159.07 "Subdivision" Defined

For the purposes of this Ordinance and as defined by G.S. 160D-802(a), “subdivision” means all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions when any one or more of those divisions is created for the purpose of sale or building development, whether immediate or future, and shall include all divisions of land involving the dedication of a new road or a change in existing roads.;

A. Exclusions: T~~but~~ the following shall not be included within its definition nor be subject to any regulations enacted pursuant to this ordinance:

- (1) The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of Macon County as shown in this Ordinance.
- (2) The division of land into parcels greater than ten (10) acres where no road right-of-way dedication is involved.
- (3) The public acquisition by purchase of strips of land for the widening or opening of roads or for public transportation system corridors.
- (4) The division of a tract in single ownership whose entire area is no greater than two acres into not more than three lots, where no road right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of Macon County as shown in this Ordinance.
- (5) The division of land pursuant to an Order of any state or federal Court with jurisdiction.
- (6) The division of a tract into parcels in accordance with the terms of a probated will or in accordance with intestate succession under Chapter 29 of the General Statutes and land for the purpose of conveying a single lot to each tenant in common, all of whom jointly inherited the land by ancestry or by will.
- (7) The division of land for cemetery lots or burial plots.
- (8) A Family Subdivision, as defined in §159.08 of this Ordinance.
- (9) Lots shown on Development Plans or Survey Plats created, signed and sealed by a NC Registered Design Professional -prior to the original effective date of this ordinance, September 1, 2008.

See G.S. 160D-802(a)(1)-(5).

§159.08 Family Subdivision

The division of land into two or more parcels or lots for the purpose of conveying the resulting parcels or lots to a grantee or grantees who are in any degree of lineal kinship to the grantor, or to a grantee or grantees who are within four degrees of collateral kinship to the grantor. The exemption provided by the ordinance shall only apply if the deed of conveyance notes that it is a family subdivision as defined by this section. Degrees of kinship shall be calculated in accordance with G.S. §104A-1.

§159.09 Reserved

§159.10 Definitions

For the purpose of this Ordinance, certain words or terms used herein shall be defined as follows:

**Access Road-** A road providing motor vehicle access to lots or other areas used in common contained within a subdivision.

**Administrator, Subdivision-** The staff member of the Planning Department to whom the Local Governing Board has delegated authority to review, seek technical guidance and approve all subdivision plats submitted under the regulations in effect under this Ordinance.

**Conservation Easement-** A legally enforceable agreement between a property owner and the holder of the easement, meeting requirements of North Carolina law and in a form acceptable to the County. A conservation easement restricts the existing and future use of the defined tract or lot to conservation use, agriculture, passive recreation, or other use approved by the County and prohibits further subdivision or development. Such agreement also provides for the maintenance of open spaces and any improvements on the tract or lot. Such agreement cannot be altered except with the express written permission of the easement holder, any other co-signers and the Subdivision Administrator. A conservation easement may also establish other provisions and contain standards that safeguard the tract or lot's special resources from negative changes.

**Conservation Community-** A subdivision, as defined by this Article, where open space is the central organizing element of the subdivision design and that identifies and permanently protects all primary conservation areas within the boundaries of the subdivision.

**County** – Macon County, North Carolina

**NC Design Professional** – A current NC registered Civil Engineer, Geotechnical Engineer, Land Surveyor, Architect, Landscape Architect, ~~or Professional Geologist.~~

**Homeowners Association** – Two or more homeowners that belong to a mandatory membership organization for the maintenance of commonly owned real estate and improvements and regulations of privately owned property in a given area.

**Impervious Surfaces** – Artificial structures, such as pavements and building roofs, which replace naturally pervious soil with impervious construction materials.

**Lot** – A parcel of land or a contiguous combination of several parcels of land in single ownership.

**Incidental Subdivision** – The division of land from a parent lot into two lots not involving the dedication of a public road shall not be subject to these regulations except as provided below:

- (a) Final plats of divisions intended for recordation in the Register of Deeds Office shall be titled "Incidental Subdivision", and shall be certified as such under these regulations by the Subdivision Administrator prior to recordation.
- (b) All lots in an Incidental Subdivision shall not be re-subdivided as an **Incidental Subdivision** for a period of one (1) year after the original date of the recorded Incidental Subdivision.

**Open Space** – Any combination of primary conservation areas as defined in this Article, that together form a permanent, undivided or relatively undivided, undeveloped area.

**Phased Development** – A phased development is defined as a major subdivision that will be constructed in phases.

**Private Road** – A road within a subdivision providing means of ingress and egress to lots or common areas within the subdivision that is not open or accessible to the general public.

**Public Road** – A road maintained at the public expense and under public control.

**Recreation, Active** – Leisure activities that are facility oriented, such as swimming pools, tennis courts, and ball fields.

**Residential Lot** – A parcel of land on which is or will be constructed as a one or two family dwelling.

**Right of Way** – A strip of land designated by the owner or acquired by another authority by which persons may legally pass, on which may construct a road or install utilities.

**Riparian Zone** – The area located on the bank of a natural watercourse.

**Spur Road** – A spur road is a roadway serving no more than two (2) residential lots and shall meet the requirements of Section 503 of the North Carolina Fire Code.

**Subdivider or Developer** – The owner, or any agent of the owner who subdivides or develops any land deemed to be subdivision under the terms of this Ordinance.

**Subdivision, Minor** – A minor subdivision is defined as a subdivision containing no more than 8 lots, which have not been subdivided within the previous one (1) year and does not require a new road exceeding 1320 linear feet.

**Subdivision, Major** – A major subdivision is defined as a subdivision not meeting the definition of a Minor Subdivision.

**Technical Review Committee** – A committee established by this ordinance and appointed by the Local Governing Board to review all major subdivision preliminary plats and to approve, approve with conditions, or disapprove such plats. The Committee shall consist of five members as follows:

- The Subdivision Administrator
- One member of the Macon County Planning Board
- One Representative from the following Macon County offices or agencies:
  1. Fire Marshal's Office
  2. Environmental Health Department, and
  3. Planning, Permitting, and Development Department

An alternate member from each of the above agencies, boards, and departments shall be appointed by the Local Governing Board. An alternate member may participate in Technical Review Committee decisions in place of a primary member of the Technical Review Committee if, and only if, a primary member of the Technical Review Committee is unable to participate in the same. The alternate from the agency, board, or department of which the primary member of the Technical Review Committee who is unable to participate is associated shall be the alternate in place of such a primary member who is unable to participate.

**§159.11 Word Interpretation**

For the purpose of this Ordinance, certain words shall be interpreted as follows:

Words used in the present tense include the future tense.

Words used in the singular number include the plural and words used in the plural number include the singular, unless the natural construction of the word indicates otherwise.

The word "person" includes a firm, association, corporation, trust, and company as well as an individual. The word "used for" shall include the meaning "designed for".

The word "structure" shall include the word "building".

The word "lot" shall include the words "plot", "parcel" or "tract".

The word "shall" is always mandatory and not merely directory.

The word "may" is directory and not mandatory. All words not specifically defined in this Ordinance shall be assigned their customary definitions.

**§159.12 Reserved**

**§159.13 Reserved**

**§159.14 Reserved**

**§159.15 Reserved**

**§159.16 Reserved**

**§159.17 Reserved**

**§1593.18 Reserved**

**§159.19 Reserved**



## APPROVAL OF SUBDIVISION PLATS

### §159.20 Plat Shall Be Required on Any Subdivision of Land

Pursuant to G.S. ~~160D-801+53-330~~, a final plat shall be prepared, approved and recorded pursuant to the provisions of this Ordinance whenever any subdivision of land takes place.

### §159.21 Approval Prerequisite to Plat Recordation

Pursuant to G.S. ~~160D-804(b)+53A-331~~, no final plat of a subdivision within the jurisdiction of the County of Macon as established in this Ordinance shall be recorded by the Register of Deeds until it has been approved by the Subdivision Administrator, as provided herein.

Pursuant to G.S. 160D-806, the approval of a plat shall not be deemed to constitute the acceptance by the County of the dedication of any street or other ground, public utility line, or other public facility shown on the plat. However, the Board of Commissioners may by resolution accept any dedication made to the public of lands or facilities for streets, parks, public utility lines, or other public purposes, when the lands or facilities are located within its planning and development regulation jurisdiction.

### §159.22 Plat Approval Prerequisites

Notwithstanding anything to the contrary contained herein, no plat shall be approved or registered:

- (1) Until the district highway engineer is given an opportunity to make recommendations concerning an individual subdivision plat as to proposed State streets, State highways, and related drainage systems; and
- (2) Until the County Health Director or local public utility, as appropriate, is given an opportunity to make recommendations concerning an individual subdivision plat as to proposed water or sewer systems.

### §159.23 Appeals

All appeals from preliminary and final plat approvals or denials shall be to Superior Court in accordance with G.S. 160D-1403(b). Any person aggrieved by a decision of the Subdivision Administrator may seek relief from the Technical Review Committee. Any person aggrieved by a decision of the Technical Review Committee may seek relief from the Planning Board. Any person aggrieved by a decision of the Planning Board may seek relief in Superior Court as provided by law.

### §159.24 PerformanceImprovement Guarantees:

#### (A) Agreement and Security Required

In lieu of requiring the completion, installation and dedication of all improvements ~~prior to the final plat approval~~ for any subdivision or phase of a phased development, the County of Macon shall accept a financial performance guarantee whereby the Subdivider shall agree to complete all required improvements, pursuant to G.S. 160D-804.1. ~~Once said~~

agreement is signed by both parties, the security required herein is provided, and if all other requirements of this Ordinance are met the final plat may be approved by the Subdivision Administrator. Pursuant to G.S. 160D-804.1(3)(a), the financial performance guarantee shall be posted at the time the plat is recorded.

Pursuant to G.S. 160D-804.1(1), the type of the performance guarantee shall be at the election of the developer. The term performance guarantee means any of the following forms of guarantees:

- 1) Surety bond issued by any company authorized to do business in this State.
- 2) Letter of credit issued by any financial institution licensed to do business in this State.
- 3) Other form of guarantee that provides equivalent security to a surety bond or letter of credit.

The performance guarantee shall only be used for completion of the required improvements and not for repairs or maintenance after completion, pursuant to G.S. 160D-804.1(4).

**(B) Amount**

Pursuant to 160D-804.1(3), ~~To secure this agreement,~~ the Subdivider shall provide to the county a surety performance bond equal to 125% of the entire cost of all required improvements as estimated by contractors under contract, by bids from licensed contractors, or by the Subdivider's design professional. The reasonably estimated cost of completion shall include one hundred percent (100%) of the costs for labor and materials necessary for completion of the required improvements. Where applicable, the costs shall be based on unit pricing. The additional twenty-five percent (25%) allowed under this subdivision includes inflation and all costs of administration regardless of how such fees or charges are denominated.

**(C) Duration**

Pursuant to G.S. 160D-804.1(1a), the duration of the performance guarantee shall initially be one year, unless the developer determines that the scope of the work for the required improvements necessitates a longer duration. In the case of a bonded obligation, the completion date shall be set one year from the date the bond issued, unless the developer determines that the scope of the work for the required improvements necessitates a longer duration.

**(B)(D) Extension Security Guarantee**

Pursuant to G.S. 160D-(1b), a developer shall demonstrate reasonable, good-faith progress toward completion of the required improvements that are secured by the performance guarantee or any extension. If the improvements are not completed to the specifications of the County, and the current performance guarantee is likely to expire prior to completion of the required improvements, the performance guarantee shall be extended, or a new performance guarantee issued, for an additional period. An extension under this subdivision shall only be for a duration necessary to complete the required improvements.

If a new performance guarantee is issued, the amount shall be determined by the procedure provided in subdivision (B) of this section and shall include the total cost of all incomplete improvements.

~~The applicant shall deposit cash, a cashier's check, or obtain a performance bond(s) from a surety bonding company authorized to do business in North Carolina. The security guarantee shall be payable to the County of Macon and shall be in an amount equal to 125% of the entire cost of installing all required improvements. The duration of the bond(s) shall be until such time as the improvements are accepted by the Board of County Commissioners.~~

**~~(C)~~(E) Default**

Upon default, meaning failure on the part of the Subdivider to complete the required improvements in a timely manner as spelled out in the guarantee agreement, then the surety or the money deposited shall, if requested by the County, pay all or any portion of the amount needed to complete the improvements based on an engineering estimate. The Board of County Commissioners may expend such portions of said funds as it deems necessary to complete all or any portion of the required improvements. The County shall return to the applicant or bonding firm any funds not spent in completing the improvements. Default on a project does not release the applicant from liability or responsibility, financial or otherwise, for the completion of the improvements.

**~~(D)~~(F) Inspection of Required Improvements**

Before the release of improvement guarantees, the Subdivider shall obtain a written certificate from a design professional that the improvements have, in fact, been installed in accordance with the requirements of this Ordinance. The Subdivider shall provide the certificate to the Subdivision Administrator before the release of the improvements guarantee.

**~~(E)~~(G) Release of Guarantee Security**

Pursuant to G.S. 160D-804.1(2), ~~t~~The Board of County Commissioners may release a portion or all of any security posted as the improvements are completed and recommended for approval by the Subdivision Administrator, after he/she has received the required statement from a design professional. The County shall return letters of credit or escrowed funds upon acceptance of the required improvements. When required improvements that are secured by a bond are accepted by the County, upon request by the developer, the County shall timely provide written acknowledgement that the required improvements have been completed.

**(H) Legal Responsibilities.** Pursuant to G.S. 160D-804.1(5), no person shall have or may claim any rights under or to any performance guarantee provided pursuant to this subsection or in the proceeds of any such performance guarantee other than the following:

- (1) The County.

(2) The developer at whose request or for whose benefit the performance guarantee is given.

(+)(3) The person or entity issuing or providing the performance guarantee at the request of or for the benefit of the developer.

**(I) Multiple Guarantees.**

Pursuant to G.S. 160D-804.1(6), the developer shall have the option to post one type of a performance guarantee as provided for in subdivision (A) of this section, in lieu of multiple bonds, letters of credit, or other equivalent security, for all development matters related to the same project requiring performance guarantees.

**(J) Exclusion.**

Pursuant to G.S. 160D-804.1(7), performance guarantees associated with erosion control and stormwater control measures are not subject to the provisions of this section.

§159.25	Reserved
§159.26	Reserved
§159.27	Reserved
§159.28	Reserved
§159.29	Reserved

## CONSERVATION COMMUNITIES

**§159.30 Purpose and Intent**

The primary purpose for the Conservation Community development provisions are the following:

- (a) To allow for greater flexibility and creativity in the design of developments;
- (b) To encourage the permanent preservation of open space and agricultural lands, woodlands and wildlife habitat, natural resources including watersheds, water bodies and wetlands, and historical, cultural, and archeological resources, to promote, where feasible, interconnected green space and corridors throughout the community;
- (c) To protect community water supplies;
- (d) To minimize the amount of stormwater runoff that flows into surface water and the floodplain as a result of development in the upper reaches of the watershed by providing incentives for limiting impervious cover, keeping land in its natural state, and other measures that mitigate flooding by limiting the disruption of natural drainage patterns that result from the development;
- (e) To encourage a more efficient form of development that consumes less open land and conforms to existing topography and natural features better than a conventional subdivision;
- (f) To facilitate the construction and maintenance of housing, streets, utilities and public service in a more economical and efficient manner;

- (g) To facilitate the provision of community services in a more economical and efficient manner;
- (h) To encourage economic development that is desirable for the effected area;
- (i) To foster stewardship or caring for the land and wildlife and for the neighborhoods in which we live;
- (j) To preserve the rural and natural character of Macon County.

**§159.31 Primary Conservation Areas**

A Conservation Community shall incorporate any or all primary conservation areas into undivided or relatively undivided, permanent open space. Primary conservation areas, are defined by this Article, include the following:

- (a) The 100-year floodplain as depicted on the most recently adopted FEMA Flood Insurance Rate Maps ~~issued May 4, 2009~~;
- (b) Riparian zones of streams;
- (c) Slopes above 30% in a contiguous area;
- (d) Wetlands that meet the definition used by the Army Corp of Engineers pursuant to the Clean Water Act, as amended;
- (e) Populations of endangered or threatened species, or habitat for such species;
- (f) Archaeological sites, cemeteries and burial grounds;
- (g) Contiguous native woodlands;
- (h) Important historic and cultural sites;
- (i) Boundaries with public lands;
- (j) Other significant natural features and scenic viewsheds such as ridge lines, peaks and rock outcroppings, particularly those that can be seen from public roads; and
- (k) Agricultural land in a contiguous area.

**§159.32 Compliance with Subdivision Ordinance Required**

Conservation Communities shall be considered and processed in accordance with preliminary and final plats requirements as specified in this Ordinance, except that in addition the criteria for approval as provided in this Article shall also apply to decision on preliminary plats.

**§159.33 Applicability**

The Conservation Community standards shall apply as an option to all divisions of a parent parcel of 10 acres or more.

**§159.34 Required Open Space**

To qualify as a Conservation Community under these provisions, at least 40% of the development shall be set aside as open space. Impervious surfaces, excluding those considered as active recreation spaces, must be excluded from the minimum 40%. Structures meeting the criteria for inclusion in the National Historic Registry, structures associated with active agriculture, and impervious surfaces related to active recreation spaces not exceeding the 25% limit provided in this Article shall be excluded from the calculation of impervious surfaces.

Minimum Size: the minimum amount of open space required to qualify for an open space within a Conservation Community shall be a contiguous or relatively contiguous area. The purpose of the minimum open space acreage is to avoid developmental proposals where minor subdivisions are used simply to reduce lot sizes and development costs or that provides only small, scattered open spaces that would not functionally contribute to the overall open space network of the surrounding area.

Permitted Uses: In the case of agricultural conservation, part of the open space within a Conservation Community may be permitted to be retained in the hands of the farmer/landowner or leased to a farmer for agricultural, pasture, or horticulture uses, so long as the activity is undertaken using best management practices to reduce environmental impacts as reasonably possible. Open space may not be used for golf courses, roadways, or water impoundments, except existing natural wetlands. No more than 25% of the open space may be used for active (developed) recreation spaces included but not limited to ball fields, pools, tennis courts, and other such uses. Uses not expressly authorized via the preliminary plat process are prohibited.

#### **§159.35 Conservation Easement Required**

All primary conservation areas shown on the preliminary plat and required to be retained as open space, shall be permanently protected from further subdivision, development, and unauthorized use by a conservation easement. A conservation easement, as defined, shall be approved by the county and 1) donated to a conservation organization or land trust; or 2) donated to a homeowners association and co-signed by the Soil and Water Conservation District or 3) donated to the county if accepted by the county and co-signed by the Soil and Water Conservation District. In the case of agricultural conservation, part of the open space within a Conservation Community may be permitted to be retained in the hands of the original farmer/land owner if subject to a conservation easement meeting the requirements of this Article. The conservation easement cannot be terminated without the consent of the County.

#### **§159.36 Guidelines for Drafting Conservation Easements**

The following guidelines are offered for drafting conservation easements and may be required by the Subdivision Administrator:

- (a) The easement recognizes and describes in a statement of purpose the special qualities of the property subject to the easement. The easement must include a map of the tract noting all significant features within the area. The easement clearly identifies the owner of the property subject to the easement, the holder of the easement, the co-signer, and the responsibilities of the owner, easement holder and co-signer.
- (b) The easement specifically and clearly identifies the boundaries of the property subject to the easement, preferably by metes and bounds legal description and survey plat.
- (c) The easement contains restrictions as to what the owner may do with the property and specifically delineates what may not be done with the property. Limitations may include but may not be confined to prohibitions against subdivision, earthmoving, dumpings, signs, utility lines, construction, changes to existing structures, and uses made of the property.

- (d) The easement provides for the right of the easement holder and any co-signer to inspect the property to assure observance of restrictions. It also provides for enforcement procedures.
- (e) The easement provides for the maintenance of property.
- (f) The easement contains provisions governing its amendment, including provisions that the easement shall not be altered or terminated except with the express written permission of the easement holder, property owner, and any co-signers.

**§159.37 Homeowners Association**

Open spaces may be owned and managed in common by a homeowners association, subject to compliance with the provisions of this Article and the following requirements:

- (a) The developer of the Conservation shall provide to the Subdivision Administrator for approval, prior to the approval of a preliminary plat, a description of the homeowners association, including bylaws and methods for maintaining open space.
- (b) Unless maintenance is assigned to a conservation organization or land trust, the homeowners association shall be responsible for maintenance and taxes on the open space within the open space Conservation Community.
- (c) Homeowner's association membership of each non-open space lot owner in the open space Conservation Community shall be mandatory (required) and automatic.
- (d) Said homeowner's association shall not be dissolved without the consent of the County.

**§159.38 Application**

As a part of the preliminary plat application, the applicant for a Conservation Community shall in addition to the requirements for preliminary plants specified in this Ordinance, submit an analysis of existing features on the site, which shall, in addition to the boundaries of the open space, include the Primary Conservation Areas as defined in this Article. The application shall also include a baseline description of the current use and condition of the open space.

**§159.39 Consideration**

Approval or denial of a preliminary plat for a Conservation Community shall, in addition to criteria specified elsewhere in this Ordinance for consideration of preliminary plats, be based on the extent to which the plat meets the following criteria:

- (a) All primary conservation areas which are incorporated into the Conservation Community shall be protected as permanent open space.
- (b) The configuration of the open space tract is relatively contiguous, or open space is provided in relatively undivided tracts that cannot reasonably be reconfigured into one contiguous, undivided tract.
- (c) The open space Conservation Community meets the regulations specified in this Article.

**§159.40 Incentives**

**Application Fees:** Subdivision permit application fees for any Conservation Community shall be one dollar.

**Application Process Assistance:** The Subdivision Administrator shall assist the developer of a Conservation Community in the application and review process. In addition, the Subdivision Administrator shall aid the developer in the procurement of opportunities and materials for education in the planning and development of a Conservation Community.

**Priority Review:** Applications for Conservation Communities shall be given priority and the review process shall be reasonably expedited.

**Tax Incentives:** Areas deeded as open space may be eligible for a reduced County property tax valuation as provided by the North Carolina Machinery Act.

**Certification:** Any Conservation Community that has received final plat approval shall be certified as a "Macon County Conservation Community" and shall have the right to advertise itself as such.

**Lot Size:** In order to encourage clustering of building development, the minimum lot size as required in 159.63 is not applicable for Conservation Communities, unless minimum lot size is regulated by other Statutes or County Ordinances.

## **PROCEDURE FOR REVIEW OF MINOR SUBDIVISIONS**

### **§159.41 Sketch Plan for Minor Subdivisions**

Prior to a submission of a final plat, the Subdivider shall submit to the Subdivision Administrator three copies of a sketch plan of the proposed subdivision. The purpose of the sketch plan is to familiarize the Subdivision Administrator with the proposed development and to ensure that it is in compliance with all applicable regulations. The sketch plan should contain the following information:

- (a) A sketch vicinity map including north arrow showing the location of the subdivision in relation to neighboring tracts, subdivisions, roads, and waterways;
- (b) The boundaries of the tract and the portion of the tract to be subdivided;
- (c) The tax map and parcel number(s) of the lot(s) to be subdivided;
- (d) The total acreage to be subdivided;
- (e) The existing and proposed road layout with approximate pavement and right-of-way width, lot layout and size of lots;
- (f) The name of the proposed subdivision.

The Subdivision Administrator shall review the sketch plan for general compliance with the requirements of this Ordinance and other pertinent local, state and federal regulations; the Subdivision Administrator shall advise the Subdivider or his authorized agent of the regulations



pertaining to the proposed subdivision and the procedures to be followed in the preparation and submission of the final plat. Notice of the decision shall be in accordance with G.S. 160D-403(b).

Subdivisions that meet the requirements of G.S. 160D-802(c), shall be subjected to expedited plat approval.

#### **§159.42 Final Plat for Minor Subdivisions**

The final plat shall be prepared by a Professional Land Surveyor currently licensed and registered in the State of North Carolina by the State Board of Examiners. The final plat shall conform to the provisions for plats, subdivisions and mapping requirements set forth in G.S. 47-30. At least two (2) copies and one digital copy of the final plat shall be submitted to the Subdivision Administrator's Office with one copy being reproducible material. Material and drawing medium for the original shall be in accordance with the Standards of Practice for Land Surveying in North Carolina, where applicable, and the requirements of the Macon County Register of Deeds.

The final plat shall be of a size suitable for recording with the Register of Deeds. Submission of the final plat shall be accompanied by a review fee of \$50.

The final plat shall meet the specifications in §159.56.

#### **§159.43 Approval of Final Plat by the Subdivision Administrator and Recording**

Once the Subdivision Administrator has received the required number of copies of the plat, he/she shall have fourteen (14) days to review the plat and to grant approval, approval with conditions, or disapproval. Notice of the decision shall be in accordance with G.S. 160D-403(b). If more than fourteen (14) days is required for approval, the Subdivision Administrator must notify the Subdivider in writing, advising him/her of the delay, the nature of the delay, and an approximate date as to when a decision can be forwarded. Such a delay shall not exceed an additional period of fourteen (14) days. Failure of the Subdivider to supply the correct information on the final plat or to meet the requirements of this chapter shall not constitute a delay on the part of the County. During his/her review of the final plat the Subdivision Administrator may employ the Mapping Department to confirm the accuracy of the final plat. If substantial errors are found the plat shall not be recommended for approval until such errors have been corrected. If the Subdivision Administrator does not approve the final plat, he shall instruct the Subdivider concerning resubmission of a revised plat and the Subdivider may make such changes as will bring the plat into compliance with the provisions of this Ordinance and resubmit same for reconsideration by the Subdivision Administrator, or appeal the decision to the Superior Court Technical Review Committee as stated in Section 159.232.

If the Subdivision Administrator approves the final plat, such approval shall be shown on each copy of the plat by the following signed certificate:

#### **Certificate of Approval for Recording**

I hereby certify that the subdivision plat shown hereon has been found to comply with the Subdivision Regulations of the County of Macon, North Carolina and that this plat has been

approved by the Subdivision Administrator for recording in the Office of the Register of Deeds of Macon County.

\_\_\_\_\_  
Subdivision Administrator  
Macon County, North Carolina

\_\_\_\_\_  
Date

If the final plat is disapproved by the Subdivision Administrator, the reasons for such disapproval shall be stated in writing, specifying the provisions of this Ordinance with which the final plat does not comply. Notice of the decision shall be in accordance with G.S. 160D-403(b). One copy of such reasons and one print of the plat shall be retained by the Subdivision Administrator as part of his/her records; a copy of such reasons and the remaining copies of the plat shall be transmitted to the Subdivider. If the final plat is disapproved, the Subdivider may make such changes as will bring the final plat into compliance and resubmit same for reconsideration by the Subdivision Administrator. If the final plat is approved by the Subdivision Administrator, said approval shall be noted on the plat and the reproducible copy of the approved final plat. The Subdivider shall have twenty (20) business days from the date of the final plat approval to have the plat recorded in the Register of Deeds. The final plat approval shall become invalid if the final plat is not recorded within the required amount of time.

<u>§159.44</u>	<u>Reserved</u>
<u>§159.45</u>	<u>Reserved</u>
<u>§159.46</u>	<u>Reserved</u>
<u>§159.47</u>	<u>Reserved</u>
<u>§159.48</u>	<u>Reserved</u>
<u>§159.49</u>	<u>Reserved</u>

## PROCEDURE FOR REVIEW OF MAJOR SUBDIVISIONS

### §159.50 Sketch Plan for Major Subdivisions

**Number of Copies and Content:** Prior to the preliminary plat submission, the Subdivider shall submit to the Subdivision Administrator three copies of a sketch plan of the proposed subdivision containing the following information:

- (a) A sketch vicinity map including north arrow showing the location of the subdivision in relation to neighboring tracts, subdivisions, roads, and waterways;
- (b) The boundaries of the tract and the portion of the tract to be subdivided;
- (c) Tax map and parcel number(s) of the lot(s) to be subdivided;
- (d) The total acreage to be subdivided;
- (e) The existing and proposed road layout with approximate pavement and right-of-way width, lot layout and size of lots;

- (f) The name, address, and telephone number of the owner; and
- (g) The name of the proposed subdivision.

**§159.51 Submission and Review Procedure for Sketch Plans for Major Subdivisions**

The Subdivision Administrator shall review the sketch plan for general compliance with the requirements of this Ordinance and other pertinent local, state and federal regulations; the Subdivision Administrator shall advise the Subdivider or his authorized agent of the regulations pertaining to the proposed subdivision and the procedures to be followed in the preparation and submission of the preliminary and final plats. Notice of the decision shall be in accordance with G.S. 160D-403(b).

One copy of the sketch plan shall be retained as part of the record of the Subdivision Administrator with one copy being returned to the Subdivider or his authorized agent along with any comments made by the Subdivision Administrator concerning the proposed plat.

**§159.52 Preliminary Major Subdivision Plat: Submission and Review**

**(a) Submission Procedure**

The Subdivider shall submit a preliminary plat to the Subdivision Administrator's Office which shall be reviewed by the Technical Review Committee (hereinafter referred to as the "Committee"). The Committee shall approve the preliminary plat before any construction or installation of improvements may begin.

At least two (2) copies and one digital copy of the preliminary plat (additional copies may be required by the Subdivision Administrator to send to various agencies) shall be submitted to the Subdivision Administrator no less than fifteen (15) days prior to the Committee meeting at which the Subdivider desires the Committee to review the preliminary plat.

The fee for submitting the preliminary plat shall be based on the number of lots in the proposed subdivision as follows: \$10 per lot or a minimum of \$100, whichever is greater. Preliminary plats shall meet the specifications in §159.56.

**(b) Review by the Health Department and Other Agencies**

Concurrent with submission of the preliminary plat to the Subdivision Administrator, the Subdivision Administrator shall submit copies of the preliminary plat and any accompanying material for review and recommendation to various officials and agencies concerned with new development including all members of the Committee. If lots are proposed to be receiving septic tanks as the means of solid waste disposal, and do not possess a valid authorization to construct an on-site wastewater system, a disclaimer must be placed on the plat stating "as of the date of this recording, the lots represented on this plat have not been inspected or approved by the Health Department. Until inspected there is no assurance that a building permit can be issued."

**(c) Review Procedure**

The committee shall, on a majority vote of the members present, vote to either approve the plat, conditionally approve the plat with the recommended changes to bring the preliminary plat into compliance, or disapprove the plat with reasons. The subdivider must be made aware of the decision within seven days of the Committee meeting at which the plat was discussed.

If the Committee approves the preliminary plat, it shall be noted on a copy of the plat and said copy shall be filed with the Subdivision Administrator. If the Committee approves the preliminary plat with conditions, approval shall be noted on the copy with a reference to the conditions. Once these conditions are met, the plat shall be noted as approved and shall be filed with the Subdivision Administrator.

If the Committee disapproves the preliminary plat, the reasons for such disapproval shall be specified in writing and in accordance with G.S. 160D-403(b). One copy of the plat and the reasons shall be retained by the Subdivision Administrator and one copy shall be returned to the Subdivider. The Subdivider shall have thirty days from receipt of the written notice of the decision ~~the disapproval date to seek review of the decision by the Planning Board. Upon the decision of the Planning Board, the Subdivider shall have thirty days~~ to seek review of the decision in Superior Court as stated in Section 159.232.

**§159.53 Final Subdivision Plat: Submission and Review**

**(a) Preparation of Final Plat and Installation of Improvements**

Upon approval of the preliminary plat by the Committee the Subdivider may proceed with the preparation of the final plat, and the installation of or arrangement for required improvements in accordance with the approved preliminary plat and the requirements of this Ordinance. Prior to approval of the final plat, the Subdivider shall have installed the improvements specified in this Ordinance or a financial performance guarantee shall be posted at the time the plat is recorded, pursuant to G.S. 160D-804.1(3)(a).

**(b) Submission Procedure**

At least two (2) copies and one digital copy of the final plat (additional copies may be required by the Subdivision Administrator to send to various agencies) shall be submitted to the Subdivision Administrator's Office with one copy being on reproducible material. Material and drawing medium for the original shall be in accordance with the Standards of Practice for Land Surveying in North Carolina, where applicable, and the requirements of the Macon County Register of Deeds. The final plat shall be of a size suitable for recording with the Register of Deeds.

The fees for submittal and review of a final plat and improvement guarantees shall be as follows:

Final Plat \$10 per lot or a minimum of \$100, whichever is greater.  
Improvements Guarantees Review, \$50.00.

The final plat shall meet all applicable specifications in §159.56 of this Ordinance. The following signed certificate shall appear on all copies of the final plat:

**Certificate of Approval of the Design and Installation of Roads, Utilities, Other Required Improvements and Approval for Recording**

I hereby certify that the subdivision plan shown hereon has been found to comply with the Subdivision Regulations of the County of Macon, North Carolina. This plat has been approved by the Subdivision Administrator for recording in the Register of Deeds.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Subdivision Administrator

The Subdivision Administrator can either approve, conditionally approve with the recommended changes to bring the final plat into compliance, or disapprove the final plat with reasons, within fourteen (14) days of the plat submission. During the review of the final plat, the Subdivision Administrator may utilize the Mapping Department to confirm the accuracy of the final plat. If there are significant revisions between the preliminary and final plats, the Subdivision Administrator may reconvene with the Technical Review Committee for approval or disapproval of the revised plat(s). Also, if substantial errors are discovered the plat shall not be recommended for approval until such errors have been corrected.

If the Subdivision Administrator conditionally approves the final plat with modifications to bring the plat into compliance, the Subdivision Administrator shall retain one copy of the plat and return the written recommendations and reproducible to the Subdivider.

If the final plat is disapproved by the Subdivision Administrator, the reasons for such disapproval shall be stated in writing, specifying the provisions of this Ordinance with which the final plat does not comply. One copy of such reasons and one print of the plat shall be retained by the Subdivision Administrator as part of his/her records; one copy of the reasons and one copy of the plat shall be transmitted to the Subdivider. If the Subdivider is not satisfied with the decision of the Subdivision Administrator, the Subdivider will have thirty days from receipt of the written notice of the decision to seek review by the Superior Court Technical Review Committee as stated in Section 159.232.

If the final plat is approved by the Subdivision Administrator, said approval shall be noted on the plat and the reproducible copy of the approved final plat. The Subdivider shall have

twenty (20) business days from the date of the final plat approval to have the plat recorded in the Register of Deeds. The final plat approval shall become invalid if the final plat is not recorded within the required amount of time.

Notice of any decision shall be in accordance with G.S. 160D-403(b).

#### **§159.54 Phased Developments**

If a developer proposes that a subdivision will be constructed in phases, the following procedure will apply:

##### Option 1: Traditional Phases:

- (a) A master plan showing the entire proposed subdivision and phases of development, proposed density, proposed type and location of utilities, and proposed development timetable shall be submitted to the Subdivision Administrator.
- (b) Each phase of development shall be preceded by submission and approval of a preliminary plat as outlined in §159.51 & §159.52. The master plan may be submitted prior to, or simultaneously, to the submission of the preliminary plat for the first phase of development.
- (c) As each phase is completed, a final plat must be submitted and approved for that phase as outlined in §159.53.
- (d) Any approved phase not completed within ~~two (2)~~ five (5) years shall require renewed approval.

##### Option 2: Density Development:

- (a) A master plan showing the entire proposed subdivision and lot(s) of development, proposed density, proposed type and location of utilities, and proposed development timetable shall be submitted to the Subdivision Administrator.
- (b) Each lot(s) of development shall be preceded by submission of a preliminary plats as outlined in §159.51 & §159.52. The master plan may be submitted prior to, or simultaneously, to the submission of the preliminary plat of the first phase of development.
- (c) As each lot(s) is completed, a final plat must be submitted and approved for that phase as outlined in §159.53.
- (d) Any approved lot(s) not completed within five (5) years shall require renewed approval.

#### **§159.55 As-Built Plats**

The Subdivider shall provide an As-Built plan to the Subdivision Administrator and the Homeowners Association. The Subdivision Administrator shall keep the As-Built plat on file in the Planning Department. As-Built plats shall be submitted in electronic PDF or TIFF format.

#### **§159.56 Information to be Depicted on Preliminary, Final and As-Built Plats.**

The preliminary and final plat shall depict or contain the requirements of NCGS 47-30 and the information indicated below. Preliminary plat information is only required for major subdivisions:

**Tax Parcel Identification Number**

**Road Name(s)**

**Sanitary Sewer Systems:** System and easement locations

**Drinking Water Wells:** location and size of community and/or shared water system easements, location of all existing wells on site and location of installed waterlines, valve boxes, etc. which are a part of a community/shared water system and located within the subdivision.

**Stormwater drainage facilities, culverts, and retention ponds**

**Watershed Designation and Watershed Boundaries, if applicable**

**Special Flood Hazard boundaries including floodway/non-encroachment areas and base flood elevations.**

**§159.57 Recombination of Land**

Any plat or any phase of an approved plat, in an approved subdivision may be vacated by the Subdivider at any time prior to the sale of any lot in the subdivision by gaining approval of and recording a plat that either:

- (a) Is inconsistent with the originally approved plat, or
- (b) Reflects the tract without the lots if no lots have been sold. The same procedures, rules and regulations shall apply in gaining approval of and recording a plat for this purpose as prescribed herein for an original subdivision.

**§159.58 Resubdivision Procedures**

For any re-platting or re-subdivision of land, the same procedures, rules and regulations shall apply as prescribed herein for an original subdivision.

**§159.59 Reserved**

**REQUIRED IMPROVEMENTS, DEDICATION AND  
MINIMUM STANDARDS OF DESIGN**

**§159.60 General**

Prior to final plat approval, each subdivision shall contain the improvements specified in this article, which shall be installed in accordance with the requirements of this Ordinance, and paid for by the Subdivider, unless other means of financing is specifically stated in this Ordinance. Each subdivision shall adhere to the minimum standards of design established by this article.

**§159.61 Homeowners Association Shall Be Established**

A homeowner's association shall be responsible for the maintenance and control of recreational facilities, common space, shared well water systems, community septic systems, and subdivision roads contained within a residential subdivision.

**When Created** - Provision for the establishment of the association or similar entity is made before any lot in the development is sold or any building occupied .

**Authority** – The association or similar legal entity has clear legal authority to maintain and exercise control over such common areas and facilities.

**Contributions** – The association or similar legal entity has the power to compel contributions from residents of the development to cover their proportionate shares of the costs associated with both maintenance and upkeep.

**Maintenance Certification** – The following road maintenance certification shall appear on the final plat:

Road maintenance shall hereby be the responsibility of the Homeowners Association. The road maintenance agreement is recorded in Deed Book \_\_\_\_\_ Page \_\_\_\_\_ of the Macon County Register of Deeds.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Owner/Developer

**§159.62 Name and Road Duplication**

All subdivisions and all roads contained within the subdivision shall be named and those shall be included on all preliminary and final plats. The name of the subdivision and the names of the roads within the subdivision shall not duplicate or closely approximate the name of neither an existing subdivision nor any existing roads within Macon County.

**§159.63 Subdivision Design**

Lot Dimensions. The minimum lot size for residential lots shall be 8000' square feet, unless minimum lot size is regulated by other Statutes or County Ordinances. Where off site sewer and water are supplied, there are no minimum requirements for lot size.

**§159.64 Road Standards**

The design standards for subdivision roads and streets shall meet either the minimum construction requirements for private roads as established by this Chapter or the minimum construction standards for secondary roads as required by the North Carolina Department of Transportation. When State standards are to be met, the subdivider or developer shall submit proposed road specifications for the approval of the local Department of Transportation office prior to submitting a preliminary plat.

Exception: Roads or proposed road right-of-ways shown on Development Plans or Survey Plats created, signed and sealed by a NC Registered Design Professional -prior to the original effective date of this ordinance, September 1, 2008, shall not be required to meet the design standards required by this ordinance.



**Compaction of Fill** – All fill material shall be stabilized in conformance with generally accepted engineering standards. Vegetation that has not been cut or cleared shall be removed from the disturbed area and shall not be covered by, or imbedded in, fill material. If necessary the Subdivision Administrator may require certification of compaction by a qualified professional to determine compliance with this section.

### **Design for Private Roads**

- (1) **Width of Road** - Graded road with roadbeds shall meet the NC Fire Prevention Code and under no circumstances the road width shall be less than 16' in width. See 159.64(8) for road widths regarding one way roads.

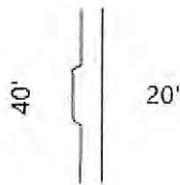
Exception: Roads within a minor subdivision may be 10' in width provided that turnouts or hammerheads are installed at intervals no greater than 500'. Turnouts and hammerheads shall be constructed in accordance with §153.64(11).

- (2) **Stone or paved areas** - Road travel area may be either stoned or paved.
  - (a) Where stone is used, it shall be 'crusher-run' or DOT approved "ABC" stone compacted to a minimum of four inches. In locations where soil conditions require additional stone or other acceptable means to attain a stable roadbed, the developer shall complete the necessary road stabilization prior to submitting the final plat for approval.
  - (b) Private roads which are stone or paved shall be constructed to the design requirements of the design professional.
- (3) **Shoulder Areas and Ditches**- Area on cut side shall provide a drainage ditch of adequate size to accommodate storm water runoff based on terrain and location. Shoulder width on each side shall be a minimum width of 1 foot.
- (4) **Road grades** – Road grades shall meet the standards as set forth in ~~§153.07 of~~ the Macon County Soil and Erosion Control Ordinance.
- (5) **Culverts and Drainage** – Culvert location and design shall meet the standards set forth in the Macon County Soil and Erosion Control Ordinance.
- (6) **Stormwater Measures** – Stormwater measures shall meet the standards as set forth in ~~§153.39 of~~ the Macon County Soil and Erosion Control Ordinance.
- (7) **Spur Roads** - Spur road grades shall meet the standards as set forth in ~~§153.07 of~~ the Macon County Soil and Erosion Control Ordinance.
- (8) **One-way Roads** - One-way roads shall have a minimum width of 12' of driving surface and a minimum of 1.5' shoulder width on each side.
- (9) **Access Roads** – Any road providing access by motor vehicles to lots or other areas used in common contained within the subdivision.
- (10) **Security Gates** – Gates securing any access road to a subdivision shall comply with the following criteria:
  - (a) The minimum gate width shall be 16 feet.
  - (b) Gates shall be of the swinging or sliding type.
  - (c) Construction of gates shall be of materials that allow manual operation by one person.

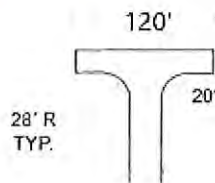
- (d) Gate components shall be maintained in an operative condition at all times and replaced or repaired when defective.
- (e) Electric gates shall be equipped with a means of opening the gate by emergency personnel for emergency access. Emergency opening devices shall be approved by the fire code official.
- (f) Manual opening gates shall not be locked with a padlock unless they are capable of being opened by a means of forcible entry.
- (g) Locking devices and specifications shall be submitted to and approved by Subdivision Administrator and fire code official.

**(11) Turnouts and Hammerheads**

**Turnout**



**Hammerhead**



**§159.65 Other Provisions**

No construction or installation or improvements shall commence in a proposed major subdivision until the preliminary plat has been approved, and all plans and specifications have been approved by the appropriate authorities. No building permits shall be issued for erection of a structure on any lot unrecorded at the time of the adoption of this Ordinance, until all the requirements of this Ordinance have been met. Prior to commencing any work within the subdivision, the property owner(s) shall make arrangements with the Subdivision Administrator to provide for adequate inspection. The approving authorities having jurisdiction or their representatives shall inspect and approve all completed work prior to release of sureties.

- §159.66 Reserved
- §159.67 Reserved
- §159.68 Reserved
- §159.69 Reserved

## LEGAL PROVISIONS

### §159.70 General Procedure for Plat Approval

After the effective date of this Ordinance, no subdivision plat of land within the County's jurisdiction shall be filed or recorded until it has been submitted to and approved by the Subdivision Administrator as set forth in this Ordinance, and until this approval is entered in writing on the face of the plat by the Subdivision Administrator. The Register of Deeds shall not file or record a plat of a subdivision of land located within the territorial jurisdiction of the County that has not been first approved in accordance with these provisions, nor shall the Clerk of Superior Court order or direct the recording of a plat if the recording would be in conflict with this section.

### §159.71 Issuance of Building Permits on Subdivision Lots

No building permit shall be issued for the erection of any building on any lot within a proposed subdivision until a final plat of said subdivision has been approved by the Subdivision Administrator and recorded at the Register of Deeds, and where applicable, improvement permit(s) have been issued by the Health Department.

### §159.72 Enforcement and Penalties for Violation

Pursuant to G.S. 160D-807, ~~t~~This Ordinance shall be enforceable in accordance with provisions available in Articles ~~86 and 18~~ of Chapter ~~160D-153A~~ of the General Statutes of North Carolina. Enforcement may be by one, all, or a combination of the remedies described below or otherwise authorized by common law or statute. ~~Such statutes include but are not limited to NCGS Chapter 153A-123 (a) through (g), 153A-324, and 153A-334.~~

#### Misdemeanor

After the effective date of this Ordinance, any person who, being the owner or agent of the owner of any land located within the jurisdiction of the Ordinance, thereafter subdivides ~~the~~his land in violation of this Ordinance or transfers or sells land by reference to, exhibition of, or any other use of a plat showing a subdivision of land before the plat has been properly approved under the terms of this Ordinance and recorded in the Office of the Macon County Register of Deeds, shall be guilty of a Class 1 misdemeanor.

The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring land shall not exempt the transaction from this penalty. The County through its attorney or other official designated by the Board of County Commissioners, may bring an action for injunction of any~~enjoin~~ illegal subdivision, transfer, conveyance, or sale of land. The County through its attorney or other official designated by the Board of County Commissioners may institute any appropriate action or proceedings to prevent the unlawful subdivision of land, to restrain, correct, or abate the violation, or to prevent any illegal act or conduct. by action for injunction. Further, violators of this Ordinance shall be subject, upon conviction, to fine and/or imprisonment as provided by G.S. 14.4.

~~(A) Continuing Violations~~

~~Each day's continuing violation of this Ordinance shall be a separate and distinct offense.~~

~~(B) Equitable Remedies~~

~~This Ordinance may also be enforced by appropriate equitable remedies issued from a court of competent jurisdiction, including a mandatory or prohibitory injunction, or an order of abatement as authorized by NCGS 153A-123. It should not be a defense to the County's application for equitable relief that there is an adequate remedy at law.~~

~~(C) Combination of Remedies~~

~~Nothing in this section shall be construed to limit the use of remedies available to the County, which may seek to enforce this Ordinance by using anyone, all, or a combination of remedies.~~

~~(D) Civil Penalties~~

~~Any person who violates any provisions of this Ordinance shall be subject to the assessment of a civil penalty of the maximum penalty allowed by law. No civil penalty shall be assessed until the person alleged to be in violation has been notified by the Subdivision Administrator. The notice shall be provided by certified or registered mail, priority mail with delivery confirmation, personal service or by posting notice of the violation conspicuously on the property.~~

~~If, after receiving the notice of violation, the violator fails to take corrective action, a civil penalty may be imposed. The citation shall be served in the same manner as the notice of violation. The citation shall state the nature of the violation, the civil penalty to be imposed upon the violator, and shall direct the violator to pay the civil penalty within 15 days of the date of notice. If payment is not received or equitable settlement reached within 30 days after demand for payment is made, the matter shall be referred to the County Attorney for institution of a civil action in the appropriate division of the General Courts of Justice for recovery of the civil penalty. Provided however, if the civil penalty is not paid within the time prescribed, the Subdivision Administrator may have a criminal summons or warrant issued against the violator. Upon conviction, the violator shall be subject to any criminal penalty the Court may impose pursuant to NCGS 14-4.~~

**§159.73 Severability**

Should any section or provision of this Ordinance be decided by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

**§159.74 Reserved**

**§159.75 Amendments and Review**

- (1) The Board of Commissioners may from time to time amend the terms of this Ordinance. Any proposed amendment shall, whenever possible, be referred to the Planning Board for its review and recommendation.
- (2) Every two (2) years the Board of Commissioners shall direct the Subdivision Administrator to submit a report to the Planning Board outlining the effectiveness of this chapter, enforcement activities and recurring issues that may arise in the enforcement of this chapter. Upon receipt of this report the Planning Board shall review the Ordinance and propose updates and/or corrections that may be necessary to increase the effectiveness of the Ordinance and to minimize the recurrence of problems related to the enforcement of this chapter.

**§159.76 Abrogation**

It is not intended that this Ordinance repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, rules, regulations, or permits previously adopted or issued pursuant to law. However, where this Ordinance imposes greater restrictions, the provisions of this Ordinance shall govern.

**§159.77 Effective Date**

This Ordinance shall take effect upon its adoption by the Macon County Commissioners this \_\_\_ day of \_\_\_\_\_, 20\_\_.

**§159.78 Adoption**

Duly adopted by the Board of Commissioners of the County of Macon, North Carolina, this the 14th day of September, 2021.

\_\_\_\_\_  
Chairman, Board of Commissioners

ATTEST:

\_\_\_\_\_  
Name

Amended:   September 8, 2008  
              September 14, 2009  
              January 25, 2010  
              July 9, 2013

## CHAPTER 152: SIGN CONTROL

### Section

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### **GENERAL PROVISIONS**

#### **§152.01 TITLE.**

This chapter shall be known and may be cited as the *Sign Control Ordinance of Macon County, North Carolina*, codified as Chapter 152 of The Macon County Code.  
(Ord. passed 9-5-1995; Am. Ord. passed 5-10-1999; Am. Ord. passed 12-3-2001)

#### **§152.02 AUTHORITY AND JURISDICTION.**

(A) *Authority.* This chapter is established by the Macon County Board of Commissioners pursuant to the authority conferred in G.S. Chapter 153A-121(a). The Board of Commissioners hereby ordains and enacts into law the following sections.

(B) *Jurisdiction.* The provisions of this chapter shall apply to unincorporated areas of Macon County, lying outside of the corporate limits or extraterritorial jurisdiction of any incorporated town. Municipalities within Macon County may elect to allow this chapter to be effective within their corporate limits and extraterritorial jurisdiction.  
(Ord. passed 9-5-1995; Am. Ord. passed 5-10-1999; Am. Ord. passed 12-3-2001)

**§152.03 PURPOSES.**

The purpose of these sign regulations is to guide and regulate the construction and placement of signs in Macon County. It is the intent of this chapter to preserve and maintain the scenic and aesthetic environment of the county in order to protect and promote the tourist industry and the quality of life of the county's residents and visitors; improve safety for local and visiting motorists and pedestrians in Macon County by reducing the distracting influence of uncontrolled signs; to minimize the possible adverse effect of signs on nearby public and private property; and to enable the fair and consistent enforcement of these sign regulations.

(Ord. passed 9-5-1995; Am. Ord. passed 5-10-1999; Am. Ord. 12-3-2001)

**§152.04 APPLICABILITY.**

(A) A sign as herein defined may be erected, placed, established, painted, created or maintained in the jurisdiction of Macon County only in conformance with the standards, procedures, exemptions and other requirements of this chapter.

(B) The effect of this chapter as more specifically set forth herein, is:

(1) To establish a permit system to allow a variety of types of signs subject to the standards and the permit procedures of this chapter;

(2) To allow certain signs that are small, unobtrusive and incidental to the principal use of the respective lots on which they are located, subject to the substantive requirements of the chapter, but without a requirement for permits;

(3) To prohibit all signs not expressly permitted by this chapter; and

(4) To provide for the enforcement of the provisions of this chapter.

(Ord. passed 9-5-1995; Am. Ord. passed 5-10-1999; Am. Ord. passed 12-3-2001)

**§152.05 DEFINITIONS.**

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**BUILDING FRONTAGE.** The length, in linear feet, of a building's side fronting on a public road.

**COPY.** The characters, letters or illustrations displayed on a sign face.

**DIRECTIONAL SIGN.** An off-premise sign providing directions to a business, office or other activity. If a sign contains any additional message or exceeds the maximum area, it shall be construed as an off-premise advertising sign.

**DIRECTLY ILLUMINATED SIGN.** A sign designed to give forth artificial light directly (or through transparent or translucent material) from a light source within or attached to such sign.

**DWELLING UNIT.** Pursuant to S.L. 2019-111, Section 1.17, a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation. ~~A house, mobile home, apartment, condominium or a group of dwellings occupied or intended for occupancy as separate living quarters for one or more humans.~~

**EXEMPT SIGN.** Any sign which is specifically listed as exempt from this chapter.

**FREESTANDING SIGN.** The general term for any sign which is supported from the ground and not attached to a building.

**INDIRECTLY ILLUMINATED SIGN.** A sign designed to have a illumination from a detached light source, shielded so that no direct rays from the light source are visible elsewhere than on the lot where the illumination occurs.

**NONCONFORMING SIGN.** An existing sign that is constructed and in place prior to the adoption of the chapter and which does not conform to the provisions of the chapter, as amended, is declared a nonconforming sign. An illegal sign is not a nonconforming sign.

**OFF-PREMISE ADVERTISING SIGN.** Any sign visible from the main-traveled way of any road advertising a product, service, business or activity which is sold, located or conducted elsewhere than on the premises on which the sign is located, or which product, service, business or activity is sold, located or conducted on such premises only incidentally, if at all.

**OFF-PREMISE SIGN.** Any sign visible from the main-traveled way of any road used for the purpose of displaying, advertising, identifying or directing attention to a business, service, activity or place, including products or services sold or offered for sale on premise other than on the premises where such sign is displayed.

**ON-PREMISE SIGN.** Any sign used for the purpose of displaying, advertising, identifying or directing attention to a business, product, operation, service or activity sold or offered for sale, or to other information offered on the premises where the sign is located.

**PORTABLE SIGN.** A sign with a permanent frame and a display area for changeable copy, designed or intended to be relocated and not permanently affixed to the ground or structure. This shall include signs on wheels, trailers or any other device which is intended to be moved from one location to another.

**PROHIBITED SIGN.** Any sign, or element of a sign, which specifically listed as prohibited in §152.23, shall not be permitted.

**SETBACK.** The shortest horizontal distance between the edge of the pavement or traveled surface and the closest point of a sign or its supporting member.

**SHOPPING CENTER.** A development having a five or more establishments located on the same parcel or on abutting parcels and planned as an integrated development.

**SIGHT DISTANCE TRIANGLE.** The land adjoining a road intersection that is kept clear of obstructions between three and seven feet above ground as measured along the road flow lines above ground to ensure visibility and the safety of motorists and pedestrians. The protected sight distance area is the triangle with legs that are the intersecting flow lines of two roads at an intersection. Where local roads meet, the legs shall extend at least 35 feet each way from the intersection of the edge of traveled way.

**SIGN.** Any display of letters, words, numbers, figures, devices, emblems, pictures, logos or any other means whereby the same are made visible for the purpose of making anything known whether such display be made on, or attached to, or as a part of a structure, surface, or any other object whether natural or manmade. The term **SIGN** shall include sign structure.

**SIGN AREA (SIGN FACE).** The area of a sign shall be considered to be that of the smallest rectilinear figure (but which shall have a continuous perimeter of not more than eight straight lines) which encompasses all lettering, wording, frame design or symbols, together with any background on which the sign is located and any illuminated part of the sign, if such background or such illuminated part of the sign is designed as an integral part of and related to the sign. Any cutouts or extensions shall be included in the area of the sign, but supports and bracing which are not intended as part of the sign shall be excluded. In the case of a multi-faced sign, the area of the sign shall be considered to include all faces visible from one direction.

**SIGN HEIGHT.** Sign height shall be measured from the ground directly below the center of the sign or from the road grade of the closest point in the road the sign is located along, whichever is higher, to the sign or sign structure's highest point.

**TEMPORARY SIGN.** A sign with or without a structural frame, not permanently attached to a building, structure or the ground, and intended for a limited period of display provided, however, a temporary sign does not include a portable sign herein defined.

(Ord. passed 9-5-1995; Am. Ord. passed 5-10-1999; Am. Ord. passed 12-3-2001)

#### **§152.06 CONFLICT WITH OTHER LAWS.**

Whenever the regulations of this chapter conflict with the requirements of another statute, the more restrictive standard shall govern.

(Ord. passed 9-5-1995; Am Ord. passed 5-10-1999; Am. Ord. passed 12-3-2001)

#### **SIGN REGULATIONS**

#### **§152.20 PERMIT REQUIRED; COMPLIANCE WITH STATE BUILDING CODE.**

Except as specifically exempted or prohibited in this section, all signs constructed, placed, relocated or maintained shall require a permit in accordance with the provisions of this chapter.



All signs permitted by this chapter shall be constructed in accordance with the North Carolina State Building Codes as amended.

(Ord. passed 9-5-1995; Am. Ord. passed 5-10-1999; Am. Ord. passed 12-3-2001) Penalty, see §152.99

**§152.21 SIGNS EXEMPTED.**

The following signs are exempted from this chapter: 68

(A) Government signs including, but not limited to, traffic warning or regulatory signs including building identification, directional, information and welcome signs.

(B) Trade names and graphics which are located on newspaper, soft drink, gasoline pumps and similar vending devices.

(C) Flags or insignia of any governmental or non-profit organization when not displayed as an advertising device.

(D) Warning signs posted by utility or construction companies.

(E) Commemorative tablets, markers or monuments constructed by or with the permission of the Macon County Board of Commissioners.

(F) Signs on operational motor vehicles indicating the name of a business, when the vehicle is not intended solely for a display of signs.

(G) Signs required by law, statute or chapter.

(H) Decorations or displays of a temporary nature which are associated with any national, local or religious holiday or celebration.

(I) Political signs, except as prohibited in § 152.23.

(Ord. passed 9-5-1995; Am. Ord. passed 5-10-1999; Am. Ord. passed 12-3-2001)

**§ 152.22 SIGNS REGULATED BUT NOT REQUIRING A PERMIT.**

The following signs are regulated under this chapter but do not require a permit.

(A) *Directional signs.* Such signs shall not exceed 32 square feet in area per directional flow of traffic and ten feet in height. Not more than three directional signs shall contain directions or reference the same activity or business. A maximum of three directional signs may be placed within 100 feet of any intersection.

(B) *Real estate signs.* Such signs shall not exceed four square feet in area per sign face, and one sign per property per street frontage on lots less than two acres in size. For lot greater than two acres, real estate signs shall not exceed 32 square feet in area per directional flow of traffic, a maximum height of ten feet, and a maximum of one sign per street frontage.

(C) *Temporary Signs.* Temporary signs are permitted on-premise for a maximum period of 30 consecutive days, not to exceed a total of 90 days during any one-year period. The total area of all temporary signs shall not exceed 50% of signage permitted on a property.

(D) *Temporary construction signs.* Temporary signs which provide the names of contractors, subcontractors, financing institutions and the future business or activity proposed on the tract. The signs shall be located on-premise and shall not exceed a maximum sign area of 32 square feet per sign face, and two signs per property. The signs may be erected within 30 days of the start of construction and shall be removed upon issuance of a certificate of occupancy.

(Ord. passed 9-5-1995; Am. Ord. passed 5-10-1999; Am. Ord. passed 12-3-2001) Penalty, see § 152.99

**§152.23 SIGNS PROHIBITED.**

The following signs and sign features or components are prohibited:

(A) Signs obstructing the view of motorists entering or exiting roads or highways, or interfering with the driver's view of approaching, merging or intersecting traffic.

(B) Signs incorporating flashing, blinking or strobe lights and signs with moving parts or parts which simulate movement; provided however, signs may include changing displays. Additionally prohibited are signs with direct or indirect illumination which directs or allows a lighting source to direct light on any residential dwelling or at any portion of a roadway with an intensity which may impair a driver's vision.

- (C) Portable signs.
- (D) Any non-governmental sign resembling a public safety warning or traffic signal.
- (E) Signs, whether temporary or permanent, within any road or highway right-of-way, with the exception of governmental signs and signs permitted pursuant to G.S. Chapter 136-32.
- (F) Signs constructed or maintained upon trees and utility poles or painted or drawn upon natural rock formations or other natural features.
- (G) Signs containing words or graphics that are obscene, as defined in G.S. Chapter 145. (Ord. passed 9-5-1995; Am. Ord. passed 5-10-1999; Am. Ord passed 12-3-2001; Am. Ord. passed 7-14-2008) Penalty, see § 152.99

**§ 152.24 OFF-PREMISE ADVERTISING SIGN REGULATIONS.**

The following regulations shall be applicable to all off-premise advertising signs as defined in § 152.05. Any not specifically allowed is prohibited.

- (A) *Size.* No off-premise advertising sign permitted by this chapter shall exceed the following maximum sign area:
  - (1) A maximum of 300 square feet per directional flow of traffic on primary highways (four or more lanes)
  - (2) A maximum of 75 square feet per directional flow of traffic on all other roads
  - (3) For both subsections (1) and (2) above, a maximum of two faces per sign structure is allowed, positioned either back to back or V-shaped, such that only one face is allowed per side. Bot sides of a double faced or V-shaped sign shall be of equal size. In no case shall there be more than one face per directional flow of traffic.
- (B) *Height.* No off-premise advertising sign shall exceed 30 feet in height.
- (C) *Spacing.* The minimum space between off-premise advertising signs shall be at least 1,000 linear feet as measured along the roadway centerline. Additional spacing is required as follows; 500 feet from any intersection of the centerline of all roads and bridges, and a minimum of 500 feet from the nearest point of any welling unit, church or any place of worship and the property boundary of any school, cemetery or public park located within 600 feet of the right-of-way. No off-premise advertising sign shall be located on a parcel or lot with an existing free-standing, on-premise sign or within 100 feet of a free-standing, on-premise sign on the same side of a road.
- (D) *Setbacks.* The minimum setback is back of the right-of-way but no closer than 20 feet from the edge of the traveled way of any road. All off-premise advertising signs shall be located at least 20 from any abutting property lines and outside of all sight visibility triangles.
- (E) *Extensions.* No off-premise advertising signs shall have any extensions that cause the sign to exceed the maximum size, height or setback. (Ord. passed 9-5-1995; Am. Ord. passed 5-10-1999; Am. Ord. passed 12-3-2001) Penalty, see § 152.99

**§ 152.25 ON-PREMISE SIGN REGULATIONS.**

All on-premise signage, except as herein provided, shall require a permit and shall meet the following requirements:

- (A) *Free-standing signs.*
  - (1) *Size.* Free-standing signs on all roads shall not exceed 75 square feet per directional flow of traffic. A maximum of two sign faces per directional flow of traffic is permitted per free-standing sign.
  - (2) *Number of signs.* A maximum of one free-standing sign per property for each street frontage is permitted.
  - (3) *Height.* No sign shall exceed 30 feet in height.
  - (4) *Setbacks.* When signs, because of their placement, obstruct the view of motorists entering or exiting roads or highways, those signs shall either be elevated or be set back 20 feet from the edge of the traveled way.
- (B) *Attached signs.*

(1) *Size.* Attached signs for an individual building shall not exceed the following maximum sign area: 1 ½ square feet of signage for each one linear foot of building frontage adjacent to a public road, or for each one linear foot of the longest side of the building, whichever is greater.

(2) *Number of signs.* Attached signs for individual businesses may include multiple signs, provided the total square footage of all signs on a building frontage does not exceed the total maximum area permitted.

(3) *Type of signs.* Except as prohibited and regulated in §§ 152.22 and 152.23, any type of sign may be permanently attached to the primary building.

(4) *Height.* No sign shall exceed 30 feet in height.

(C) *Signs for multiple establishments.* Shopping centers and group developments on a single lot or parcel.

(1) One free-standing sign which identifies the group development and/or the individual tenants is permitted per street frontage, provided such sign conforms with standards in division (A) above of this section.

(2) Attached signs for individual businesses or activities within a group development are permitted to have a maximum sign area of one square foot of signage for each one linear foot of building frontage per business. The number and type of signs permitted shall conform to the standards in division (B) above this section.

(Ord. passed 9-5-1995; Am. Ord. passed 5-10-1999; Am. Ord. passed 12-3-2001) Penalty, see § 152.99

#### **§ 152.26 NONCOMMERCIAL MESSAGES**

Any sign, display or device allowed under this chapter may contain, in lieu of any other copy, any otherwise lawful noncommercial message that does not direct attention to a business operated for profit, or to a commodity or service for sale, and that complies with size, lighting and spacing, or other requirements of this chapter.

(Ord. passed 9-5-1995; Am. Ord. passed 5-10-1999; Am. Ord. passed 12-3-2001)

#### ***SIGN MAINTENANCE; CARE OF TREES***

##### **§ 152.40 MAINTENANCE**

(A) All signs and their structures shall be maintained in good repair and safe condition and shall conform to the standards in this section. Maintenance carried out in accordance with this section shall not require a sign permit, provided the sign is not enlarged, moved or altered in any manner which would create or increase a nonconforming condition.

(B) Any sign violating these requirements shall be repaired or removed as required.

(1) No sign shall be allowed to have more than 20% of its total surface area covered with disfigured, cracked, ripped or peeling paint or poster paper, or any combination of these conditions for more than 30 consecutive days.

(2) No sign shall be allowed to stand with bent or broken sign facing, broken supports, loose appendages or struts which cause the sign to stand more than 15 degrees from the perpendicular for more than 30 consecutive days.

(3) No sign or sign structure shall be allowed to have weeds, vines or other vegetation obscuring more than 20% of the sign from the road or highway from which it is intended to be viewed for more than 30 consecutive days.

(4) No illuminated sign shall be allowed to stand with partial illumination for more than 30 consecutive days.

(5) No sign or sign structure shall be allowed if a business no longer exists and the issued permit is not transferred within one year.

(6) If a sign is damaged such that more than 50% of the sign's current assessed tax value is lost, as determined by the Sign Enforcement Officer, any repair or replacement shall be done in conformance with this chapter.

(Ord. passed 9-5-1995; Am. Ord. passed 5-10-1999; Am. Ord. passed 12-3-2001) Penalty, see § 152.99

**§ 152.41 UNLAWFUL CUTTING OF TREES OR SHRUBS.**

No person may, for the purpose of increasing or enhancing the visibility of any sign, damage, trim or remove any trees, shrubs or other vegetation located within any public road or highway right-of-way, except where a legal permit has been obtained from the North Carolina Department of Transportation.

(Ord. passed 9-5-1995; Am. Ord. passed 5-10-1999; Am. Ord. passed 12-3-2001) Penalty, see § 152.99

**PERMITS, FEES AND NONCONFORMING SIGNS**

**§ 152.55 PERMITS REQUIRED.**

All signs, except as otherwise provided in §§ 152.20 through 152.25 of this chapter shall require a sign permit prior to being constructed, moved, altered, placed or repaired. Sign permits shall be issued by the Sign Enforcement Officer, who shall be appointed by the Macon County Planner. If a sign permit is denied, the written decision may be appealed to the Macon County Planning Board within 30 days of receipt of the written notice of the decision.

(Ord. passed 9-5-1995; Am. Ord. passed 5-10-1999; Am. Ord. passed 12-3-2001) Penalty, see § 152.99

**§ 152.56 PERMIT APPLICATION AND FEES; TRANSFERS.**

(A) No permit shall be issued until an application for each separate sign or sign structure is completed, submitted and approved by the Sign Enforcement Officer. The initial permit shall be valid until revoked by the Sign Enforcement Officer.

(B) Initial fees are required to be paid for the permitting of all new sign structures. Existing sign structures are exempt from the initial permit fee. A fee schedule shall be determined by the Macon County Board of Commissioners and posted in the Macon County Planning Department.

(C) Valid Sign permits may be transferred to new sign owners, provided that the Sign Enforcement Officer is given notice of the transfer of ownership within 30 days of the actual transfer.

(D) Pursuant to G.S. 160D-403(a), applications for permits may be made by the landowner, a lessee or person holding an option or contract to purchase or lease land, or an authorized agent of the landowner. An easement holder may also apply for a permit as is authorized by the easement.

(Ord. passed 9-5-1995; Am. Ord. passed 5-10-1999; Am. Ord. passed 12-3-2001)

**§ 152.57 PERMIT AND PERMIT EMBLEM.**

A permit, along with a permit emblem, shall be used upon proper application and approval. New sign structure construction shall not commence until a permit and emblem are issued. The sign structure must be completely constructed and erected, with the permit emblem affixed, within 180 days from the date of the permit issuance. During the 180-day period, newly permitted sign structures shall be considered to be in existence for the purpose of spacing signs. The permit emblem shall be placed on sign structures in such a position as to be visible from the nearest adjacent road.

(Ord. passed 9-5-1995; Am. Ord. passed 5-10-1999; Am. Ord. passed 12-3-2001) Penalty, see § 152.99

**§ 152.58 PLANS, SPECIFICATIONS AND DATA REQUIRED FOR PERMIT.**

The application shall be accompanied by complete information as required on forms provided by the Sign Enforcement Officer and shall include, without being limited to, a site plan and elevation drawings of the proposed sign, indicating the proposed location of the sign, setbacks, height, dimensions and square footage of the proposed sign, and any other data as the Sign Enforcement Officer any determine is necessary for review of the application. The Sign Enforcement Officer shall not issue a sign permit unless the plans, specifications and intended use of such sign conforms in all respects to the applicable provisions of the chapter.

(Ord. passed 9-5-1995; Am. Ord. passed 5-10-1999; Am. Ord. passed 12-3-2001) Penalty, see § 152.99

**§ 152.59 REGISTERING EXISTING SIGNS.**

Sign structures constructed and in place prior to the adoption of this chapter by the Macon County Board of Commissioners which are not exempted and exceed 32 square feet shall be required to obtain a permit. The permit shall be obtained within a period of 180 days beginning with the effective date of this chapter. Existing signs that require a permit that have not been registered within the 180-day period shall be in violation of this chapter. ~~If the existence of a sign prior to the adoption and enforcement of this chapter is questioned, the issue will be determined by the Sign Enforcement Officer with the advice of the Macon County Planner and the sign owner using information compiled during a sign inventory conducted during April/May of 1997.~~

(Ord. passed 9-5-1995; Am. Ord. passed 5-10-1999; Am. Ord. passed 12-3-2001) Penalty, see § 152.99

**§ 152.60 PERMIT REVOCATIONS.**

Valid sign permits for new signs and permitted nonconforming signs may be revoked for any one of the following reasons:

(A) Misrepresenting material facts by the applicant on the permit.

(B) Failing to construct the sign structure and affix the permanent emblem within 180 days from the permit issue date.

(C) Altering, enlarging or relocating a permitted sign structure, except in conformance with the requirements of this chapter.

(D) Allowing a sign to remain blank for a period of 12 consecutive months or reaching a state of dilapidation or disrepair as determined by the Sign Enforcement Officer.

(E) Any Violation of § 152.62.

Notice of revocation of the permit shall be in accordance with G.S. 160D-403(f).

(Ord. passed 9-5-1995; Am. Ord. passed 5-10-1999; Am. Ord. passed 12-3-2001)

**§ 152.61 NOTICE GIVEN FOR REFUSING TO ISSUE PERMIT.**

The Sign Enforcement Officer shall refuse to issue a permit for a proposed sign structure that will not conform to this chapter. Notice of the decision shall be in accordance with G.S. 160D-403(b), and shall notify the owner of the proposed sign structure by first class mail as to why the proposed sign does not comply.

(Ord. passed 9-5-1995; Am. Ord. passed 5-10-1999; Am. Ord. passed 12-3-2001)

**§ 152.62 NONCONFORMING SIGNS**

Any sign legally in existence prior to the effective date of this chapter, or any applicable amendment thereto, which does not satisfy the requirements of this chapter, as amended, is declared nonconforming.

(A) All nonconforming signs in existence prior to the effective date of this chapter shall either be made to conform to all provisions of this chapter or shall be removed within seven years after the enactment of this chapter. All nonconforming signs made nonconforming by an amendment to this chapter shall either be made to conform to all provisions of this chapter or shall be removed within seven years after the date of such amendment. Provided, however, that the removal of any non-conforming off-premises outdoor advertising sign shall be in accordance with G.S. Chapter 160D-912, G.S. Chapter 136-131.2 and G.S. Chapter 136-131.2. any nonconforming signs, or signs made nonconforming by an amendment to this chapter, which are subject to the provisions of G.S. §§ 136-126 et seq. (the outdoor Advertising Control Act) and for which valid Department of Transportation permits have been issued, pursuant to G.S. § 136-133, may be removed only if compensation for the same is made pursuant to the provisions of G.S. § 136-131.1. Provided, further that the provisions of this division shall not be applicable to an off-premise advertising sign which is in violation of only the 1,000 linear foot spacing requirement of § 152.24(C) of this chapter.

(B) All portable and temporary signs which are made nonconforming as a result of the passage of this chapter, or from the passage of an amendment to this chapter, shall be removed within 180 days of the effective date of this chapter.

(C) All legal, nonconforming signs are permitted to continue, provided sign shall conform to the provisions in (A) above and shall not be:

- (1) Changed, altered or replaced by another nonconforming sign, except that copy may be changed on an existing sign;
- (2) Expanded or modified in any way which increase the sign's nonconformity;
- (3) relocated, except in conformance with the requirements of this chapter;
- (4) Re-established after it has been removed or has been abandoned for 365 days or more;
- (5) Re-established after damage or destruction if such damage to the sign exceeds 50% of the sign's current assessed tax value. The extent of damage shall be determined by the Sign Enforcement Officer.

(Ord. passed 9-5-1995; Am. Ord. passed 5-10-1999; Am. Ord. passed 12-3-2001)

#### § 152.63 RECONSTRUCTION OF DAMAGED SIGNS OR SIGN STRUCTURES.

(A) Any conforming sign or sign structure which has been damaged may be repaired and used as before, provided all repairs are initiated within 30 working days and completed within 60 working days of such damage. However, if the sign should be declared unsafe by the Sign Enforcement Officer, the owner of the sign, or the owner of record of the real property whereon the sign is located, shall immediately correct all unsafe conditions to the sign Enforcement Officer's satisfaction.

(B) As a courtesy to the sign owner, if the Sign Enforcement Officer discovers that a sign is damaged or is in an unsafe condition, the Sign Enforcement Officer will promptly notify either the sign owner or the owner of record of the real property whereon the sign is located. The affirmative duty liability shall, however, remain with the owner of the sign to keep each sign in a safe and undamaged condition in accordance with the terms of this chapter.

(Ord. passed 9-5-1995; Am. Ord. passed 5-10-1999; Am. Ord. passed 12-3-2001) Penalty, see § 152.99

#### ADMINISTRATION AND ENFORCEMENT

#### § 152.75 RESPONSIBILITY AND AUTHORITY

(A) The Macon County Planning Department shall be responsible for the administration and enforcement of this chapter. The Macon County Planner shall appoint a Sign Enforcement Officer to administer and enforce this chapter.

(B) The Sign Enforcement Officer shall have the following authority:

(1) *To issue a violation notice.* A written violation notice shall be delivered in accordance with G.S. 160D-404. ~~by certified mail, return receipt requested, or by such other method as allowed by law, to the owner of the sign in violation of the chapter.~~

~~Whenever the owner of the sign cannot be located and notified, said notice shall be delivered to the owner of record of the real property whereon the sign is located.~~ The time period provided herein shall commence upon receipt of such violation notice. The violation notice shall identify the sign and shall describe the nature of the violation, refer to each section of the chapter violated, specify in detail what action must be taken to correct the violation and specify a reasonable time limit of up to 30 working days within which the citation must be corrected.

(2) *To issue a compliance order for any sign or sign structure not corrected within the time allotted under the violation notice, or for a prohibited sign as established by this chapter.* A compliance order shall be delivered to the sign owner or to the owner of record of the real property whereon the sign is located in the same manner as set out for a violation notice and shall not be effective until received. The compliance order recipient shall be allowed 30 calendar days to remove the subject sign at this or her expense; provided, however, that the removal of any non-conforming off-premises outdoor advertising sign shall be in accordance with G.S. Chapter 160D-912, G.S. Chapter 136-131.2 and G.S. Chapter 136-131.2. The compliance order shall identify the sign and refer to the section of the chapter violated.

(3) *To issue an unsafe sign notice.* Should any sign or sign structure become imminently unstable or in danger of falling or otherwise unsafe, an unsafe sign notice shall be delivered to the sign

owner or to the owner of record of the real property whereon the sign is located in the same manner as set out for a violation notice, except that the recipient of the notice shall immediately, in the case of imminent danger, secure or remove the sign in a manner to be approved by the Sign Enforcement Officer in conformance with the provision of this chapter. If the condition prompting the notice is not corrected within 24 hours after receipt of the notice the Sign Enforcement Officer shall have the authority to remove the sign at the recipient's expense. (Ord. passed 9-5-1995; Am. Ord. passed 5-10-1999; Am. Ord. passed 12-3-2001) Penalty, see § 152.99

#### § 152.76 APPEALS

~~Denial of a permit, violation notices, revocations and compliance orders issued by the Sign Enforcement Officer may be appealed to the Macon County Planning Board Board of Adjustment within 30 working days of receipt of notice in accordance with G.S. Chapter 160D-405 and 406. Pending appeal, the time limits set out in the notice or order shall be suspended in accordance with Chapter 160D-405(f). If the Board of Adjustment finds that the action of the Sign Enforcement Officer has been taken for good cause and in accordance with this chapter, it shall so declare and the time period for compliance shall run from the issuance of the Board's findings. If the board of Adjustment sustains the appeal of the petitioner, no further action will be taken by the Sign Enforcement Officer.~~

(Ord. passed 9-5-1995; Am. Ord. passed 5-10-1999; Am. Ord. passed 12-3-2001)

#### § 152.77 VARIANCES.

~~When unnecessary hardships would result from carrying out the strict letter of a ordinance, the Planning Board shall vary any of the provisions of the ordinance upon a showing of all of the following: Where strict adherences to the provisions of the chapter would cause an unnecessary hardship, the Macon County Board of Adjustment may authorize a variance, if such variance can be made in accordance with the following provisions. And variance thus authorized is required to be entered in writing in the minutes of the meeting of the Board of Adjustment and the reasoning on which the departure was justified set forth.~~

~~(A) The Macon County Board of Adjustment shall have the power to hear and act upon applicant for a variance when meet the following requirements:~~

~~(1) Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property. If the applicant complies strictly with the provisions of this chapter the applicant can make no reasonable use of the sign allowed; and~~

~~(2) The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance, of which the applicant complains is unique, or nearly so, and is suffered by the applicant rather than by owners of surrounding properties or the general public; and~~

~~(3) The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship. If the hardship relates to the applicant's land (such a terrain of the site) rather than in personal circumstances; and~~

~~(4) The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved. If the hardship is not the result of the applicant's own actions; and~~

~~(5) If the variance is in harmony with the general purpose and intent of this chapter and preserves its spirit and if the variance secures the public safety and welfare and does substantial justice.~~

~~(B) The Planning Board shall follow quasi-judicial procedures as set forth in G.S. 160D-406. In granting a variance, the Board of Adjustment shall make written findings that all of the about listed requirements have been met. If a variance is granted it shall be the least possible deviation from the requirements of this chapter, in granting any variance, the Board may prescribe~~

~~appropriate conditions and safeguards in conformity with the chapter. Violations of the provisions of the variance granted, including any condition or safeguards which are a part of the grant of the variance, shall be deemed a violation of this chapter.~~

(Ord. passed 9-5-1995; Am. Ord. passed 5-10-1999; Am. Ord. passed 12-3-2001)

**§ 152.99 PENALTY.**

After due notice and order as provided above for any violation of the terms of this chapter, the Sign Enforcement Officer may issue a citation imposing a penalty of not more than \$100 on the owner of the sign in question or on the owner of record of the real property whereon the sign is located where the owner of the sign cannot be located and notified of said citation. In addition to the above described penalty, Macon County may enforce this chapter by anyone or more of the remedies authorized by G.S. ~~160D-404(c)~~ ~~§ 153A—123~~, ~~with the exception of § 153A—123(b)~~. (Ord. passed 9-5-1995; Am. Ord. passed 5-10-1999; Am. Ord. passed 12-3-2001) accidentally



## CHAPTER 111: SEXUALLY ORIENTED BUSINESSES

### §111.01 TITLE AND PURPOSE

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- (A) This Chapter shall be known as the “Macon County Ordinance Regulating Sexually Oriented Businesses” and it shall be cited as Title XI: Chapter 111 of the *Macon County Code*.
- (B) The Macon County Board of Commissioners is committed to protecting the general welfare of the county through the enforcement of laws prohibiting obscenity, indecency and sexual oriented businesses while preserving constitutionally protected forms of expression. The Board of Commissioners finds that sexually oriented businesses in certain locations contribute to neighborhood deterioration and blight through an increase in crime and diminution of property values, among other adverse consequences, and finds that such effects are contrary to the general welfare of the citizens of the county. The Board of Commissioners recognizes that important and substantial governmental interests provide a constitutional basis for reasonable regulation of the time, place and manner under which sexually oriented businesses operate; and that, therefore, the Board of Commissioners has determined that persons seeking to operate sexually oriented businesses shall be required to observe specific location requirements before they commence business, as provided in this Chapter. The Board of Commissioners finds that the licensing of sexually oriented businesses is necessary to ensure compliance with the local requirements of such businesses.
- (C) The provisions of this Chapter shall not be construed as permitting any use, activity or structure that is otherwise prohibited, illegal, or made punishable by law, nor shall it be construed to prohibit conduct or expression.  
*(Ordinance adopted 7/11/2005)*

### §111.02 AUTHORITY AND JURISDICTION

- (A) Authority. This chapter is established by the Macon County Board of Commissioners pursuant to the authority conferred in G.S. § 153A-121 (general ordinance-making power), 153A-122 (territorial jurisdiction), 153A-123 (enforcement), ~~and 153A-134 (regulation of businesses); and 160D-902.~~
- (B) Jurisdiction. The provisions of this Chapter shall apply to all unincorporated areas of Macon County lying outside of the corporate limits of any municipality. The provisions of this Chapter shall apply within the extrajurisdiction of any municipality in accordance with G.S. 160D-202(b). ~~to the extent that the provisions of this Chapter impose higher standards than any municipal ordinance applicable in the extrajurisdiction, otherwise, the municipal ordinance shall control.~~

*(Ordinance adopted 7/11/2005)*

### **§111.03 DEFINITIONS**

**Adult Arcade** (also known as “peep show”) means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to persons in booths or viewing rooms where the images depict or describe “specified sexual activities” or “specified anatomical areas”;

**Adult Bookstore or Adult Video Store** means a commercial establishment which as one of its principal business purposes offers, for sale or rental or any form of consideration any one of the following:

- (1) Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, videos or video reproductions, slides or other visual representations that depict or describe “specified sexual activities” or “specified anatomical areas”; or
- (2) Instruments, devices, or paraphernalia that are designed for use in connection with “specified sexual activities”.

**Adult Cabaret** means a nightclub, bar, restaurant, or other commercial establishment that regularly features, exhibits, or displays as one of its principal business purposes:

- (1) A person or persons who appear nude or semi-nude; or
- (2) Live performances which are characterized by the exposure of “specified anatomical areas” or “specified sexual activities”; or
- (3) Films, motion pictures, videos, slides or other photographic reproductions which depict or describe “specified sexual activities” or “specified anatomical areas”.

**Adult Motel** means a hotel, motel or similar commercial establishment that:

- (1) Offers accommodations to the public for any form of consideration, and provides patrons with closed-circuit television transmissions, films, motion pictures, videos, slides or other photographic reproductions that depict or describe “specified sexual activities” or “specified anatomical areas” as one of its principal business purposes; or
- (2) Offers a sleeping room for rent for a period of time that is less than ten hours; or
- (3) Allows a tenant or occupant of a sleeping room to sub-let the room for a period of less than ten hours.

**Adult Motion Picture Theater** means a commercial establishment, which, for any form of consideration, and as one of its principal business purposes, regularly shows films, motion pictures, videos, slides, or similar photographic reproductions that depict or describe “specified sexual activities” or “specified anatomical areas”.

**Adult Theater** means a theater, concert hall, auditorium or similar commercial establishment which regularly features, exhibits or displays, as one of its principal business purposes, persons

who appear in a state of nudity, or semi-nude or live performance that depicts “specified anatomical areas” or “specified sexual activities”.

**Applicant** means the person who will operate the sexually oriented business and shall include each of the following persons associated with that business:

- (1) The owner of a sole proprietorship;
- (2) Each member of a firm, association or general partnership;
- (3) Each general partner in a limited partnership;
- (4) Each officer, director, and owner of more than ten (10) percent stock of a corporation;
- (5) The manager of an establishment operated by a corporation;
- (6) Any manager who has been empowered as attorney-in-fact for a nonresident individual or partnership.

**Employ, employee, and employment** describe and pertain to any person who performs any service on the premises of a sexually oriented business on a full-time, part-time, or contract basis, whether or not the person is designated as an employee, independent contractor, agent or otherwise. Employee does not include a person exclusively on the premises for repair or maintenance of the premises or for the delivery of goods to the premises.

**Escort** means a person who, for tips or any other form of consideration, agrees or offers to act as a date for another person, or who agrees to privately model lingerie or to privately perform a striptease for another person.

**Escort Agency** means a person or business that furnishes, offers to furnish, or advertises to furnish escorts as one of its principal business purposes, for a fee, tip or other consideration.

**Establishment** means and includes any of the following:

- (1) The opening or commencement of any sexually oriented business as a new business;
- (2) The conversion of any existing business, whether or not a sexually oriented business, to any sexually oriented business; or
- (3) The addition of any sexually oriented business to any other existing sexually oriented business; or
- (4) The relocation of any sexually oriented business.

**Licensee** means the person or person in whose name or names a license to operate a sexually oriented business has been issued.

**Nude Model Studio** means any place where a person appears semi-nude, in a state of nudity, or displays “specified anatomical areas: and is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons for any form of consideration. “Nude Model Studio” shall NOT include:

- (1) A proprietary school or studio that has no sign visible from the exterior of the structure and no other advertising that includes a nude or semi-nude person is available for viewing,

where in order to participate in a class a student must enroll at least three days in advance of the class, and where no more than one nude or semi-nude person is on the premises at any time; or

- (2) A community college, college or university, whether public or private, which is accredited, maintains and operates educational programs, and offers degrees.

**Nudity or a State of Nudity** means a person appearing in a state of dress which fails to opaquely cover his or her anus or genitals.

**Operates or causes to be operated** means to cause to function or to put or keep in operation. A person may be found to be operating or causing to be operated a sexually oriented business whether or not that person is an owner, part owner or licensee of the business.

**Ordinance Administrator** means any employee or official of Macon County who is designated to administer this Chapter by the Board of Commissioners.

**Person** means an individual, proprietorship, partnership, corporation, association, or other legal entity.

**Semi-nude** means a state of dress in which opaque clothing covers no more than the genitals, pubic region, and areola of the female breast, as well as portions of the body covered by supporting straps or devices.

**Sexual Encounter Center** means a business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration, physical contact in the form of wrestling or tumbling between persons of the opposite sex, or activities between men and women and/or person of the same sex when one or more of the persons is in a state of nudity or semi-nudity.

**Sexually Oriented Business** means an adult arcade, adult bookstore, or adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, sexual encounter center, or any combination of the foregoing.

**Specified Anatomical Areas** means human genitals in a state of sexual arousal.

**Specified Sexual Activities** means and includes any of the following:

- (1) The fondling or other erotic touching of human genitals, pubic regions, buttocks, anus, or female breasts; or
- (2) Sex acts, normal or perverted, actual or simulated, including intercourse, fellatio, cunnilingus, or sodomy; or
- (3) Masturbation, actual or simulated; or
- (4) Excretory functions as part of or in connection with any of the activities set forth in subsections (1) through (3) above.

**Transfer of Ownership or Control of a Sexually Oriented Business** means and includes any of the following:

- (1) The sale, lease or sublease of the business;
- (2) Persons other than those names as applicants for a license becoming associated with the business, as provided in the definition of "applicant"; except that a mere substitution of a person as manager of an establishment shall only require filing with the Ordinance Administrator as provided for in §111.20;
- (3) The establishment of a trust, gift, or other similar legal device which transfers the ownership or control possessing the ownership or control.  
*(Ordinance adopted 7/11/2005)*

### **§110.10 CLASSIFICATION**

Sexually oriented business are classified as follows:

- (1) Adult arcades
- (2) Adult bookstores or adult video stores
- (3) Adult cabarets
- (4) Adult motels
- (5) Adult motion picture theaters
- (6) Adult theaters
- (7) Escort agencies
- (8) Nude model studios
- (9) Sexual encounter centers.  
*(Ordinance adopted 7/11/2005)*

### **§111.11 LICENSE REQUIRED**

- (A) It is unlawful for any person to operate a sexually oriented business without a valid sexually oriented business privilege license issued by the Ordinance Administrator pursuant to this Chapter.
- (B) An application for a license must be made on a form prescribed by the Ordinance Administrator. An application must be accompanied by a sketch or a diagram showing the configuration of the premises, including a statement of total floor space occupied by the business. The sketch or diagram need not be professionally prepared but must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises.
- (C) The Ordinance Administrator may request and the applicant shall provide such information as is necessary for the Ordinance Administrator to determine whether the applicant meets the qualifications established in this Chapter.

(D) An applicant must be qualified under §111.12 and an applicant shall be considered if a licensee if a license is granted.

(E) Pursuant to G.S. 160D-403(a), applications for a license may be made by the landowner, a lessee or person holding an option or contract to purchase or lease land, or an authorized agent of the landowner. An easement holder may also apply for a license as is authorized by the easement.

(D)(F) \_\_\_\_\_

*(Ordinance adopted 7/11/2005)*

## **§111.12 PROCEDURE FOR ISSUANCE OF LICENSE**

(A) Within 45 days after receipt of a completed application, the Ordinance Administrator will approve or deny the issuance of a license to an applicant for a sexually oriented business license. The Ordinance Administrator shall approve the issuance of a license to an applicant only upon finding each of the following:

- (1) The applicant is not under 18 years of age.
- (2) The license fee required by this section has been paid.
- (3) The applicant or applicant's spouse is not delinquent in payment to the county of any taxes, fees, fines or penalties assessed against or imposed upon the applicant or the applicant's spouse in relation to any other licensed sexually oriented business.
- (4) The applicant has provided all information required in order to determine the qualifications of the applicant under this article for issuance of the license and has not provided any false information with respect to the application.
- (5) The applicant of the proposed establishment is not in violation of any provisions of this Chapter or any regulations, codes, and statutes of Macon County or the State or Federal governments.
- (6) The applicant or applicant's spouse has not been convicted of a violation of this Chapter within two years immediately preceding the application. The fact that such a conviction is under appeal to any higher court at the time the application is made shall have no effect.
- (7) The applicant has used a valid name and produced a valid state driver's license or identification card to confirm the identity of the applicant.
- (8) In response to a request made to the Sheriff of Macon County by the Ordinance Administrator, the Sheriff has performed a criminal record check and has determined

that neither the applicant nor the applicant's spouse has been convicted of a crime involving any offense described in Articles 7A, 26, 26A, 37 or 39 of Chapter 14 of the *General Statutes of North Carolina*; or any offenses similar to these under the criminal or penal codes of North Carolina, other states, any towns, cities, or other countries; or facilitation, attempt, conspiracy, or solicitation to commit any of the foregoing offenses; for which:

- (a) Less than two years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date, if the conviction is a misdemeanor offense;
- (b) Less than five years have elapsed since the date of conviction or the date of release from confinement for the conviction, whichever is the later date, if the conviction is a felony offense; or
- (c) Less than five years have elapsed since the date of the last conviction or the date of release from confinement for the conviction, whichever is the later date, if the convictions are of two or more misdemeanor offenses or any combination of misdemeanor offenses within a 24-month period.

~~(B)~~ For purposes of calculating the time elapsed since a criminal conviction in this section, the fact that a conviction is under appeal to a higher court shall have no effect.

~~(B)~~~~(C)~~ Notice of the approval or denial of the permit shall be in accordance with G.S. 160D-403(b).

~~(D)~~ The license, if granted, shall state on its face the legal name of the person or persons to whom it is granted, the classification of the sexually oriented business for which it is granted, the expiration date, and the address of the sexually oriented business. Licenses shall be posted in a conspicuous place at or near the entrance to a sexually oriented business so that it may be easily read at any time.

~~(E)~~ Vested rights and permit choice shall be governed by G.S. 160D-108.

#### §111.20 — FEES

(A) Every applicant for a license to operate a sexually oriented business shall pay a nonrefundable application fee of \$1,500, which must be submitted with the application.

(B) Every sexually oriented business shall pay a nonrefundable annual privilege license fee of \$1,000 upon license renewal. No license shall be renewed except upon payment of this annual privilege license fee.

(C) The substitution of a manager of the business which occurs during the license year shall be filed with the Ordinance Administrator within 30 days of its occurrence, and a fee of \$100 shall be paid for the Planning Director to determine that the substituted manger is qualified under this Chapter.

(D) All license applications and fees shall be submitted to the Ordinance Administrator for deposit, ~~to the general fund of Macon County.~~  
(Ordinance adopted 7/11/2005)

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### §111.21 LOCATION REQUIREMENTS

In order to prevent the concentration of multiple sexually oriented businesses, to promote the safety and welfare of children, and to prevent the degradation of property values in residential communities, no sexually oriented business shall be located within one thousand (1,000) feet, as determined by a straight line between the nearest point between the building occupied by the sexually oriented business and the closest point of any building, structure or other improvement located on the other property, of any building structure, or improvement used by or intended for the use of any of the following:

- (1) Any other sexually oriented business;
- (2) Any church or place of worship;
- (3) Any public or private school or school facility used by students
- (4) Any day-care or pre-school facility;
- (5) Any public or government-owned park or recreation facility; or
- (6) Any residence.

(Ordinance adopted 7/11/2005)

### §111.22 HOURS OF OPERATION

No sexually oriented business, except for an adult motel, may remain open at any time between the hours of one o'clock a.m. and one o'clock p.m. on Sundays, except to the extent allowed by state law and regulations controlling the sale of alcoholic beverages by the business if the sexually oriented business has a state ABC permit.

(Ordinance adopted 7/11/2005)

### §111.23 INSPECTIONS



Any applicant and licensee shall permit officials of any law enforcement agency and any county, state or federal agency or department who enforces codes, regulations or statutes relating to human health or safety, or structural or fire safety to inspect the premises of a sexually oriented business for the purpose of ensuring compliance with the law at any time it is occupied or open for business, upon presentation of proper credentials; provided, however that the appropriate consent has been given for inspection of areas not open to the public or that an appropriate inspection warrant has been secured in accordance with G.S. 160D-403(e). ~~that, this section shall not apply to areas of an adult motel which are rented by a tenant for use as permanent or temporary habitation at the time such inspection is conducted.~~

*(Ordinance adopted 7/11/05)*

### **§111.30 EXPIRATION OF A LICENSE**

All licenses shall expire one year from the date of issuance and may be renewed only by making application as provided in this Chapter. An application for renewal shall be made at least 45 days before the expiration date to avoid expiration of license.

*(Ordinance adopted 7/11/2005)*

### **§111.31 SUSPENSION OF A LICENSE**

The Ordinance Administrator shall suspend a sexually oriented business licenses for a period not to exceed thirty days if any official conducts an inspection and determines that a licensee has:

- (1) Violated or is not in compliance with this Chapter or with any other requirements of this Code, or any other state or federal laws, regulations, codes, or statutes, including those relating to buildings, electricity, plumbing, fire safety and mechanical equipment; or
- (2) Refused to allow an inspection of the sexually oriented business premises as required by this Chapter;
- (3) Permitted gambling by any person on the sexually oriented business premises;
- (4) Failed to operate or manage a sexually oriented business in a peaceful and law-abiding manner which has resulted in the investigation of complaints, disturbances, or criminal activity by law enforcement officials on more than three occasions in any consecutive twelve month period, whether or not such investigations resulted in the arrest or criminal prosecution of any persons.

Notice of the suspension of a permit shall be in accordance with G.S. 160D-403(f).

*(Ordinance adopted 7/11/2005)*

**§111.32 REVOCATION OF A LICENSE**

- (A) The Ordinance Administrator shall revoke a sexually oriented business license if a cause for suspension in §111.31 occurs and the license has been suspended for any other reason within the preceding twelve months.
- (B) The Ordinance Administrator shall revoke a sexually oriented business license upon a determination that the licensee has done any of the following:
  - (1) Provided false or misleading information in the application for a license;
  - (2) Allowed the possession, use or sale of controlled substances on the premises;
  - (3) Allowed prostitution on the premises;
  - (4) Operated or worked in the sexually oriented business during a period of time when its license was suspended;
  - (5) Been convicted of an offense named in §111.12 of this Chapter for which the time period required has not lapsed;
  - (6) Continued to employ any person in the sexually oriented business who has been convicted of any crime described in §111.12 of this Chapter and such crime was committed on the premises of the sexually oriented business or while the person was employed by the sexually oriented business;
  - (7) Allowed any specified sexual activities to occur on the premises of the sexually oriented business; or
  - (8) Become delinquent in payment to the county of any taxes, fees, fines, or penalties assessed against or imposed upon the licensee or the licensee's spouse in relation to a licensed sexually oriented business.
- (C) If the cause of a revocation is based on the criminal conviction of the licensee or any other person, the fact that such conviction is being appealed to a higher court shall be of no effect.

(D) Notice of the revocation of a permit shall be in accordance with G.S. 160D-403(f).

~~(D)~~(E) All revocations shall be for a period of one year or until the condition causing the revocation has been corrected or abated, whichever shall be the last to occur. A licensee

whose license has been revoked shall not obtain a license for any other sexually oriented business or manage or operate any other sexually oriented business during the period of such revocation.

*(Ordinance adopted 7/11/2005)*

#### §111.40 NOTICES AND REPORTS

~~(A) All notices, findings of fact, determinations, orders, denial of applications, suspensions and revocations shall be in writing and in accordance with G.S. 160D-403(b), mailed to the applicant or licensee by certified mail to the address filed with the Ordinance Administrator.~~

(A) A licensee shall report to the Ordinance Administrator every instance in which law enforcement officers conduct any investigation or respond to any complaints or disturbances on the premises of the sexually oriented business; every conviction of an employee of the sexually oriented business of any crime specified in §111.12 of this Chapter; every instance in which any government official conducting an inspection is conducted; every transfer of ownership or control of the sexually oriented business; and every change in the management of the business. This report shall be in writing, shall be made within fifteen days of the event being reported, and shall be mailed by certified mail.

#### §111.50 APPEALS

An applicant whose application is denied, suspended or revoked by the Ordinance Administrator may appeal such action in writing within thirty days of receipt of notice to the Macon County ~~Planning Board Board of Commissioners~~ in accordance with G.S. Chapter 160D-405 and 406, who shall hear the appeal not later than the second regular board meeting after receipt of the appeal. ~~The applicant or licensee shall have the right to present evidence before the Board of Commissioners. The Board's decision shall be based solely on the criteria established in this Chapter for action by the Ordinance Administrator. A suspension or revocation shall be stayed while the appeal to the Board of Commissioners is pending.~~

*(Ordinance adopted 7/11/2005)*

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#### §111.60 PENALTIES, REMEDIES AND ENFORCEMENT

(A) A violation of any of the provisions of this Chapter shall be a misdemeanor subject to the penalties and enforcement provisions of N.C.G.S. §160D-404(c)153A-123.

(B) Each day's continuing violation of any of the provisions of this Chapter shall constitute a separate and distinct offense.

(C) The provisions of this Chapter may be enforced by any one or more of the remedies authorized by N.C.G.S. §160D-404(c)153A-123.

*(Ordinance adopted 7/11/2005)*

**AN ORDINANCE OF THE MACON COUNTY BOARD OF COMMISSIONERS FOR  
AN AMENDED AND RESTATED "SUBDIVISION ORDINANCE OF THE COUNTY OF  
MACON, NORTH CAROLINA"**

**WHEREAS**, the Macon County Board of Commissioners originally adopted the Subdivision Ordinance of the County of Macon, North Carolina on June 2, 2008, effective September 1, 2008; and

**WHEREAS**, the same has been amended and/or restated from time to time in order to make changes to the same; and

**WHEREAS**, the Board of Commissioners wishes to make certain specific amendments to the Ordinance in order to bring the Ordinance into compliance with G.S. 160D, and restate such Ordinance in its entirety as set forth hereinafter; and

**WHEREAS**, the Board of Commissioners has the authority to make such amendments to the Ordinance pursuant to Chapter 160D, Article 8 of the North Carolina General Statutes and G.S. 160D-601; and

**WHEREAS**, the required Notice of Public Hearing has been duly given and duly published in accordance with the law and the required Public Hearing in connection with such amendments has been duly held in accordance with law.

**NOW, THEREFORE, BE IT ORDAINED** by the Macon County Board of Commissioners that:

The Subdivision Ordinance of the County of Macon, North Carolina, originally adopted on June 2, 2008, effective September 1, 2008 and which has been amended and/or restated from time to time is hereby amended and restated so that the same will hereafter read as follows:

See Exhibit A attached hereto which is incorporated herein by reference as if more fully set forth herein.

This the 12<sup>th</sup> day of October, 2021.

\_\_\_\_\_  
Chairman, Macon County Board of Commissioner

ATTEST:

\_\_\_\_\_  
Clerk to the Macon County Board of Commissioners

**AN ORDINANCE OF THE MACON COUNTY BOARD OF COMMISSIONERS FOR  
AN AMENDED AND RESTATED "SIGN CONTROL ORDINANCE OF THE COUNTY  
OF MACON, NORTH CAROLINA"**

**WHEREAS**, the Macon County Board of Commissioners originally adopted the Sign Control Ordinance of the County of Macon, North Carolina on September 5, 1995; and

**WHEREAS**, the same has been amended and/or restated from time to time in order to make changes to the same; and

**WHEREAS**, the Board of Commissioners wishes to make certain specific amendments to the Ordinance in order to bring the Ordinance into compliance with G.S. 160D, and restate such Ordinance in its entirety as set forth hereinafter; and

**WHEREAS**, the Board of Commissioners has the authority to make such amendments to the Ordinance pursuant to G.S. 160D-601; and

**WHEREAS**, the required Notice of Public Hearing has been duly given and duly published in accordance with the law and the required Public Hearing in connection with such amendments has been duly held in accordance with law.

**NOW, THEREFORE, BE IT ORDAINED** by the Macon County Board of Commissioners that:

The Sign Control Ordinance of the County of Macon, North Carolina, originally adopted on September 5, 1995 and which has been amended and/or restated from time to time is hereby amended and restated so that the same will hereafter read as follows:

See Exhibit A attached hereto which is incorporated herein by reference as if more fully set forth herein.

This the 12<sup>th</sup> day of October, 2021.

---

Chairman, Macon County Board of Commissioner

ATTEST:

---

Clerk to the Macon County Board of Commissioners

**AN ORDINANCE OF THE MACON COUNTY BOARD OF COMMISSIONERS FOR  
AN AMENDED AND RESTATED “SEXUALLY ORIENTED BUSINESSES ORDINANCE  
OF THE COUNTY OF MACON, NORTH CAROLINA”**

**WHEREAS**, the Macon County Board of Commissioners originally adopted the Sexually Oriented Businesses Ordinance of the County of Macon, North Carolina on July 11, 2005; and

**WHEREAS**, the Board of Commissioners wishes to make certain specific amendments to the Ordinance in order to bring the Ordinance into compliance with G.S. 160D, and restate such Ordinance in its entirety as set forth hereinafter; and

**WHEREAS**, the Board of Commissioners has the authority to make such amendments to the Ordinance pursuant to G.S. 160D-601; and

**WHEREAS**, the required Notice of Public Hearing has been duly given and duly published in accordance with the law and the required Public Hearing in connection with such amendments has been duly held in accordance with law.

**NOW, THEREFORE, BE IT ORDAINED** by the Macon County Board of Commissioners that:

The Sexually Oriented Businesses Ordinance of the County of Macon, North Carolina, originally adopted on July 11, 2005 is hereby amended and restated so that the same will hereafter read as follows:

See Exhibit A attached hereto which is incorporated herein by reference as if more fully set forth herein.

This the 12<sup>th</sup> day of October, 2021.

---

Chairman, Macon County Board of Commissioner

ATTEST:

---

Clerk to the Macon County Board of Commissioners

# MACON COUNTY BOARD OF COMMISSIONERS

## AGENDA ITEM

### **CATEGORY – REPORTS/PRESENTATIONS**

**MEETING DATE: OCTOBER 12, 2021**

9A. Jack Horton, the Vice-Chair of the Macon County Airport Authority, will present the authority's annual report to the board and will also present a request for matching funds in the amount of \$110,500 for grants that would fund construction of a new fuel farm at the Macon County Airport. A copy of a letter from Airport Authority Chairman Gary Schmitt will be included in the packet, as well as an "Amended Notification of Award" letter from the North Carolina Department of Transportation, Division of Aviation. As with other airport improvement projects, funds from the Division of Aviation would pay 90 percent of the project costs.

October 5, 2021

Chairman Jim Tate  
Macon County Commissioners  
5 West Main Street  
Franklin, NC 28734

RE: Macon County Airport Authority (MCAA)  
Request for Grant Match  
Award ID#: 36244.2.12.1

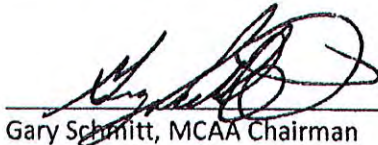
Dear Chairman Tate:

The Macon County Airport Authority has been notified that additional State funds have been approved for the Macon County Airport. These funds are for Project Request No. 2944 for State Fiscal Year (SFY) 2021 and were approved at the September 2, 2021 Board of Transportation Meeting.

The specific work elements under the Award ID of 36244.2.12.1 is an amendment under the New Fuel Farm description of \$94,500.00 for a possible design amendment and \$900,000.00 for the actual construction of the new fuel farm at the Macon County Airport. As in years past, the Division of Aviation will provide 90% of the funds, but the grants will require a local match of 10%. The local match must be secured before the Division of Aviation will continue with the award process. The Macon County Commissioners have approved matches in the past, and the MCAA is requesting that the County Commissioners provide the 10% match for these grants as well. The match amounts for both of the components of this particular award is \$110,500.00.

Thank you for your consideration of this matter. The Amended Notification of Award is attached.

Respectfully,



---

Gary Schmitt, MCAA Chairman





STATE OF NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION

ROY COOPER  
GOVERNOR

J. ERIC BOYETTE  
SECRETARY

9/10/2021

Mr. Gary Schmitt, Chairman  
Macon County Airport Authority  
5 W. Main Street  
Franklin, NC 28734

**RE: AMENDED NOTIFICATION OF AWARD**  
*(This letter overrides previous award letter dated 03/17/2020)*

Dear Chairman Schmitt:

On behalf of Governor Roy Cooper, Transportation Secretary J. Eric Boyette, and the NC Board of Transportation, this Notification of Award serves as official verification that **additional** State funds have been programmed for **Macon County Airport**, Project Request No. 2944 for State Fiscal Year (SFY) 2021 and were approved at the September 2, 2021 Board of Transportation Meeting.

Any disbursement of funds described or contemplated herein is subject to appropriation by the General Assembly and appropriate approval or authorization from the Department and/or Board of Transportation.

The specific work elements are noted below:

Award ID	Description	State Funds	Local Funds
36244.2.12.1	New Fuel Farm (Amendment)	\$94,500 (BOT 3-5-20)	\$10,500
		\$900,000 (BOT 9-2-21)	\$100,000

Upon receipt of this award letter, the NCDOT Division of Aviation requires that you submit a Request for Aid within 120 days of receipt. Failure to meet this deadline will result in an elevated score on the annual risk assessment for non-compliance unless an extension is authorized in writing by the NCDOT Division of Aviation. Please visit the NCDOT Connect website below for links to detailed grant and development resources.

<https://connect.ncdot.gov/municipalities/State-Airport-Aid/Pages/default.aspx>

The NCDOT Division of Aviation requires effective project management for all projects to ensure that funds needed to complete this project are expended within two years from the date of this letter. Failure to meet this deadline will result in an elevated score on the annual risk assessment for non-compliance unless an extension is authorized in writing by the NCDOT Division of Aviation. Should the Airport encounter reasonable delays, the Division of Aviation has the ability to reprogram existing-year funds to a later year and divert the monies to another airport to expend those funds.

Mailing Address:  
NC DEPARTMENT OF TRANSPORTATION  
DIVISION OF AVIATION  
1560 MAIL SERVICE CENTER  
RALEIGH, NC 27699-1560

Telephone: 919-814-0550  
Fax: 919-840-9267


Location:  
RDU AIRPORT  
1050 MERIDIAN DRIVE  
MORRISVILLE, NC 27560

Website: [www.ncdot.gov/aviation](http://www.ncdot.gov/aviation)

After the project is completed and the final reimbursement request has been processed, the NCDOT Division of Aviation has the authority to rescind any remaining unused funds (with the exception of NPE and Discretionary funds) for use toward other projects. Any disbursement of funds described or contemplated herein is subject to appropriation by the General Assembly and appropriate authorization from the Department and/or Board of Transportation.

The NCDOT Division of Aviation appreciates your commitment and contribution to our state aviation system and we are excited to partner with you on this grant.

Sincerely,

DocuSigned by:  
  
59CCE3E8304E410...  
Bobby L. Walston, P.E.  
Director of Aviation

BLW/jc

cc: Governor Roy Cooper  
J. Eric Boyette, Secretary NCDOT  
Julie A. White, Deputy Secretary for Multi-Modal Transportation  
Richard Burr, United States Senate  
Thom Tillis, United States Senate  
Madison Cawthorn, United States Congress  
Dirk Cody, BOT Representative  
Neil Hoppe, Airport Manager  
Lori Carpenter, Finance Director  
Wanda Austin, P.E., Division Engineer

# MACON COUNTY BOARD OF COMMISSIONERS

## AGENDA ITEM

### **CATEGORY – OLD BUSINESS**

**MEETING DATE: October 12, 2021**

10(A). The County Manager will have a presentation for the board centered around a proposed new pay scale, a copy of which is included in the packet, and will outline the overall financial impact of that adjusted pay scale on county employee salaries.

10(B). The County Manager will also present a proposed policy that will outline how the county will utilize money from the American Rescue Plan Act Coronavirus Local Fiscal Recovery Funds (ARP/CLFRF). A draft of the policy was still under construction at the time of this writing, and if complete, will be forwarded to you prior to the meeting.

Proposed Pay Scale					
Maintains 5% between grades and a 50% range within the grade					
Proposed Effective Date -- November 8, 2021					
Grade	Minimum	Midpoint	Maximum	Min. hourly at 2080	Step =
16	22,286	27,858	33,429	10.7144	371.43
17	23,400	29,250	35,100	11.25	390.33
18	24,570	30,713	36,855	11.8125	409.50
19	25,799	32,249	38,699	12.4034	430.00
20	27,088	33,860	40,632	13.0231	451.47
21	28,443	35,554	42,665	13.6745	474.07
22	29,865	37,331	44,798	14.3582	497.77
23	31,358	39,198	47,037	15.076	522.63
24	32,926	41,158	49,389	15.8298	548.77
25	34,572	43,215	51,858	16.6212	576.20
26	36,301	45,376	54,452	17.4524	605.03
27	38,116	47,645	57,174	18.325	635.27
28	40,022	50,028	60,033	19.2413	667.03
29	42,023	52,529	63,035	20.2034	700.40
30	44,124	55,155	66,186	21.2135	735.40
31	46,330	57,913	69,495	22.274	761.60
32	48,647	60,809	72,971	23.388	810.80
33	51,079	63,849	76,619	24.5572	851.33
34	53,633	67,041	80,450	25.7851	893.90
35	56,315	70,394	84,473	27.0745	938.60
36	59,131	73,914	88,697	28.4284	985.53
37	62,087	77,609	93,131	29.8495	1034.80
38	65,192	81,490	97,788	31.3423	1086.53
39	68,451	85,564	102,677	32.9091	1140.87
40	71,874	89,843	107,811	34.5548	1197.90
41	75,467	94,334	113,201	36.2822	1257.80
42	79,241	99,051	118,862	38.0966	1320.70
43	83,203	104,004	124,805	40.0014	1386.73
44	87,363	109,204	131,045	42.0014	1456.07
45	91,731	114,664	137,597	44.1014	1528.87
46	96,318	120,398	144,477	45.826	1588.63
47	101,133	126,416	151,700	48.6216	1685.57
48	106,190	132,738	159,285	51.0529	1769.83

# MACON COUNTY BOARD OF COMMISSIONERS

## AGENDA ITEM

### CATEGORY – NEW BUSINESS

**MEETING DATE: October 12, 2021**

11(A). Department of Social Services (DSS) Director Patrick Betancourt will present information and request approval to continue Macon's "electing county status" for the Temporary Assistance for Needy Families (TANF) Program. A copy of a letter to DSS directors from the North Carolina Department of Health and Human Services with more information about this program will be included in the packet, along with a form that will need to be signed by the chairman reflecting the board's action on this matter. Mr. Betancourt can provide additional details at the meeting.

11(B). Transit Assistant Director Darlene Asher will present a trio of updated plans and polices for the board's approval. Up first is the department's system safety plan, which covers the following categories: (1) Driver/Employee Selection, (2) Driver/Employee Training, (3) Safety Data Acquisition Analysis, (4) Drug, Alcohol and Abuse Program, (5) Vehicle Maintenance, and (6) Security. Each section of the plan is rather lengthy, and all of these will be forwarded to the board members in a separate email. However, an overview of the System Safety Plan will be included in the agenda packet, and requires the chairman's signature. An annual review of the plan, as well as annual board approval of the plan, is required. Secondly, she will be seeking approval of an updated Drug and Alcohol Testing Policy and Zero Tolerance Policy. Finally, she is also requesting approval of the department's Title VI Program Plan, which is essentially a nondiscrimination policy. Each of these policies/plans will be forwarded to the board members in a separate email, due to the size of the documents, and each one requires the chairman's signature. Mrs. Asher can provide an overview of the changes to all of the above documents at the meeting.

11(C). Planning, Permitting and Development Director Jack Morgan will ask the board to consider Change Order #010 on the Macon Middle School renovation project. The total cost estimate of the work is \$124,709, as shown on the change order, a copy of which will be included in the packet. Finance Director Lori Carpenter will also need approval of a budget amendment pending approval of the change order.

11(D). Members of the Macon County Schools Liaison Committee will provide an update on the status of the locker room project at Macon Middle School.

11(E). The liaison committee members will also have items to discuss regarding the selection of an architect for the Franklin High School project.

11(E). Mr. Ridenour is asking the board to schedule three public hearings for the November 9, 2021 regular meeting involving amendments to the county's soil erosion and sedimentation control ordinance, voluntary farmland preservation ordinance and the watershed protection ordinance. Please see below for the attached language for the motions as provided by the County Attorney.

- (1) -The motion should be to "move that a public hearing be held at the November 9, 2021 regularly scheduled meeting of the Macon County Board of Commissioners to consider the adoption of amendments to the Macon County Code of Ordinances, *Chapter 153, Soil Erosion and Sedimentation Control Ordinance* to bring such chapter into compliance with Chapter 160D of the NC General Statutes."
- (2) -The motion should be to "move that a public hearing be held at the November 9, 2021 regularly scheduled meeting of the Macon County Board of Commissioners to consider the adoption of amendments to the Macon County Code of Ordinances, *Chapter 155, Voluntary Farmland Preservation Ordinance* to bring such chapter into compliance with Chapter 160D of the NC General Statutes.
- (3) -The motion should be to "move that a public hearing be held at the November 9, 2021 regularly scheduled meeting of the Macon County Board of Commissioners to consider the adoption of amendments to the Macon County Code of Ordinances, *Chapter 156, Watershed Protection Ordinance* to bring such chapter into compliance with Chapter 160D of the NC General Statutes.

Notices for all three hearings would then appear in The Franklin Press on Wednesday, October 27<sup>th</sup> and Wednesday, November 3<sup>rd</sup> as required by

statute. Copies of the proposed revised ordinances are not included in this packet. Final versions for board consideration will be supplied with the November 9 agenda packet. Mr. Ridenour can provide additional details or address questions at the meeting.



NC DEPARTMENT OF  
**HEALTH AND  
HUMAN SERVICES**

ROY COOPER • Governor

MANDY COHEN, MD, MPH • Secretary

SUSAN OSBORNE • Assistant Secretary for County Operations for  
Human Services

September 28, 2021

**Dear County Directors of Social Services**

**Attention:** Work First Program Administrators, Managers and Supervisors

**Subject:** Work First Program Electing County Block Grant Planning Cycle for 2023 – 2026

**Priority:** Action Required for Electing Counties

The Division of Social Services is beginning the Work First Program Electing County planning cycle for Federal Fiscal Years (FFYs) 2023-2026. This letter provides guidance and deadlines for the Work First Program Electing County planning cycle.

**Electing County Status**

Electing Counties are required to submit an Electing County Status Form to the Division of Social Services to continue or discontinue their Electing County status each Work First planning cycle. The following counties are presently in Electing County status: **Beaufort, Caldwell, Catawba, Lenoir, Lincoln, Macon, and Wilson**. All Electing Counties Work First Block Grants are subject to the General Assembly appropriation provisions. Please complete the [Electing County Destination Survey](#).

The deadline to return the survey for the Electing County Status for FFYs 2023 - 2026 is **November 15, 2021**. The decision must have the support of three-fifths of the Electing County's Board of Commissioners. Electing County Status surveys must be submitted to the Division of Social Services no later than the established deadline. If the status form is provided after the deadline, the Electing County will be re-designated as a Standard County.

**Electing County Work First Block Grant Planning**

Preparations should begin now in the development of the Work First Block Grant plan for FFYs 2023-2026 for Electing Counties. Electing Counties must involve multiple community partners in the planning process for the Work First Block Grant. This is an opportunity for Electing Counties to take advantage of the localized flexibility provided in the Work First program. Current and/or former Work First recipients, employers, childcare providers, child welfare staff, community advocacy agencies, and others may prove to be valuable resources in this planning process.

The Electing County Work First Block Grant plans are due to the Division of Social Services no later than close of business on **November 15, 2021**.

NC DEPARTMENT OF HEALTH AND HUMAN SERVICES • DIVISION OF SOCIAL SERVICES • ECONOMIC AND FAMILY SERVICES

LOCATION: 820 S. Boylan Avenue, McBryde Building, Raleigh, NC 27603

MAILING ADDRESS: 2420 Mail Service Center, Raleigh, NC 27699-2420

www.ncdhhs.gov • TEL: 919-527-6300 • FAX: 919-334-1265

AN EQUAL OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER



### **Standard County Work First Block Grant Planning**

All Standard Counties will remain in Standard County status for this planning cycle. Standard Counties do not have to return a plan or survey to the Division. Community meetings are not required, but strongly encouraged because they can assist and provide opportunities to promote a mutual understanding of the agencies and/or programs, long-term collaboration, employment, and family centered services for families in North Carolina.

Standard Work First counties must have the current information and/or detailed policy criteria on the below items placed on file at the county department/agency of Social Services by the beginning of each State Fiscal Year (SFY) for Work First program compliance. This will ensure fair and equitable services to all North Carolina citizens and compliance with federal and state regulations. Counties are subject to monitoring findings without current SFY information on file.

A Memorandum of Agreement (MOA), contract, or protocol for collaboration, etc. with the below agencies:

- Division of Workforce Solutions – NCWorks Career Centers
- Domestic Violence Agency
- Local Management Entity – Manage Care Organization
- Vocational Rehabilitation

Local policy for the following services (guidelines specified, payment limits, etc.)

- Benefit Diversion Survey for current SFY
- Emergency Assistance
- Exemption from the work requirement for single parents of children under age one
- Services for low-income families at or below 200% or 150% of the Federal Poverty Level
- Services for non-custodial parents (service optional)
- Transportation

Please see the attached Electing County Work First Planning Submission Instructions Outline for your reference and the survey link listed above for the Electing County Status (FFYs 2023– 2026) for submission. If you have questions regarding this information, contact [Gretchen.Williams@dhhs.nc.gov](mailto:Gretchen.Williams@dhhs.nc.gov)

Sincerely,



Carla West,  
Senior Director for Economic Security Division of Social Services  
Economic and Family Services

CW/gbw

Attachment (1)  
[Submission Instructions Outline](#)  
**EFS-WF-08-2021**



## Macon County Department of Social Services

Lakeside Government Complex  
1832 Lakeside Drive  
Franklin, North Carolina · 28734-6778  
Tel: 828-349-2124 · Fax: 828-349-2401  
<https://www.maconnc.org/dss>

R. Patrick Betancourt  
Director

As Chairman of the Board of Commissioners for Macon County voted at its regularly scheduled meeting held on Tuesday, October 12, 2021 by at least two-thirds in favor of the Macon County Dept. of Social Services participating in the following status for the Work First (TANF) Program:

- Continue** in Electing County Status
- Change** to Standard County Status

The voting numbers were made:

\_\_\_\_ Commissioners **In Favor**  
\_\_\_\_ Commissioners **Against**

---

James P. Tate, Chairman  
Macon County Board of County Commissioners

# SYSTEM SAFETY PLAN

## **Program Description:**

The System Safety Plan (SSP) was developed utilizing established guidance listed in the procedural manuals of the North Carolina Department of Transportation Standard Operating Procedure SSP-001 and the State Management Plan. The SSP consists of and addresses the required six (6) core elements:

1. Driver/Employee Selection
2. Driver/Employee Training
3. Safety Data Acquisition Analysis
4. Drug, Alcohol and Abuse Program
5. Vehicle Maintenance
6. Security

Macon County Transit's number one priority is adherence to policies and procedures of the core elements. All of the elements listed are equal in importance and the policies and procedures must be met. The compliance will ensure that we meet all Federal Transportation Administration (FTA) and North Carolina Department of Transportation Public Transportation Division (NCDOT/PTD) policies and regulations.

## **Driver/Employee Selection Element:**

Fair hiring practices are used to select employees. Each potential employee will complete a written application. The Executive Director and/or appointed official and supervisor shall interview each potential employee.

## **Driver/Employee Training Element:**

The minimum requirements for vehicle operator training are Defensive Driving, Americans with Disabilities Act, Bloodborne Pathogens and Emergency Procedures for Vehicle Operators. In addition to the minimum requirements the follow actions must be completed:

1. The training must be completed annually
2. The training material must be on file for review by NCDOT/PTD
3. Records of each individual trained must be retained on file for five (5) years
4. Each driver must have an annual driver's performance evaluation to provide refresher training, assess skills, techniques, knowledge, etc...

## **Safety Data Acquisition Analysis Element:**

The goal of the Safety Program is the reduction of accidents and injuries to transit customers, employees and the general public. Safety is a shared responsibility between system management and employees. It is the policy of Macon County Transit to provide a place of employment that is free from recognized hazards that could result in death or serious injury to employees, customers or the general public. It is the responsibility of each employee to report all incidents or unsafe conditions to their supervisor. Supervisors must immediately take necessary corrective action to prevent unsafe conditions.

Prohibited behaviors are behaviors that are in violation of the System Safety Policy. Such behaviors include behaviors that threaten the safety of employees, customers and the general public. Other

unacceptable behaviors include those that result in damage to system, employee and public and/or private property. An employee who intentionally violates the safety policy and procedures will be subject to appropriate disciplinary action, as determined by the findings of an investigation. Such discipline may include a warning, demotion, suspension or immediate dismissal. In addition, such actions may cause the employee to be held legally liable under State or Federal Law.

**Drug Alcohol and Abuse Program Element:**

The goal is to provide a safe, healthy and productive drug-free work environment for all employees. A person being under the influence of a drug or alcohol while on the job poses serious safety and health risk to the user, co-workers as-well-as passengers. Macon County Transit has established a policy of a drug-free work environment. A standard of zero tolerance for use of alcohol, illegal substances, or the misuse of prescription medications during work hours or the presence of these substances in the body during work hours regardless of when consumed. Random drug test will be administered.

**Vehicle Maintenance Element:**

The goal is to ensure each vehicle and wheelchair lift is properly maintained to maximize the service life, maintain reliability, mitigate high maintenance costs and sustain proper safety and mechanical condition. To accomplish this goal we will at a minimum adhere to the vehicle manufacturer's maintenance/service manual and the wheelchair lift service manual.

**Security Element:**

The overall purpose of the Security Program is to optimize -- within the constraints of time, cost, and operational effectiveness -- the level of protection afforded to vehicles, equipment, facilities, passengers, employees, volunteers and contractors, and any other individuals who come into contact with the system both during normal operations and under emergency conditions.

The security of passengers and employees is paramount to promoting the objectives of FTA and NCDOT. We will take all reasonable and prudent actions to minimize the risk associated with intentional acts against passengers, employees and equipment/facilities. To further this objective, we have developed security plans and procedures and emergency response plans and procedures. The plans have been coordinated with local law enforcement, emergency services and with other regional transit providers, which addresses the conduct of exercises in support of their emergency plans, and assessment of critical assets and measures to protect these assets.

The SSP will be updated as changes occur. An annual review is required to ensure all information is current. The annual review must be adopted by the board.

This operational policy, as amended, was adopted by the Macon County Board of Commissioners.

Date November 13, 2018

System Manager (Signature) \_\_\_\_\_

Governing Board Chairman (Signature) \_\_\_\_\_

New Atlantic Contracting Inc  
2635 Reynolda Rd  
Winston Salem, North Carolina 27106  
Phone: (336) 759-7440  
Fax: (336) 759-7445

**Project:** 2102 - Macon Middle School Renovations  
1345 Wells Grove Road  
Franklin, North Carolina 28734

**Prime Contract Potential Change Order #010: CE #50 - #4: AHU 12**

<b>TO:</b>	Macon County 5 West Main Street Franklin, North Carolina 28734	<b>FROM:</b>	New Atlantic Contracting Inc 2635 Reynolda Rd Winston Salem, North Carolina 27106
<b>PCO NUMBER/REVISION:</b>	010 / 0	<b>CONTRACT:</b>	1 - Macon Middle School Renovations Prime Contract
<b>REQUEST RECEIVED FROM:</b>		<b>CREATED BY:</b>	Frank Harris (New Atlantic Contracting Inc)
<b>STATUS:</b>	Pending - In Review	<b>CREATED DATE:</b>	10/4/2021
<b>REFERENCE:</b>		<b>PRIME CONTRACT CHANGE ORDER:</b>	None
<b>FIELD CHANGE:</b>	No		
<b>LOCATION:</b>		<b>ACCOUNTING METHOD:</b>	Amount Based
<b>SCHEDULE IMPACT:</b>		<b>PAID IN FULL:</b>	No
<b>EXECUTED:</b>	No	<b>SIGNED CHANGE ORDER RECEIVED DATE:</b>	
		<b>TOTAL AMOUNT:</b>	\$124,709.00

**POTENTIAL CHANGE ORDER TITLE:** CE #50 - #4: AHU 12

**CHANGE REASON:** Client Request

**POTENTIAL CHANGE ORDER DESCRIPTION:** *(The Contract Is Changed As Follows)*

October 4, 2021  
Mr. Chris Coleman  
1815 S. Tyron St. Suite A  
Charlotte, NC 28203  
RE: Macon County Middle School  
Macon County Schools NAC JOB# 2102  
Franklin, NC 28734

Potential Change Order Number 010  
CE #50 - #4: AHU 12

Dear Chris,  
In accordance with Request for Pricing (RFP) #2 dated September 24, 2021, attached is our proposal for changes to AHU-12.

The total cost estimate of this work per the enclosed summary sheet and attached back-up is \$124,709.00.

This change will not increase the contract time; however, we reserve the right to request an equitable adjustment in the contract amount and time as a result of the cumulative impact of this and future change orders.  
This proposal is based on the following qualifications:

We will proceed with this revised work upon receipt of written acceptance of this proposal. In the interim, we are proceeding in accordance with our current contract documents.

It may be necessary to revise this proposal if it is not accepted within 5 days, or if the progress of the work changes the conditions upon which this proposal is based.

Thank you for your prompt consideration of this proposal.

**ATTACHMENTS:**

[RFP-02 AHU12 New Frame, Door and Hardware.pdf](#) , [\\_Macon County Middle School -Added Doors-.pdf](#) , [\\_Macon MS VAV proposal.docx](#) , [\\_Macon Middle School - Franklin - AHU-12 - 9-30-21.pdf](#) , [\\_RE\\_Macon Middle School - AHU 12 coordination.msg](#) , [\\_RFP-02 MMS - NE WING BASEMENT AHU12 ALTERNATE WORK.pdf](#) , [\\_COR 6 Basement Door Lintel.pdf](#) , [\\_COR 6 Summary Basement Door Lintel.pdf](#)

#	Budget Code	Description	Amount
1	04-200.S Masonry.Commitment	AHU-12	\$6,000.00
2	23-001.S HVAC	AHU-12	\$78,227.88
3	08-100.M Doors	AHU-12	\$3,714.90
4	08-700.S Hardware.Commitment	AHU-12	\$800.00
5	26-001.S Electrical	AHU-12	\$23,957.00
6	05-120.S Steel	AHU-12 Lintels	\$640.32
7	09-900.S Painting	AHU-12	\$246.00
8		Dumpster Fees	\$150.00
<b>Subtotal:</b>			<b>\$113,736.10</b>
Material (6.75% Applies to Materials.):			\$0.00
Equipment (6.75% Applies to Equipment.):			\$0.00
Labor (39.00% Applies to Labor.):			\$0.00
OH&P Sub (7.50% Applies to Material Purchase Order and Commitment.):			\$8,518.96
OH&P LME (15.00% Applies to Equipment, Materials, and Labor.):			\$0.00
Insurance (1.00% Applies to Temporary Labor, Material Purchase Order, Payroll Taxes & Insurance, Owner Cost, Commitment, Equipment, Materials, Labor, Other, and Professional Services.):			\$1,221.05
P&P Bond (1.00% Applies to Temporary Labor, Material Purchase Order, Payroll Taxes & Insurance, Owner Cost, Commitment, Equipment, Materials, Labor, Other, and Professional Services.):			\$1,233.26
Rounding (-0.00% Applies to Temporary Labor, Material Purchase Order, Payroll Taxes & Insurance, Owner Cost, Commitment, Equipment, Materials, Labor, Other, and Professional Services.):			\$(0.37)
<b>Grand Total:</b>			<b>\$124,709.00</b>

**Mark Sealy (SGA NarmourWright Design)**  
 1815 S. Tryon Street, Suite A  
 Charlotte, North Carolina 28226

**Macon County**  
 5 West Main Street  
 Franklin, North Carolina 28734

**New Atlantic Contracting Inc**  
 2635 Reynolda Rd  
 Winston Salem, North Carolina 27106

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## CHANGE ORDER

Date:

Project Name:

Change Order #:

Job Number:

The undersigned is giving Sensible Air Systems Inc the authorization to proceed with the description of work below for the price indicated. This work will be paid for by separate invoice / **change order**.

Pricing for Revised Sketch Pertaining to AHU 12. Hydronic piping to be abandoned in place. Boilers to be removed by Owner.			
Material	Qty	Unit Price	Total
Controls	1	\$ 22,762.00	\$ 22,762.00
(3) Unit Heaters	1	\$ 3,690.00	\$ 3,690.00
(9) VAV Boxes	1	\$ 7,160.00	\$ 7,160.00
Gas & Piping Material	1	\$ 5,522.00	\$ 5,522.00
Vent Piping & All Install Mat	1	\$ 6,925.00	\$ 6,925.00
Sales Tax		7%	\$ 3,224.13
<b>Material Total</b>			<b>\$ 49,283.13</b>
Labor	Hours	Rate w/ Burden	Total
Project Manager	4	\$ 91.00	\$ 364.00
Sheet Metal Mechanic/Foreman	89	\$ 47.00	\$ 4,183.00
Sheet Metal Helper/Apprentice	192	\$ 36.00	\$ 6,912.00
Pipefitter/Welder	103	\$ 53.00	\$ 5,459.00
Service Technician		\$ 60.00	-
Shop/Warehouse		\$ 35.00	-
<b>Labor Totals</b>	<b>388</b>		<b>\$ 16,918.00</b>
Lodging/Per Diem	Days	Rate	Total
4	12	\$ 150.00	\$ 1,818.75
<b>Markup &amp; OH</b>	15%		<b>\$ 10,202.98</b>
<b>Total</b>			<b>\$ 78,222.86</b>
Est Start Date	_____	Est Finish Date	_____
Schedule Impact	( 12 ) Days		
Sensible Air Systems Inc		Authorized Representative	
Name _____		Name/Company _____	
Signature _____		Signature _____	

# MACON COUNTY BOARD OF COMMISSIONERS

## AGENDA ITEM

### **CATEGORY – CONSENT AGENDA**

**MEETING DATE: October 14, 2021**

Item 12A. Draft minutes from the September 14, 2021 regular meeting are attached for your review and approval. (Mike Decker/Tammy Keezer)

Item 12B. Budget Amendments #67-77 are attached for your review and approval. (Lori Carpenter)

Item 12C. Approval of tax releases for the month of September 2021 in the amount of \$5,654.76. (Delena Raby) The list of releases is attached.

Item 12D. Approval of (1) vaccine fee updates and (2) North Carolina Medicaid Dental Reimbursement Rates as approved by the Macon County Board of Health on September 28, 2021. (Carrie Pazcoguin)

Item 12E: Approval of the 2022 County Holiday Schedule. This request is being made earlier than normal as one of the 2022 holidays (New Year's Day) will be observed on Friday, December 31, 2021. As in years past, the county plans to follow the North Carolina Office of State Human Resources schedule. (Mike Decker)

Item 12D. A copy of the ad valorem tax collection report, which shows an overall collection rate of 40.13 percent as of September 30, 2021. No action is necessary. (Delena Raby)



**MACON COUNTY BOARD OF COMMISSIONERS**  
**September 14, 2021**  
**MINUTES**

Chairman Tate called the meeting to order at 6:00 p.m. All Board Members, County Manager Derek Roland and County Attorney Eric Ridenour, members of the news media and a number of county employees and citizens were present. Deputy Clerk Mike Decker and Finance Director Lori Carpenter participated remotely.

**ANNOUNCEMENTS:**

- (A) Commissioner Beale reminded everyone that the Macon County Fair will be held in two weeks (September 22-25, 2021). He said everything is currently on schedule and he hopes citizens will come out to support the event.

**MOMENT OF SILENCE:** Chairman Tate requested all in attendance rise and a moment of silence was observed.

**PLEDGE TO THE FLAG:** Led by Commissioner Higdon, the pledge to the flag was recited.

**PUBLIC HEARING:** At 6:02 p.m., Chairman Tate called the public hearing regarding the Community Transportation Program Application to order. Kim Angel, Transit Director, stated it was time to look at next fiscal year's grant cycles funneled through the Public Transportation Division of the North Carolina Department of Transportation (NCDOT). Ms. Angel referenced a resolution that will need to be approved at the end of the public hearing if the board so desired [Attachment 1]. She indicated that no one had signed up to speak and gave a brief overview of the three grant applications: (1) Administrative – total request will be \$208,827 with a 15 percent local share of \$31,325 required; (2) Capital – total request will be \$24,244, which will be used to purchase new tablets used by the van operators to get their manifest as well as replacement of four office computers, based on the county's replacement schedule. She shared that for the first year in several years, no vehicles will need to be purchased or replaced. The required 10 percent county match will be \$2,425; (3) 5310 Operating – total request will be \$165,000 with a 50 percent (\$82,500) required match. Ms. Angel stated she believes the Rural Operating Assistance Program (ROAP) funding is going to be restored once the state budget is passed with an estimated amount

of \$72,000. The total amount of the grants listed is \$398,071, with a total county match of \$116,250. If the \$72,000 of ROAP funding is applied, it will leave an approximate balance of \$44,250 for the county match. Chairman Tate asked if anyone would like to speak in regard to each of the grants, with no one coming forward. Chairman Tate inquired as to questions from the board and no questions were asked. Chairman Tate closed the public hearing at 6:06 p.m. Chairman Tate announced the board would take immediate action utilizing the resolution. Commissioner Beale made a motion, seconded by Commissioner Shields, to approve the resolution as presented and the motion passed unanimously. Chairman Tate expressed his congratulations and well wishes to Ms. Angel as she leaves Macon County for another job opportunity. Ms. Angel expressed her appreciation to the board and for the opportunity to serve Macon County as its first Transit Director.

**PUBLIC COMMENT PERIOD:**

- (A) **Robert Cook** spoke about the incoming sheriff's proposed salary. Mr. Cook provided copies of his proposal and stated that he was here to talk about the pay for the new incoming sheriff. He referenced North Carolina General Statute 153A-92 which states that the incoming sheriff should be paid at the same rate as the outgoing sheriff unless there is a resolution by the board of commissioners to reduce that pay. He shared that the resolution has to be passed no later than 14 days prior to the last filing date for sheriff. Mr. Cook stated he does not believe a brand new sheriff with no experience should come in making the same pay as Sheriff Robbie Holland, who has served in his position for 25 years. Mr. Cook shared results of research he has performed regarding sheriff salaries in North Carolina and recommended that the salary for the incoming sheriff be reduced to equal the lowest range posted on the county website, which is currently \$73,900, or no more than 15 percent higher than the chief deputy's pay, whichever is less. He also recommended the top end be no more than \$100,000 as opposed to the current \$110,900. Mr. Cook requested that the monies saved from this reduction be redistributed to deputies at the sergeant level and below, which is a budget neutral proposal but would give the deputies a small pay raise and help the county stay competitive.
- (B) **Dillion Castle** requested to speak about accountability. He stated he is a pastor, a young man who grew up in a conservative Christian home in Macon County, and has not previously been engaged in politics. He stated he feels he represents a large majority of citizens who consider themselves conservative and are tired of the direction our country, our state and even our county are going. Mr. Castle shared that his concern is that our county is going to turn in to what our state and the federal government has become. He stated that the board members will

not be in their seats forever and that the voters of Macon County asked them to do a job for the citizens. Mr. Castle said he did not ask them to do the job that the Centers for Disease Control (CDC) feels is best. He stated the citizens elected the board members, they did not elect the CDC or the health director that is appointed by this board. Mr. Castle asked the board to do what the community wants to do and to not be afraid to take that stand. He stated, "When you do what is right and morally acceptable, the citizens will back you." Mr. Castle said he respects the board as men who are wiser and older than he is and have experience and knowledge that he does not; however, we are all citizens of Macon County and the State of North Carolina. He requested the members not forget these things and reminded them to be righteous men "filled of character and what is right".

- (C) **Tracy Dougan** stated she was here to follow-up on the animal control ordinance issue she spoke about in February. She stated that she was, at that time, directed to the county planning board and then to the board of health. Ms. Dougan says she has been in contact with the board of health since May trying to get the revisions addressed that she brought to this board in February. She indicated a committee had been formed to make the proposed revisions and present those back to this board. Ms. Dougan said it seems the board of health does not see themselves in charge of the animal control program although it states they are in the ordinance. Ms. Dougan indicated that at the last board of health meeting, Jimmy Villiard was the only person who had done any research. She stated he did not make the requested revisions, but shared some new laws which were supposed to be presented to this board. Ms. Dougan stated she is opposed to any new proposals because she believes they will harm animals and that she has letters and signatures in opposition of what he is proposing. Ms. Dougan stated she also has concerns about how the anonymous reports are being handled. She says it is important that we uphold the anonymity of the reports and this is not always happening. Ms. Dougan says the officers who go out do not do anything, do not follow up, and the animals are suffering. She said animal services is not being operated properly and no one wants to take charge. Commissioner Beale requested Ms. Dougan forward the concerns she listed in February back to the county manager who will then distribute them to the board members. Mr. Roland stated there are channels that these issues need to take and that until such time as this board has heard back from those

channels, this board taking any action would be premature. He stated that he feels that once the board of health has had time to complete its review and makes recommendations back is when the commission would take action. Mr. Roland explained that even after the commissioners receive the recommendations back from the board of health, there are several steps that have to take place in consultation with legal counsel and, if Ms. Dougans' concerns were disregarded, there will be an explanation regarding that. He reminded Ms. Dougan that when the recommendations come before this board it will be an agenda item and posted on the agenda prior to the meeting.

**ADDITIONS, ADJUSTMENTS TO AND APPROVAL OF THE AGENDA:** Upon a motion by Commissioner Shields, seconded by Commissioner Young, the board voted unanimously to approve the agenda, as adjusted, as follows:

- To remove Item 11E, Consideration of resolution to the North Carolina Wildlife Resources Commission, as the previous request to keep one of our wildlife officers in Macon County has been approved without the resolution.
- To replace Item 11E with Letter from Pine Grove School Community Club, per Chairman Tate.
- To remove Item 11A, Discussion regarding mobility issues of physically handicapped students on the Franklin High School campus and to add the item to the October 12<sup>th</sup> meeting, per Commissioner Shields.
- To replace Item 11A with Discussion regarding Macon Middle School locker room facility, per Mr. Roland.
- To add Item 13A, Appointment to the Watershed Review Board, per Mr. Roland.
- To add Item 10B, Nantahala Community Building, per Commissioner Higdon.
- To add Item 11F, Franklin High School Architectural Services, per Mr. Roland.

**REPORTS AND PRESENTATIONS:**

**COVID update** – Kathy McGaha, Macon County Public Health Director, presented an update stating that we are at day 553 of the COVID-19 outbreak, week 79. She shared that as of today, there are 395 active positive individuals in the county, sadly 54 deaths (a 1.2 percent current fatality rate), a positivity rate of 26.53 over a rolling seven-day period, and a case rate of 775 per 100,000 individuals. Ms. McGaha stated that we are seeing the same trends as the rest of the state and the nation. She said Macon County tends to be about two weeks behind when a wave of cases begins and indicated that we are currently in our fourth wave - the first being last May, one at the beginning of the last

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school year, one around Christmas last year and now this is our fourth. She stated we are in week eight of this wave (Delta variant) and she is hopeful that we will follow the rest of the state and nation and begin to see a plateau in the next week or two. Ms. McGaha indicated this has been the longest wave and she expects we will see a fall in cases over an eight-week period just as we have seen a rise over an eight-week period. Ms. McGaha stated that hospitalizations in the Western North Carolina Region as of today include 84% of ICU beds being occupied, two-thirds of total beds occupied, and said it is a challenge to get someone in to a bed and almost equally difficult to staff hospitals. Ms. McGaha said that although the case rate is going up, the demand for the vaccine has flattened. As of today, she states that we are at 57 percent of the county's population being vaccinated with at least one shot and 52 percent considered fully vaccinated. Ms. McGaha stated she believes the vaccination rate is skewed due to seasonal residents and that the rate for year-round residents is actually lower. Commissioner Young asked if we could set-up a center here to offer the antibody treatments. Ms. McGaha stated that we do not have the capacity within the health department to do this. She said out of 63 positions she has 15 vacancies and is struggling to maintain staff. She stated that the monoclonal antibody treatment requires certain equipment which we don't have, and that the state has just released its guidance and standing order for the treatments. Commissioner Young asked if we could refer patients to the center in Clay County and Ms. McGaha responded that the center is not residence-based and anyone can go there to get the service. Commissioner Higdon asked if the facility in Clay County was set-up under the health department's guidance. Ms. McGaha indicated she was not sure if they were running it or if they had contracted with someone to operate it. Commissioner Higdon inquired as to what our options are and without adding a load to the health department we should be able to do it if Clay County can. Ms. McGaha said she would have to investigate, but that it would have to be an outside agency as she did not have the staff resources. Commissioner Young stated he had been asked numerous times why people have to go to Clay County. Commissioner Beale stated Clay County is contracting with a company out of Blairsville, Georgia to provide the service and the demand is very low. He stated we are getting a \$20,000 federal grant from the Southwestern Commission because Macon County is one of the counties where those age 60 and older are not getting vaccinated at a 55 percent rate. Commissioner Beale indicated there is some leeway in how the funds can be spent and as soon as the official award letter is received we will know if we can use the funds for monoclonal antibody services. Ms. McGaha emphasized that vaccination is our preferred option because we do not

want people to get sick. She said, “we still want them to get vaccinated”. Commissioner Young stated he would still like for us to try and expand our treatment center options. Commissioner Higdon stated he didn’t want to put anything else on the health department’s plate as they are loaded and have environmental health issues to address but, citizens of Macon County deserve an infusion center. Commissioner Beale stated the treatment has to be connected to a hospital and not just a health department. Ms. McGaha stated she would research the possibilities. She further shared the health department is operating the call center where appointments are being made for testing as there is an increase in testing needs and vaccine appointments but demand is not where she would like it to be, and also continuing contact tracing on all positive cases (approximately 400 at this time). Ms. McGaha stated they are testing five days per week, providing vaccines on Wednesday and Friday mornings, which is subject to change based on demand, providing the third dose of Pfizer vaccine for the immunocompromised, and assisting the school nurses with contact tracing for the school system. Commissioner Young asked if Ms. McGaha had a black and white cut and dry protocol for contact tracing. Ms. McGaha responded by saying there is the North Carolina School Toolkit for the school systems and the CDC and DHHS guidelines for the general public. She said these documents could be accessed by the general public but are very complicated to administer because the individual scenario changes based on vaccine status, symptom status, etc. and therefore each case has to be handled individually and situations are hard to compare. Ms. McGaha informed the board of a current outbreak in the Macon County Detention Center and stated they have been offering testing and vaccinations to inmates. She said there are currently no outbreaks in the nursing homes and those facilities have done an outstanding job in managing visitation and encouraging vaccination. Ms. McGaha indicated the department will begin offering flu shots and third doses of COVID vaccine as soon as the guidance is received. She said a press release will be forthcoming with the information and schedules for those. Ms. McGaha shared that the department is dealing with staff fatigue (staff have been working on COVID efforts for 59 weeks and she currently has 15 vacancies out of 63 positions – all difficult to fill positions) and staff being criticized at times by the public and having to build each other up, which is difficult at times. She stated that the North Carolina National Guard is here until December 3<sup>rd</sup> to help with vaccines and testing, as well as staff from CCNC which is a state agency providing staff to help answer phones and assist with contact tracing. Ms. McGaha stated that all vacant positions are being advertised and some have been posted for a while. Commissioner Beale asked if the issue was the salary and being

overworked and underpaid. Ms. McGaha responded to indicate there are cases where it is a money issue, cases of people just being burned out, and cases of people just considering different careers because they are tired and exhausted. Commissioner Beale inquired about Environmental Health. Ms. McGaha stated four of the vacancies are in Environmental Health, but she has received 146 applications. She has also worked with the County Manager and Finance Director on a budget amendment that is included in the consent agenda to contract with some environmental health specialists from other counties to assist in the interim. She has received one application for the supervisor position. Commissioner Higdon stated that every county he deals with is looking for environmental health specialists. Commissioner Beale asked about the prioritization system of permit applications. Ms. McGaha said there is still a prioritization process in place. Commissioner Beale asked Jack Morgan, Planning, Permitting and Development Director, if he had any idea of how many building permits were being held up waiting on Environmental Health approval. Mr. Morgan said there is a substantial amount. Commissioner Higdon said this decision is imperative and we need to get moving on making internal advancements and getting the contract workers started.

#### **OLD BUSINESS:**

**Macon Middle School Locker Room Bid Tab** – Mr. Roland indicated there was one responding bid with a bid price of \$2,347,000. He stated the budget is \$1,053,868 but the contractor has since reached out to us and asked if we are interested in reviewing some value engineering on the project. Mr. Roland stated that the bids were received on August 18, 2021 and are good until October 17, 2021, so if the liaisons want to sit down with the contractor and review options there is time to do so. Commissioner Young stated he is willing to review the options and is not opposed to a nice metal building structure similar to what Swain County has. Board members unanimously agreed to have the liaisons meet with the contractor. Mr. Roland asked Mr. Morgan to schedule the meeting and bring the results back to this board.

**Nantahala Community Building** - Commissioner Higdon stated that he would like to go ahead and get an architect on board and form a committee to oversee the project. Mr. Roland stated he had spoken with the school superintendent who indicated the school board has not made a formal decision regarding the location of the Nantahala Library. He said the superintendent shared that the school board representative from Nantahala is not in favor of having the library on the school property and the superintendent believes the board will support that representatives' recommendation. Commissioner Beale stated the

school board needs to make a decision and let the people of Nantahala know how they voted. Commissioner Higdon made a motion to authorize Mr. Roland to solicit an architect to do a preliminary design of the building, to form a six-member committee comprised of two members of the library board, two from the Nantahala Community Club and two non-associated at-large public members. Mr. Roland said he and Mr. Morgan would work on a resolution and proposals to bring to the next meeting. Motion was seconded by Commissioner Young. Vote was 4-1 with Commissioner Beale voting in opposition.

**NEW BUSINESS:**

**Grant requests for Macon County Emergency Services** – Warren Cabe, Emergency Management Director, stated he was requesting approval for making application for two separate grants, as follows:

- (1) Vaya Health Grant - Mr. Cabe stated Vaya contacted us and gave us two days to submit a project for them to consider. He indicated that Vaya has agreed to fund 13 weeks (two days each week) of our Community Paramedic Program for home visits (26 total days) dating back to July 1, 2021, which includes salary and expenses. Mr. Cabe said they have also agreed to fund a software program that allows the charting (currently in a stand-alone system) for the home patients to be linked to the charting system used by EMS and the system used by the hospital. He said the funding would be \$11,200.78 if the board approves acceptance of the funds and approval of the budget amendment he provided as a handout [Attachment 2]. A motion was made by Commissioner Beale, seconded by Commissioner Shields, to apply for the grant funds as presented, and the vote was unanimous.
- (2) Nantahala Health Foundation - Mr. Cabe stated the Collaborative Health Innovation Project application request will be for funding for a qualified “carry out” team used when searching for lost persons. He explained that we have over 90 miles of trails with over 16 different trails in the county, and we have a manpower issue when searching for lost persons. Mr. Cabe said he has collaborated with the fire departments and is putting together a team of two to three qualified people from Otto Fire and Rescue and West Macon Fire and Rescue agencies that will be trained on how to deal with wildland search and rescues. Additionally, Mr. Cabe stated the request will include a two-wheel drive motorcycle that is like an ATV, and a trailer to put the motorcycles and safety equipment in. He stated the total application request would be for \$30,000 with no county match required. Commissioner Young made a motion, seconded by Commissioner Higdon, to proceed with the application as presented, and the vote was unanimous. Commissioner Beale stated the Community Paramedic



Program was started prior to the pandemic and our program is one of the top in the state and he would like to send a shout-out to Joey Gibson, Mr. Cabe and all the people that work there. Mr. Cabe said they have 91 people in the program currently and have been doing home vaccinations to help out the health department as well. He said his department also has staffing issues with seven current vacancies among 41 total positions and two possible vacancies, pending results of the pay study. He stated the staff has had to be creative in keeping the Community Paramedic program running during this time and that it is a very valued program.

**Consideration of change order for Macon Middle School project** – Planning, Permitting and Development Director Jack Morgan requested Chris Coleman, an architect with SGA NarmourWright Design, talk about the updates and change orders. Mr. Coleman stated that Phase 1, which encompassed the center core area, cafeteria and some of the locker rooms, is complete. He said they are currently wrapping up Phase 2 consisting of the east wing which faces the parking lot and the bus area and will turn that over to the school system in the next week or two. Mr. Coleman stated that New Atlantic Construction has done an excellent job and is slated to be ahead of schedule. Mr. Coleman shared that coming out of Phase 1 there were some cost implications: (1) \$11,469 which was related to the new rooftop and HVAC system changes (PCO #006) [Attachment 3]; (2) \$16,254 savings related to multiple items listed on the PCO (PCO#009) [Attachment 4]; (3) \$28,294 mostly related to lighting packages that had to be changed due to COVID-19 supply chain issues (PCO #007) [Attachment 5]; (4) \$97,761 (PCO#008) [Attachment 6] related to fire alarm system additional devices, materials and labor to bring the system up to code. Commissioner Beale asked why we were just now discussing the change order related to the alarm system. Mr. Coleman said the engineers had always felt the existing system could be modified and not be fully replaced. He explained the issue came in with the addition of devices and how they sync with the existing system which does not meet code. Commissioner Beale stated there have been many conversations about the alarm system and he is surprised by this \$100,000 price tag. Commissioner Beale inquired as to who the contractor was. Mr. Coleman responded that it is NCI. Commissioner Beale asked if this could be put out to bid. Mr. Coleman stated this is a lifesaving issue and with the amount of renovations we have done he would not recommend putting this out to bid. Commissioner Beale stated we knew going in the age of the system and were told this could be done. Chairman Tate said he understands Commissioner Beale's question and doesn't think that we disagree with the lifesaving issue at

all and want it right. He said we hired an engineering firm to do this and want to know why this wasn't picked up on initially and is coming to us now. Chairman Tate asked if this was NCI's fault, the engineers' fault or whose fault it was that this was not recognized up front. Mr. Coleman stated he could not blame any specific party. Chairman Tate stated he guessed the commissioners were the "bail-out party." Commissioner Beale asked if the engineers had insurances and if so they needed to be checked. He said there had been many discussions and we were assured they could hook everything back up - even it had to change we should have been informed then. Mr. Coleman stated he believed there was an oversight based on conversations the engineers had with the vendor who has serviced the system for years. Chairman Tate asked about the contingency. Mr. Roland said we started this project with \$817,800 in contingency with five phases and we are at about 60 percent complete. He stated we have \$788,882 in contingency tonight and if all of these are approved the remaining balance will be \$635,044. Commissioner Beale suggested Mr. Ridenour get the engineering firm information and drop them a note for the bill or at least request an explanation. A motion was made by Commissioner Young, seconded by Commissioner Shields, to take the \$153,778 out of contingency to cover the change orders (#006-#009). The vote was unanimous.

**Scheduling of public hearings to consider amendments to county ordinances** – County Attorney Eric Ridenour explained that we have several development ordinances that have to be brought into compliance with the new chapter of the general statute (160D) and are going to try to bring three rewritten ordinances to the board each month and each of those will have to have a public hearing. He requested that the board approve the following motions:

- (1) Set a public hearing for Tuesday, October 12, 2021 to consider amendments to the Macon County Code of Ordinances, Chapter 152, Sign Control Ordinance, to bring it into compliance with Chapter 160D of the North Carolina General Statutes.
- (2) Set a public hearing for Tuesday, October 12, 2021 to consider amendments to the Macon County Code of Ordinances, Chapter 159, Subdivision Ordinance, to bring it into compliance with Chapter 160D of the North Carolina General Statutes.
- (3) Set a public hearing for Tuesday, October 12, 2021 to consider amendments to the Macon County Code of Ordinances, Chapter 111, Sexually Oriented Businesses Ordinance, to bring it into compliance with Chapter 160D of the North Carolina General Statutes.

Commissioner Beale made a motion, seconded by Commissioner Shields, to hold a public hearing on all three ordinance amendments at the October 12, 2021 meeting, and the vote was unanimous.

**Letter from Pine Grove School Community Club** – Chairman Tate read a letter [Attachment 7] that was received from the Pine Grove School Community Club, also known as the Pine Grove School Restoration Society, stating that the organization has met and voted to disband and dissolve the organization due to loss and lack of membership, age, illness and the ongoing pandemic which has made it no longer feasible to continue. The letter further stated the organization has been successful for 17 years but it is now time to return the building and its care back to Macon County as of November 1, 2021. The board members agreed for Mr. Roland to move forward with ensuring the electricity is connected and insurance is active. No vote was taken.

**Franklin High School Architect** – Mr. Roland stated that the evaluation committee assigned to review the architectural recommendations consisted of Tracy Tallent, Todd Gibbs, Chris Baldwin, Carol Arnold, Tommy Cabe, Jack Morgan and our liaisons Commissioners Young and Shields. He said the committee met on August 25, 2021 and reviewed responses to the Request for Qualifications. He shared that there were eight respondents and the committee selected LS3P Associates LTD as the most qualified firm receiving a score of 93.88 out of a possible 100. Mr. Roland stated that approval is needed to approve LS3P Associates LTD as selected by the committee and enter into fee negotiations with the architectural group, but only after the architectural group is approved by the school board at their September 27, 2021 meeting. After a brief discussion, the board agreed for the evaluation committee to interview the top three firms as follows: LS3P Associates LTD with a score of 93.88, Moseley Architects with a score of 81.38 and McMillian Pazdan Smith with a score of 79.38. No vote was taken.

**CONSENT AGENDA:** Upon a motion by Commissioner Higdon, seconded by Commissioner Beale, the board voted unanimously to approve the consent agenda as presented which includes: (A) Minutes of the August 10, 2021 regular meeting, (B) Budget Amendments #41-50, (C) Tax releases, and (D) the monthly ad valorem tax collection report, for which no action is necessary.

**APPOINTMENTS:** Commissioner Beale made a motion, seconded by Commissioner Shields, to appoint Michael Mathis to the Watershed Review Board, and the vote was unanimous.

**CLOSED SESSION** – At 8:09 p.m., upon a motion by Commissioner Beale, seconded by Commissioner Shields the board voted unanimously to go into closed session as allowed under NCGS 143-318.11(a)(3) to preserve the attorney/client privilege and 143-318.11(a)(5) regarding the acquisition of real property with a plan to take no action following the closed session. At 8:25 p.m., upon a motion by Commissioner Higdon, seconded by Commissioner Young, the board voted unanimously to come out of closed session and return to open session. No action was taken.

**ADJOURN:** With no other business, at 8:27 p.m., upon a motion from Commissioner Beale, seconded by Commissioner Young, the board voted unanimously to adjourn.

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Derek Roland  
Ex Officio Clerk to the Board

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Jim Tate  
Board Chair





**MACON COUNTY BUDGET**

**AMENDMENT #** 69

**FROM:** JOHN L FAY

**DEPARTMENT:** HOUSING

**EXPLANATION:** RECEIVE NEW FUNDS

ACCOUNT		DESCRIPTION	LINE ITEM	
514096		DUKE ENERGY HHF	INCREASE	DECREASE
ORG	ITEM			
513831	447255	REVENUE	18,000	
514096	550001	SALARY	2,736	
514096	550201	MEDICARE/FICA	209	
514096	550203	HOSPITALIZATION	716	
514096	550206	LIFE INSURANCE	5	
514096	550207	RETIREMENT-GENERAL	313	
514096	550701	COUNTY 401K	55	
514096	556034	WAP PROGRAM OPERATIONS	13,966	
<b>Totals</b>			<b>18,000</b>	

**REQUESTED BY DEPARTMENT HEAD** \_\_\_\_\_

**RECOMMENDED BY FINANCE OFFICER** \_\_\_\_\_

**APPROVED BY COUNTY MANAGER** \_\_\_\_\_

**ACTION BY BOARD OF COMMISSIONERS** 10/12/21

**APPROVED AND ENTERED ON MINUTES DATED** \_\_\_\_\_

**CLERK** \_\_\_\_\_

*[Handwritten signatures]*

**MACON COUNTY BUDGET**

**AMENDMENT #** 70

**FROM:** JOHN L FAY

**DEPARTMENT:** HOUSING

**EXPLANATION:** RECEIVE NEW FUNDS

ACCOUNT		DESCRIPTION	LINE ITEM	
ORG	ITEM	DOGWOOD HEALTH NET	INCREASE	DECREASE
513831	447273	REVENUE	50,000	
515917	550001	SALARY	22,686	
515917	550201	MEDICARE/FICA	1,736	
515917	550203	HOSPITALIZATION	7,157	
515917	550206	LIFE INSURANCE	48	
515917	550207	RETIREMENT-GENERAL	2,321	
515917	550701	COUNTY 401K	453	
515917	556031	WAP ADMIN	0	
515917	556034	WAP PROGRAM OPERATIONS	15,599	
<b>Totals</b>			<b>50,000</b>	

**REQUESTED BY DEPARTMENT HEAD**

**RECOMMENDED BY FINANCE OFFICER**

**APPROVED BY COUNTY MANAGER**

**ACTION BY BOARD OF COMMISSIONERS**

**APPROVED AND ENTERED ON MINUTES DATED**

**CLERK**

*J. Fay*  
*[Signature]*

10/12/21

















RUN DATE: 10/1/2021 4:19 PM

RELEASES REPORT  
Macon County

NAME	BILL NUMBER	OPER	DATE/TIME	DISTRICT	VALUE	AMOUNT
135231 ANGEL, YVONNE LEDFORD	2021-52945	DLR	12/31/9999 4:09:59 PM			
				L01 FFEFEE	10,080.00	108.00
				TOTAL RELEASES:		✓ 108.00
146961 CARVER, JOSEPH B	2021-54028	ZAD	12/31/9999 2:22:46 PM			
				F01 ADVLTAX	3,100.00	1.69
				G01 ADVLTAX	3,100.00	12.40
				TOTAL RELEASES:		✓ 14.09
136611 DEBRUHL, DERRYL RAY	2021-52975	LAS	12/31/9999 2:27:03 PM			
				F01 ADVLTAX	200.00	0.11
				G01 ADVLTAX	200.00	0.80
				TOTAL RELEASES:		✓ 0.91
103844 DRAKE, JOSHUA PHILIP	2021-46084	LAS	12/31/9999 2:28:10 PM			
				F01 ADVLTAX	2,153.00	1.17
				G01 ADVLTAX	2,153.00	8.61
				TOTAL RELEASES:		✓ 9.78
106418 FINCHER, JOHNNY R	2021-46729	LAS	12/31/9999 11:41:02 AM			
				F01 ADVLTAX	2,965.00	1.62
				G01 ADVLTAX	2,965.00	11.86
				TOTAL RELEASES:		✓ 13.48
72966 FRANKS, RUTH	2021-83881	ZAD	12/31/9999 12:28:45 PM			
				L01 FFEFEE	0.00	108.00
				TOTAL RELEASES:		✓ 108.00
144612 GELCO FLEET TRUST	2021-53782	LAS	12/31/9999 2:23:41 PM			
				F01 ADVLTAX	10,319.00	5.62
				G01 ADVLTAX	10,319.00	41.28
				TOTAL RELEASES:		✓ 46.90
139504 GENEVA CAPITAL LLC	2021-231903	LAS	12/31/9999 11:04:30 AM			
				F01 ADVLTAX	8,049.00	4.39
				G01 ADVLTAX	8,049.00	32.20
				TOTAL RELEASES:		✓ 36.59
149722 GREAT AMERICA FINANCIAL SERVICES CORP	2021-232427	LAS	12/31/9999 1:19:40 PM			
				F01 ADVLTAX	1,589.00	0.87
				G01 ADVLTAX	1,589.00	6.35
				TOTAL RELEASES:		✓ 7.22



RELEASES REPORT  
Macon County

NAME	BILL NUMBER	OPER	DATE/TIME	DISTRICT	VALUE	AMOUNT
149723 GREAT AMERICA FINANCIAL SERVICES CORP	2021-232428	LAS	12/31/9999 1:20:38 PM			
				F10 ADVL TAX	1,740.00	0.52
				G01 ADVL TAX	1,740.00	6.96
				TOTAL RELEASES:		7.48
146623 GREATAMERICA FINANCIAL SERVICES	2021-203732	LAS	12/31/9999 1:18:31 PM			
				CLERICAL ERROR		
				CLERICAL ERROR		
				INCORRECT DEPRECIATION SCHEDULE		
				DY: PERSONAL PROPERTY		
				CLERICAL ERROR	3,886.00	1.17
				CLERICAL ERROR	3,886.00	15.54
				INCORRECT DEPRECIATION SCHEDULE		
				DY: PERSONAL PROPERTY		
				TOTAL RELEASES:		16.71
64211 GREATAMERICA LEASING	2021-204724	LAS	12/31/9999 1:22:22 PM			
				F01 ADVL TAX	32,780.00	17.87
				G01 ADVL TAX	32,780.00	131.12
				TOTAL RELEASES:		148.99
64211 GREATAMERICA LEASING	2021-204725	LAS	12/31/9999 1:23:32 PM			
				CLERICAL ERROR		
				CLERICAL ERROR		
				INCORRECT DEPRECIATION SCHEDULE		
				DY: PERSONAL PROPERTY		
				CLERICAL ERROR	22,076.00	6.62
				CLERICAL ERROR	22,076.00	88.30
				CLERICAL ERROR	22,076.00	34.55
				INCORRECT DEPRECIATION SCHEDULE		
				DY: PERSONAL PROPERTY		
				TOTAL RELEASES:		129.47
64211 GREATAMERICA LEASING	2021-56033	LAS	12/31/9999 1:21:38 PM			
				CLERICAL ERROR		
				CLERICAL ERROR		
				INCORRECT DEPRECIATION SCHEDULE		
				DY: RP:6585897037		
				CLERICAL ERROR	8,772.00	4.78
				CLERICAL ERROR	8,772.00	35.09
				INCORRECT DEPRECIATION SCHEDULE		
				DY: RP:6585897037		
				TOTAL RELEASES:		39.87
148692 KUCKLBAUER, JOHANN HANS TRUST	2021-74805	LAS	12/31/9999 9:11:01 AM			
				CLERICAL ERROR		
				CLERICAL ERROR		
				CLERICAL ERROR		
				DY: PERSONAL PROPERTY		
				F01 ADVL TAX	29,580.00	16.12
				G01 ADVL TAX	29,580.00	118.32
				TOTAL RELEASES:		134.44
149515 MATHERS, KATHI	2021-53995	LAS	12/31/9999 2:32:37 PM			
				CLERICAL ERROR		
				CLERICAL ERROR		
				CLERICAL ERROR		
				DY: PERSONAL PROPERTY		
				F04 ADVL TAX	1,000.00	0.56
				G01 ADVL TAX	1,000.00	4.00
				L01 FFEFEE	1,000.00	108.00
				TOTAL RELEASES:		112.56
120790 MORRIS, MICHAEL A	2021-232004	LAS	12/31/9999 1:12:33 PM			
				CLERICAL ERROR		
				CLERICAL ERROR		
				CLERICAL ERROR		
				DOUBLE BILLED		
				DY: RP:7522530106		
				CLERICAL ERROR	61,640.00	34.33
				CLERICAL ERROR	61,640.00	246.56
				CLERICAL ERROR		
				DY: PERSONAL PROPERTY		
				TOTAL RELEASES:		280.89
91141 RODRIGUEZ, LOURDES	2021-103223	LAS	12/31/9999 4:52:17 PM			
				CLERICAL ERROR		
				CLERICAL ERROR		
				CLERICAL ERROR		
				DY: PERSONAL PROPERTY		
				F01 ADVL TAX	8,860.00	4.83
				G01 ADVL TAX	8,860.00	35.44
				L01 FFEFEE	8,860.00	108.00
				TOTAL RELEASES:		148.27

RUN DATE: 10/1/2021 4:19 PM

RELEASES REPORT  
Macon County

NAME	BILL NUMBER	OPER	DATE/TIME	DISTRICT	VALUE	AMOUNT
24914 ST JOHNS EPISCOPAL CHURCH	2021-232077	LAS	12/31/9999 2:42:25 PM			
		DY: RP-6563381889				
130385 SYSTEL BUSINESS EQUIP CO INC	2021-52817	ZAD	12/31/9999 8:28:36 AM	L01 FFEFEE	0.00	216.00
		DY: PERSONAL PROPERTY				216.00
		CLERICAL ERROR				
		NO DWELLING				
43896 UNKNOWN	2021-59196	ZAD	12/31/9999 10:57:51 AM	F01 ADVLTAX	1,241.00	0.68
		DY: RP-6518404781		G01 ADVLTAX	1,241.00	4.96
		CLERICAL ERROR				
		CLERICAL ERROR				
		incorrect depreciation schedule				
		TOTAL RELEASES:				5.64
68042 WELLS FARGO FINANCIAL LEASING	2021-83702	LAS	12/31/9999 11:33:08 AM	F09 ADVLTAX	59,210.00	41.80
		DY: PERSONAL PROPERTY		G01 ADVLTAX	59,210.00	236.84
		CLERICAL ERROR				
		CLERICAL ERROR				
		parcel obsolete by survey inactivated				
		TOTAL RELEASES:				278.64
		NET RELEASES PRINTED:				
		TOTAL TAXES RELEASED				5,654.76

RELEASES REPORT  
Macon County

F01 ADULT TAX - FRANKLIN FIRE DISTRICT TAX												
TAX YEAR	RATE	REAL VALUE RELEASED	PERS VALUE RELEASED	TOTAL VALUE RELEASED	REAL TAX RELEASED	PERS TAX RELEASED	MV VALUE RELEASED	MV TAXES RELEASED	TOTAL VALUE RELEASED	TOTAL TAXES RELEASED	TOTAL TAXES RELEASED	TOTAL TAXES RELEASED
2021		29,580	80,028	109,608	16.12	43.63	0	0.00	109,608	59.75	59.75	59.75
DIST TOTAL		29,580	80,028	109,608	16.12	43.63	0	0.00	109,608	59.75	59.75	59.75
F04 ADULT TAX - CULLASAUA FIRE DISTRICT TAX												
TAX YEAR	RATE	REAL VALUE RELEASED	PERS VALUE RELEASED	TOTAL VALUE RELEASED	REAL TAX RELEASED	PERS TAX RELEASED	MV VALUE RELEASED	MV TAXES RELEASED	TOTAL VALUE RELEASED	TOTAL TAXES RELEASED	TOTAL TAXES RELEASED	TOTAL TAXES RELEASED
2021		61,640	1,000	62,640	34.33	0.56	0	0.00	62,640	34.89	34.89	34.89
DIST TOTAL		61,640	1,000	62,640	34.33	0.56	0	0.00	62,640	34.89	34.89	34.89
F09 ADULT TAX - NANTAHALA FIRE DISTRICT TAX												
TAX YEAR	RATE	REAL VALUE RELEASED	PERS VALUE RELEASED	TOTAL VALUE RELEASED	REAL TAX RELEASED	PERS TAX RELEASED	MV VALUE RELEASED	MV TAXES RELEASED	TOTAL VALUE RELEASED	TOTAL TAXES RELEASED	TOTAL TAXES RELEASED	TOTAL TAXES RELEASED
2021		59,210	0	59,210	41.80	0.00	0	0.00	59,210	41.80	41.80	41.80
DIST TOTAL		59,210	0	59,210	41.80	0.00	0	0.00	59,210	41.80	41.80	41.80
F10 ADULT TAX - HIGHLANDS FIRE DISTRICT TAX												
TAX YEAR	RATE	REAL VALUE RELEASED	PERS VALUE RELEASED	TOTAL VALUE RELEASED	REAL TAX RELEASED	PERS TAX RELEASED	MV VALUE RELEASED	MV TAXES RELEASED	TOTAL VALUE RELEASED	TOTAL TAXES RELEASED	TOTAL TAXES RELEASED	TOTAL TAXES RELEASED
2021		0	909,290	909,290	0.00	272.79	0	0.00	909,290	272.79	272.79	272.79
DIST TOTAL		0	909,290	909,290	0.00	272.79	0	0.00	909,290	272.79	272.79	272.79
G01 ADULT TAX - GENERAL COUNTY TAX												
TAX YEAR	RATE	REAL VALUE RELEASED	PERS VALUE RELEASED	TOTAL VALUE RELEASED	REAL TAX RELEASED	PERS TAX RELEASED	MV VALUE RELEASED	MV TAXES RELEASED	TOTAL VALUE RELEASED	TOTAL TAXES RELEASED	TOTAL TAXES RELEASED	TOTAL TAXES RELEASED
2021		150,430	990,318	1,140,748	601.72	3,961.26	0	0.00	1,140,748	4,562.98	4,562.98	4,562.98
DIST TOTAL		150,430	990,318	1,140,748	601.72	3,961.26	0	0.00	1,140,748	4,562.98	4,562.98	4,562.98
H01 ADULT TAX - HIGHLANDS TAX												
TAX YEAR	RATE	REAL VALUE RELEASED	PERS VALUE RELEASED	TOTAL VALUE RELEASED	REAL TAX RELEASED	PERS TAX RELEASED	MV VALUE RELEASED	MV TAXES RELEASED	TOTAL VALUE RELEASED	TOTAL TAXES RELEASED	TOTAL TAXES RELEASED	TOTAL TAXES RELEASED
2021		0	22,076	22,076	0.00	34.55	0	0.00	22,076	34.55	34.55	34.55
DIST TOTAL		0	22,076	22,076	0.00	34.55	0	0.00	22,076	34.55	34.55	34.55
GRAND TOTALS:		300,860	2,002,712	2,303,572	693.97	4,312.79	0	0.00	2,303,572	5,006.76	5,006.76	5,006.76

Billing Code		Discription of Service / Vaccine	Old Patient Fee	New Proposed Fee
90632		Hep A - Adult	\$ 51.00	\$ 60
90633		Hep A - Pediatric	\$ 35.00	\$ 48
90657		Flu Shot (6-35 months)	\$ 11.00	\$ 20
90658		Flu Shot (3 yrs & >)	\$ 11.00	\$ 20
90660		Flumist - State Supplied		\$ 20
90670		Prevnar	\$ 220.00	\$ 222
90680		Rotateq	\$ 92.00	\$ 104
90685		Influenza virus vaccine,quadrivalent, split virus, preservative free, when	\$ 24.00	\$ 20
90686		Influenza virus vaccine,quadrivalent, split virus, preservative free, when	\$ 23.00	\$ 20
90687		Influenza virus vaccine,quadrivalent, split virus, when administered to children 6-35 months of age, for intramuscular use	\$ 22.00	\$ 20
90688		Influenza virus vaccine,quadrivalent, split virus, when administered to individuals 3	\$ 22.00	\$ 20
90696		Kinrix - (DTaP-IPV)	\$ 59.00	\$ 72
90700		DTAP	\$ 35.00	\$ 47
90707		MMR	\$ 89.00	\$ 96
90713		IPV	\$ 40.00	\$ 53
90714		Td	\$ 39.00	\$ 53
90716		Varicella Vaccine	\$ 147.00	\$ 156
90715		Tdap	\$ 43.00	\$ 57
90723		Pediarix - (DTaP- HepB-IPV)	\$ 79.00	\$ 92
90732		Pneumonia Vaccine	\$ 118.00	\$ 123
90736		Zostavax (Shingles Vaccine)	\$ 230.00	\$ 240
90746		Hep B - Adult	\$ 65.00	\$ 69
90750		Shingrix	\$ 167.00	\$ 171
90691		Typhoid Vi	\$ 116.00	\$ 125
91300		Pfizer-BioNTech Vaccine		\$ -
0001A		Pfizer: Immunization administration, first dose.	\$ 27.00	\$ 50
0002A		Pfizer: Immunization administration, second dose.	\$ 39.00	\$ 50
91301		Moderna COVID-19 Vaccine		\$ -
0011A		Moderna: Immunization administration; first dose.	\$ 27.00	\$ 50
0012A		Moderna: Immunization administration; second dose.	\$ 39.00	\$ 50
91303		Janssen COVID-19 Vaccine		\$ -
0031A		Janssen (Johnson and Johnson): Immunization administration, single dose.	\$ 27.00	\$ 50
0003A		Pfizer: Immunization administration, third dose.		\$ 50
0013A		Moderna: Immunization administration; third dose.		\$ 50

\*\*\*\*\*DENTAL CODES ONLY APPLY TO FEE FOR SERVICE CLAIMS\*\*\*\*\*

NC Medicaid Dental Reimbursement Rates				
as of January 1, 2019				
CDT Code	Mod	Description	Facility Fee	Recommended Fees per the Finance Committee
D0120		Periodic oral evaluation	\$41.70	\$52
D0140		Limited oral evaluation - problem focused	\$59.45	\$69
D0145		Oral evaluation for a patient under three years of age and counseling with primary caregiver	\$57.60	\$68
D0150		Comprehensive oral evaluation - new or established patient	\$72.13	\$82
D0160		Detailed and extensive oral evaluation - problem focused, by report	\$110.39	\$120
D0170		Re-evaluation - limited, problem focused (established patient; not post-operative visit)	\$46.46	\$56
D0210		Intraoral - complete series (including bitewings)	\$116.08	\$126
D0220		Intraoral -periapical first film	\$24.11	\$34
D0230		Intraoral - periapical each additional film	\$19.45	\$29
D0240		Intraoral - occlusal film	\$25.84	\$36
D0250		Extraoral - first film	\$34.80	\$45
D0270		Bitewing - single film	\$18.34	\$28
D0272		Bitewings - two films	\$29.91	\$40
D0273		Bitewings - three films	\$40.85	\$51
D0274		Bitewings - four films	\$51.87	\$62
D0310		Sialography	\$155.85	\$166
D0320		Temporomandibular joint arthrogram, including injection	\$317.74	\$328
D0330		Panoramic film	\$95.81	\$106
D0340		Cephalometric film	\$82.19	\$92

D0414	Laboratory processing of microbial specimen to include culture and sensitivity studies, preparation and transmission of written report	\$78.69	<b>\$89</b>
D0470	Diagnostic casts	\$69.18	<b>\$79</b>
D0473	Accession of tissue, gross and microscopic examination	\$78.68	<b>\$89</b>
D1110	Prophylaxis - adult	\$61.61	<b>\$72</b>
D1120	Prophylaxis - child	\$44.00	<b>\$54</b>
D1206	Topical fluoride varnish; therapeutic application for moderate to high caries risk patients	\$25.42	<b>\$35</b>
D1208	Topical application of fluoride	\$25.93	<b>\$36</b>
D1351	Sealant - per tooth	\$46.21	<b>\$56</b>
D1354	Interim caries arresting medicament application - per tooth	\$16.17	<b>\$26</b>
D1510	Space maintainer - fixed - unilateral	\$308.78	<b>\$319</b>
D1516	Space maintainer - Fixed - bilateral, maxillary	\$410.94	<b>\$421</b>
D1517	Space maintainer - fixed - bilateral, mandibular	\$410.94	<b>\$421</b>
D1575	Distal shoe space maintainer - fixed - unilateral	\$308.78	<b>\$319</b>
D2140	Amalgam - one surface, primary or permanent	\$114.84	<b>\$125</b>
D2150	Amalgam - two surfaces, primary or permanent	\$145.51	<b>\$156</b>
D2160	Amalgam - three surfaces, primary or permanent	\$168.48	<b>\$178</b>
D2161	Amalgam - four or more surfaces, primary or permanent	\$185.45	<b>\$195</b>
D2330	Resin-based composite - one surface, anterior	\$106.56	<b>\$117</b>
D2331	Resin-based composite - two surfaces, anterior	\$131.64	<b>\$142</b>
D2332	Resin-based composite - three surfaces, anterior	\$155.62	<b>\$166</b>

D2335	Resin-based composite - four or more surfaces or involving incisal angle (anterior)	\$197.13	<b>\$207</b>
D2390	Resin-based composite crown, anterior	\$280.23	<b>\$290</b>
D2391	Resin-based composite - one surface, posterior	\$122.89	<b>\$133</b>
D2392	Resin-based composite - two surfaces, posterior	\$163.06	<b>\$173</b>
D2393	Resin-based composite - three surfaces, posterior	\$198.31	<b>\$208</b>
D2394	Resin-based composite - four or more surfaces, posterior	\$240.29	<b>\$250</b>
D2930	Prefabricated stainless steel crown - primary tooth	\$233.30	<b>\$243</b>
D2931	Prefabricated stainless steel crown - permanent tooth	\$250.89	<b>\$261</b>
D2932	Prefabricated resin crown	\$274.11	<b>\$284</b>
D2933	Prefabricated stainless steel crown with resin window	\$305.69	<b>\$316</b>
D2934	Prefabricated esthetic coated stainless steel crown - primary tooth	\$305.69	<b>\$316</b>
D2940	Sedative filling	\$64.31	<b>\$74</b>
D2949	Restorative foundation for an indirect restoration	Manual Pricing	<b>#VALUE!</b>
D2950	Core buildup, including any pins	\$158.87	<b>\$169</b>
D2951	Pin retention - per tooth, in addition to restoration	\$38.58	<b>\$49</b>
D3220	Therapeutic pulpotomy (excluding final restoration)	\$131.12	<b>\$141</b>
D3222	Partial pulpotomy for apexogenesis - permanent tooth with incomplete root development	\$127.19	<b>\$137</b>
D3230	Pulpal therapy (resorbable filling) - anterior, primary tooth (excluding final restoration)	\$231.59	<b>\$242</b>
D3240	Pulpal therapy (resorbable filling) - posterior, primary tooth (excluding final restoration)	\$308.78	<b>\$319</b>

D3310	Endodontic therapy, anterior tooth (excluding final restoration)	\$458.55	\$469
D3320	Endodontic therapy, bicuspid tooth (excluding final restoration)	\$541.91	\$552
D3330	Endodontic therapy, molar (excluding final restoration)	\$662.81	\$673
D3351	Apexification/recalcification - initial visit	\$223.44	\$233
D3352	Apexification/recalcification - interim medication replacement	\$162.57	\$173
D3353	Apexification/recalcification - final visit	\$325.15	\$335
D3355	Pulpal regeneration - initial visit	Manual Pricing	#VALUE!
D3356	Pulpal regeneration - interim medication replacement	Manual Pricing	#VALUE!
D3357	Pulpal regeneration - completion of treatment	Manual Pricing	#VALUE!
D3410	Apicoectomy/periradicular surgery - anterior	\$420.19	\$430
D4210	Gingivectomy or gingivoplasty - four or more contiguous teeth per quadrant	\$401.86	\$412
D4211	Gingivectomy or gingivoplasty - one to three contiguous teeth per quadrant	\$149.23	\$159
D4240	Gingival flap procedure, including root planing - four or more contiguous teeth per quadrant	\$473.55	\$484
D4241	Gingival flap procedure, including root planing - one to three contiguous teeth per quadrant	\$400.18	\$410
D4341	Periodontal scaling and root planing - four or more contiguous teeth per quadrant	\$162.57	\$173
D4342	Periodontal scaling and root planing - one to three teeth per quadrant	\$94.56	\$105



D4346	Scaling in presence of generalized moderate or severe gingival inflammation - full mouth, after oral evaluation	\$61.61	<b>\$72</b>
D4355	Full mouth debridement to enable comprehensive evaluation and diagnosis	\$108.94	<b>\$119</b>
D4910	Periodontal maintenance	\$80.19	<b>\$90</b>
D5110	Complete denture - maxillary	\$945.65	<b>\$956</b>
D5120	Complete denture - mandibular	\$945.65	<b>\$956</b>
D5130	Immediate denture - maxillary	\$1,025.84	<b>\$1,036</b>
D5140	Immediate denture - mandibular	\$1,025.84	<b>\$1,036</b>
D5211	Maxillary partial denture - resin base	\$701.29	<b>\$711</b>
D5212	Mandibular partial denture - resin base	\$701.29	<b>\$711</b>
D5410	Adjust complete denture - maxillary	\$51.44	<b>\$61</b>
D5411	Adjust complete denture - mandibular	\$51.44	<b>\$61</b>
D5421	Adjust partial denture - maxillary	\$51.44	<b>\$61</b>
D5422	Adjust partial denture - mandibular	\$51.44	<b>\$61</b>
D5511	Repair broken completed denture base, mandibular	\$124.75	<b>\$135</b>
D5512	Repair broken completed denture base, maxillary	\$124.75	<b>\$135</b>
D5520	Replace missing or broken teeth - complete denture (each tooth)	\$105.15	<b>\$115</b>
D5611	Repair resin partial denture base, mandibular	\$124.75	<b>\$135</b>
D5612	Repair resin partial denture base, maxillary	\$124.75	<b>\$135</b>
D5621	Repair cast partial framework, mandibular	\$169.46	<b>\$179</b>
D5622	Repair cast partial framework, maxillary	\$169.46	<b>\$179</b>
D5630	Repair or replace broken clasp	\$239.30	<b>\$249</b>
D5640	Replace broken teeth - per tooth	\$102.74	<b>\$113</b>
D5650	Add tooth to existing partial denture	\$128.60	<b>\$139</b>

D5660		Add clasp to existing partial denture	\$192.99	<b>\$203</b>
D5730		Reline complete maxillary denture (chairside)	\$219.39	<b>\$229</b>
D5731		Reline complete mandibular denture (chairside)	\$219.39	<b>\$229</b>
D5740		Reline maxillary partial denture (chairside)	\$215.61	<b>\$226</b>
D5741		Reline mandibular partial denture (chairside)	\$215.61	<b>\$226</b>
D5750		Reline complete maxillary denture (laboratory)	\$279.16	<b>\$289</b>
D5751		Reline complete mandibular denture (laboratory)	\$279.16	<b>\$289</b>
D5760		Reline maxillary partial denture (laboratory)	\$272.35	<b>\$282</b>
D5761		Reline mandibular partial denture (laboratory)	\$272.35	<b>\$282</b>
D5876		Add metal substructure to acrylic full denture (per arch)	\$118.57	<b>\$129</b>
D6985		Pediatric partial denture, fixed	\$554.53	<b>\$565</b>
D7111		Extraction, coronal remnants - deciduous tooth	\$83.37	<b>\$93</b>
D7140		Extraction, erupted tooth or exposed root	\$102.74	<b>\$113</b>
D7210		Surgical removal of erupted tooth	\$176.62	<b>\$187</b>
D7220		Removal of impacted tooth - soft tissue	\$200.93	<b>\$211</b>
D7230		Removal of impacted tooth - partially bony	\$268.41	<b>\$278</b>
D7240		Removal of impacted tooth - completely bony	\$312.65	<b>\$323</b>
D7241		Removal of impacted tooth - completely bony, with unusual surgical complications	\$375.18	<b>\$385</b>
D7250		Surgical removal of residual tooth roots (cutting procedure)	\$192.58	<b>\$203</b>
D7251		Coronectomy - intentional partial tooth removal	Manual Pricing	<b>#VALUE!</b>
D7260		Oroantral fistula closure	\$615.82	<b>\$626</b>

D7270		Tooth reimplantation and/or stabilization of accidentally evulsed or displaced tooth	\$341.82	\$352
D7280		Surgical access of an unerupted tooth	\$307.63	\$318
D7283		Placement of device to facilitate eruption of impacted tooth	\$345.99	\$356
D7285		Biopsy of oral tissue - hard (bone, tooth)	\$220.90	\$231
D7286		Biopsy of oral tissue - soft (all others)	\$174.93	\$185
D7288		Brush biopsy - transepithelial sample collection	\$174.93	\$185
D7295		Harvest of bone for use in autogenous grafting procedure	Manual Pricing	#VALUE!
D7310		Alveoloplasty in conjunction with extractions - four or more tooth spaces, per quadrant	\$166.44	\$176
D7311		Alveoloplasty in conjunction with extractions - one to three tooth spaces, per quadrant	\$155.62	\$166
D7320		Alveoloplasty not in conjunction with extractions - four or more tooth spaces, per quadrant	\$242.84	\$253
D7321		Alveoloplasty not in conjunction with extractions - one to three tooth spaces, per quadrant	\$217.87	\$228
D7340		Vestibuloplasty - ridge extension (secondary epithelialization)	\$846.97	\$857
D7350		Vestibuloplasty - ridge extension (including soft tissue grafts)	\$1,569.10	\$1,579
D7410		Excision of benign lesion up to 1.25 cm	\$261.10	\$271
D7411		Excision of benign lesion greater than 1.25 cm	\$341.95	\$352

D7412	Excision of benign lesion, complicated	\$450.88	<b>\$461</b>
D7413	Excision of malignant lesion up to 1.25 cm	\$375.22	<b>\$385</b>
D7414	Excision of malignant lesion greater than 1.25 cm	\$549.23	<b>\$559</b>
D7415	Excision of malignant lesion, complicated	\$658.17	<b>\$668</b>
D7440	Excision of malignant tumor - lesion diameter up to 1.25 cm	\$302.61	<b>\$313</b>
D7441	Excision of malignant tumor - lesion diameter greater than 1.25 cm	\$540.37	<b>\$550</b>
D7450	Removal of benign odontogenic cyst or tumor - lesion diameter up to 1.25 cm	\$287.47	<b>\$297</b>
D7451	Removal of benign odontogenic cyst or tumor - lesion diameter greater than 1.25 cm	\$368.42	<b>\$378</b>
D7460	Removal of benign nonodontogenic cyst or tumor - lesion diameter up to 1.25 cm	\$382.11	<b>\$392</b>
D7461	Removal of benign nonodontogenic cyst or tumor - lesion diameter greater than 1.25 cm	\$572.19	<b>\$582</b>
D7465	Destruction of lesion(s) by physical or chemical method, by report	\$226.20	<b>\$236</b>
D7471	Removal of lateral exostosis (maxilla or mandible)	\$364.94	<b>\$375</b>
D7472	Removal of torus palatinus	\$423.65	<b>\$434</b>
D7473	Removal of torus mandibularis	\$421.37	<b>\$431</b>
D7485	Surgical reduction of osseous tuberosity	\$379.77	<b>\$390</b>
D7490	Radical resection of mandible with bone graft	\$4,800.10	<b>\$4,810</b>
D7510	Incision and drainage of abscess - intraoral soft tissue	\$179.49	<b>\$189</b>
D7520	Incision and drainage of abscess - extraoral soft tissue	\$385.98	<b>\$396</b>

D7530	Removal of foreign body from mucosa, skin or subcutaneous alveolar tissue	\$204.26	<b>\$214</b>
D7540	Removal of reaction producing foreign bodies, musculoskeletal system	\$378.26	<b>\$388</b>
D7550	Partial ostectomy/sequestrectomy for removal of non-vital bone	\$492.51	<b>\$503</b>
D7560	Maxillary sinusotomy for removal of tooth fragment or foreign body	\$618.83	<b>\$629</b>
D7610	Maxilla - open reduction (teeth immobilized, if present)	\$2,477.60	<b>\$2,488</b>
D7620	Maxilla - closed reduction (teeth immobilized, if present)	\$1,946.51	<b>\$1,957</b>
D7630	Mandible - open reduction (teeth immobilized, if present)	\$2,441.28	<b>\$2,451</b>
D7640	Mandible - closed reduction (teeth immobilized, if present)	\$1,917.76	<b>\$1,928</b>
D7650	Malar and/or zygomatic arch - open reduction	\$2,215.08	<b>\$2,225</b>
D7660	Malar and/or zygomatic arch - closed reduction	\$1,882.22	<b>\$1,892</b>
D7670	Alveolus - closed reduction, may include stabilization of teeth	\$770.13	<b>\$780</b>
D7680	Facial bones - complicated reduction with fixation and multiple surgical approaches	\$3,718.28	<b>\$3,728</b>
D7710	Maxilla - open reduction	\$2,609.98	<b>\$2,620</b>
D7720	Maxilla - closed reduction	\$1,900.36	<b>\$1,910</b>
D7730	Mandible - open reduction	\$2,647.81	<b>\$2,658</b>
D7740	Mandible - closed reduction	\$2,050.16	<b>\$2,060</b>
D7750	Malar and/or zygomatic arch - open reduction	\$2,334.61	<b>\$2,345</b>
D7760	Malar and/or zygomatic arch - closed reduction	\$2,584.26	<b>\$2,594</b>
D7770	Alveolus - open reduction stabilization of teeth	\$1,513.03	<b>\$1,523</b>

D7780	Facial bones - complicated reduction with fixation and multiple surgical approaches	\$4,452.86	<b>\$4,463</b>
D7810	Open reduction of dislocation	\$2,417.08	<b>\$2,427</b>
D7820	Closed reduction of dislocation	\$295.04	<b>\$305</b>
D7830	Manipulation under anesthesia	\$387.34	<b>\$397</b>
D7840	Condylectomy	\$3,126.68	<b>\$3,137</b>
D7850	Surgical discectomy, with/without implant	\$3,151.65	<b>\$3,162</b>
D7858	Joint reconstruction	\$2,163.25	<b>\$2,173</b>
D7860	Arthrotomy	\$964.41	<b>\$974</b>
D7865	Arthroplasty	\$1,629.82	<b>\$1,640</b>
D7870	Arthrocentesis	\$200.48	<b>\$210</b>
D7872	Arthroscopy - diagnosis, with or without biopsy	\$750.09	<b>\$760</b>
D7873	Arthroscopy - surgical: lavage and lysis of adhesions	\$892.78	<b>\$903</b>
D7910	Suture of recent small wounds up to 5 cm	\$270.09	<b>\$280</b>
D7911	Complicated suture - up to 5 cm	\$419.63	<b>\$430</b>
D7912	Complicated suture - greater than 5 cm	\$520.80	<b>\$531</b>
D7920	Skin graft	\$1,382.16	<b>\$1,392</b>
D7940	Osteoplasty - for orthognathic deformities	\$2,248.52	<b>\$2,259</b>
D7941	Osteotomy - mandibular rami	\$5,876.84	<b>\$5,887</b>
D7943	Osteotomy - mandibular rami with bone graft; includes obtaining the graft	\$5,412.45	<b>\$5,422</b>
D7944	Osteotomy - segmented or subapical	\$4,495.37	<b>\$4,505</b>
D7945	Osteotomy - body of mandible	\$4,668.80	<b>\$4,679</b>
D7946	LeFort I (maxilla - total)	\$5,475.82	<b>\$5,486</b>
D7947	LeFort I (maxilla - segmented)	\$5,535.02	<b>\$5,545</b>
D7948	LeFort II or LeFort III - without bone graft	\$6,337.88	<b>\$6,348</b>
D7949	LeFort II or LeFort III - with bone graft	\$7,279.14	<b>\$7,289</b>

D7950	Osseous, osteoperiosteal, or cartilage graft of the mandible or maxilla	\$1,554.65	<b>\$1,565</b>
D7955	Repair of maxillofacial soft and hard tissue defect	\$1,984.37	<b>\$1,994</b>
D7960	Frenulectomy (frenectomy or frenotomy) - separate procedure	\$285.97	<b>\$296</b>
D7963	Frenuloplasty	\$435.51	<b>\$446</b>
D7971	Excision of pericoronal gingiva	\$247.03	<b>\$257</b>
D7972	Surgical reduction of fibrous tuberosity	\$416.09	<b>\$426</b>
D7979	Non-surgical sialolithotomy	Manual Pricing	<b>#VALUE!</b>
D7980	Sialolithotomy	\$492.76	<b>\$503</b>
D7981	Excision of salivary gland, by report	\$870.79	<b>\$881</b>
D7982	Sialodochoplasty	\$943.37	<b>\$953</b>
D7983	Closure of salivary fistula	\$620.35	<b>\$630</b>
D7990	Emergency tracheotomy	\$699.77	<b>\$710</b>
D7991	Coronoidectomy	\$2,224.15	<b>\$2,234</b>
D8070	Comprehensive orthodontic treatment of the transitional dentition (banding)	Manual Pricing	<b>#VALUE!</b>
D8080	Comprehensive orthodontic treatment of the adolescent dentition	\$1,323.85	<b>\$1,334</b>
D8670	Periodic orthodontic treatment visit (as part of contract)	\$155.62	<b>\$166</b>
D8680	Orthodontic retention (removal of appliances, construction and placement of retainer(s))	Manual Pricing	<b>#VALUE!</b>
D9110	Palliative (emergency) treatment of dental pain - minor procedure	\$68.84	<b>\$79</b>
D9222	Deep sedation/general anesthesia - First 15 minutes	\$108.93	<b>\$119</b>
D9223	Deep sedation/general anesthesia - each 15 minute increment	\$108.93	<b>\$119</b>
D9230	Analgesia, anxiolysis, inhalation of nitrous oxide	\$69.48	<b>\$79</b>

D9239	Intravenous moderate (conscious) sedation/analgesia-First 15 minutes	\$110.78	<b>\$121</b>
D9243	Intravenous moderate (conscious) sedation/analgesia - each 15 minute increment	\$110.78	<b>\$121</b>
D9410	House/extended care facility call	\$121.05	<b>\$131</b>
D9420	Hospital call	\$191.37	<b>\$201</b>
D9440	Office visit - after regularly scheduled hours	\$94.56	<b>\$105</b>
D9610	Therapeutic parenteral drug, single administration	\$56.74	<b>\$67</b>
D9612	Therapeutic parenteral drugs, two or more administrations, different medications	\$93.80	<b>\$104</b>
D9613	Infiltration of sustained released therapeutic drug - single or multiple sites	Manual Pricing	<b>#VALUE!</b>
D9630	Other drugs and/or medicaments, by report	\$24.58	<b>\$35</b>
D9995	Teledentistry - synchronous; real-time encounter	91.88	<b>\$102</b>



Macon County  
2022 Holiday Schedule

<u>Holiday</u>	<u>Observance Date</u>	<u>Day of Week</u>
New Year's Day	December 31	Friday
Martin Luther King Jr. Birthday	January 17	Monday
Good Friday	April 15	Friday
Memorial Day	May 30	Monday
Independence Day	July 4	Monday
Labor Day	September 5	Monday
Veterans Day	November 11	Friday
Thanksgiving	November 24 & 25	Thursday/Friday
Christmas	December 23, 26 & 27	Friday, Monday & Tuesday

NOTE: Observance dates follow North Carolina Office of State Human Resources schedule

**Macon County**  
**Advaiorem Tax Collections Report**  
**Year To Date September 2021 Tax Year 2021**

TAX YEAR 2021 Month To Date September 2021 Tax Year 2021									
Month to Date	Beginning Balance	Levy Added	Less Releases	Less Administrative Refunds	Less Write Offs	Equals Adjusted Levy	Less Payments	Outstanding Balance	
General Tax	23,332,735.11	8,045.17	-5,065.87	0.00	-8.22	23,335,706.19	-4,995,285.37	18,340,420.82	
Fire Districts	3,153,275.26	1,064.37	-855.61	0.00	-1.47	3,153,482.55	-610,780.63	2,542,701.92	
Landfill User Fee	2,281,104.93	203.00	-2,268.00	0.00	-0.52	2,279,039.41	-405,325.10	1,873,714.31	
<b>TOTAL:</b>	<b>28,767,115.30</b>	<b>9,312.54</b>	<b>-8,189.48</b>	<b>0.00</b>	<b>-10.21</b>	<b>28,768,228.15</b>	<b>-6,011,391.10</b>	<b>22,756,837.05</b>	

TAX YEAR 2021 Year To Date September 2021 Tax Year 2021										
Year to Date	Beginning Balance	Levy Added	Less Releases	Less Administrative Refunds	Less Write Offs	Equals Adjusted Levy	Less Payments	Outstanding Balance	Collection Percentage Tax Year 2021 As of 9/30/2021	Collection Percentage Tax Year 2020 As of 9/30/2020
General Tax	0.00	30,957,279.19	-5,065.87	0.00	-1134.42	30,951,078.90	-12,610,658.08	18,340,420.82	40.74%	43.04
Fire Districts	0.00	4,114,444.30	-855.61	0.00	-165.22	4,113,423.47	-1,570,721.55	2,542,701.92	38.19%	40.52
Landfill User Fee	0.00	2,991,371.00	-46,440.00	0.00	-1.11	2,944,929.89	-1,071,215.58	1,873,714.31	36.37%	38.72
<b>TOTAL:</b>	<b>0.00</b>	<b>38,063,094.49</b>	<b>-52,361.48</b>	<b>0.00</b>	<b>-1300.75</b>	<b>38,009,432.26</b>	<b>-15,252,595.21</b>	<b>22,756,837.05</b>	<b>40.13%</b>	<b>42.41</b>