

**MACON COUNTY BOARD OF COMMISSIONERS**  
**JULY 5, 2011 – 11:30 A.M.**  
**CONTINUED SESSION**  
**MINUTES**

Chairman McClellan convened the continued session at 11:34 a.m. in the Commissioners' Boardroom on the third floor of the courthouse as recessed from the June 21<sup>st</sup> meeting. All Board Members, the County Manager, Deputy Clerk, Finance Director, County Attorney and members of the news media were present.

Chairman McClellan asked if there were any announcements or additions to the agenda. The County Manager said the joint meeting with the towns of Franklin and Highlands would be held July 21, 2011 at 6 p.m. at the Cajun Connection restaurant in Franklin.

There was a brief discussion among the board members with regard to the proposed 17 percent rate increase proposed by Duke Energy, and the consensus of the board was to request that a draft resolution opposing the increase be presented for the commission's consideration at its August regular meeting.

**CONSIDERATION OF PROPERTY ACQUISITION:** The County Attorney recommended that the board hold a brief closed session before taking action on this item, and upon a motion by Commissioner Beale, seconded by Commissioner Kuppers, the board voted unanimously to go into closed session at 11:42 a.m. for the purpose of discussing property acquisition. Upon a motion by Commissioner Kuppers, seconded by Commissioner Beale, the board voted unanimously to return to open session at 11:55 a.m. Upon a motion by Commissioner Haven, seconded by Commissioner Beale, the board voted unanimously to authorize the County Manager to proceed with the purchase of the property located at the corner of Palmer Street and Patton Avenue and to notify United Community Bank of the same.

**CONSIDERATION OF CHANGE ORDER:** The County Manager and Terry Bell explained the three proposals associated with Change Order Number 1 for the new K-4 North Macon Elementary School, which total \$16,483 (Attachment 1). Upon a motion by Commissioner Corbin, seconded by Commissioner Kuppers, the board voted unanimously to approve the change order as presented.

**INFORMATION KIOSK AT BIG BEAR SHELTER:** The County Manager explained that he had received a letter from the Land Trust for the Little Tennessee, requesting that the county accept ownership of the timber-

frame kiosk erected near Big Bear Shelter along the Little Tennessee River Greenway. The letter noted that the educational kiosk was permanently located on county property and it would be appropriate that the county hold ownership of it. Upon a motion by Commissioner Beale, seconded by Commissioner Haven, the board voted unanimously to accept ownership of the kiosk with the understanding that the county would be responsible for maintenance.

**ARCHITECT CONTRACT AMENDMENT:** The County Manager explained that Mike Watson, the architect on the new K-4 North Macon Elementary School, was seeking additional compensation of \$75,000 for six additional work items performed at the county's request. The County Manager noted that the consensus of the board was to pay \$30,000, which it deemed to be a reasonable amount, and that Mr. Watson had been made aware of the difference. Upon a motion by Commissioner Beale, seconded by Commissioner Koppers, the board voted unanimously to amend the contract with Bowers, Ellis & Watson Architects in an amount not to exceed \$30,000 and to amend the project budget accordingly.

**APPOINTMENT TO SCC BOARD OF TRUSTEES:** Chairman McClellan explained that Charles Leatherman had tendered his resignation from the Southwestern Community College (SCC) Board of Trustees effective June 1, 2011, and that an appointment to fill his term was needed by July 31, 2011. Commissioner Beale recommended Kathy Tinsley, and Commissioner Corbin said that Gary Shields' name had been mentioned to him and Commissioner Corbin had said he would present it. Following further discussion, Commissioner Beale nominated Mrs. Tinsley, and Commissioner Koppers seconded the motion, which failed 3-2, with Commissioners Corbin, Haven and McClellan voting against the motion and Commissioners Beale and Koppers voting in favor. Commissioner Corbin then nominated Mr. Shields, and Commissioner Haven seconded the motion, which passed 3-2, with Commissioners Corbin, Haven and McClellan voting in favor and Commissioners Beale and Koppers voting against. The board's recommendation will be forwarded to the Jackson County Board of Commissioners, who also have approval authority over this appointment.

**APPOINTMENT TO THE BOARD OF HEALTH:** Upon a motion by Commissioner Beale, seconded by Commissioner Corbin, the board voted unanimously to appoint Dr. S. Douglas Egge to the Health Board, replacing Dr. David Farley. Dr. Farley had been reappointed to the board for a three-year term at the commission's June 14, 2011 meeting, and Dr. Egge will fill the remainder of that term.

**DESIGNATION OF VOTING DELEGATE TO NCACC CONFERENCE:**

Upon a motion by Commissioner Kuppers, seconded by Commissioner Beale, the board voted unanimously to designate Chairman McClellan as the county's voting delegate at the North Carolina Association of County Commissioners Annual Conference, to be held August 18-21, 2011 in Cabarrus County.

**BUDGET AMENDMENTS:** The Finance Director presented the following budget amendments for the board's consideration:

- Amendment Number 221 (FY 2010/2011): To transfer \$23,692 from contingency to other structures for paving of the parking lot at the animal control shelter site. Upon a motion by Commissioner Kuppers, seconded by Commissioner Corbin, the board voted unanimously to approve the amendment as presented (Attachment 2).
- Amendment Number 222 (FY 2010/2011): To transfer \$24,865 from contingency for the final payment of the 49.73 percent (the county's portion) of the total cost of the Southwestern Community College (SCC) building – the Cecil L. Groves Center – on Siler Road. Upon a motion by Commissioner Beale, seconded by Commissioner Corbin, the board voted unanimously to approve the amendment as presented (Attachment 3).
- Amendment Number 2 (FY 2011/2012): To carry forward the appropriation of \$315,000 in capital expense from fund balance for the purchase of the property at the corner of Palmer Street and Patton Avenue. Upon a motion by Commissioner Kuppers, seconded by Commissioner Haven, the board voted unanimously to approve the amendment as presented (Attachment 4).

**AMENDED CAPITAL PROJECT ORDINANCE:** Upon a motion by Commissioner Beale, seconded by Commissioner Kuppers, the board voted unanimously to approve an amended Capital Project Ordinance for the Little Tennessee and Cartoogechaye Creek Sewer Project that reflects an additional \$250,000 in funding from the North Carolina Rural Economic Development Center, bringing total revenues for the project to \$5,810,220 (Attachment 5). It was noted that this project is anticipated to be completed in the fall, and the board members said there were still issues regarding the contractor's staging area prohibiting access to the Little Tennessee River Greenway.

The County Attorney told the board there was a need for a closed session to discuss a legal issue and thus preserve the attorney/client privilege, but that no action would be necessary. Upon a motion by Commissioner Beale, seconded by Commissioner Kuppers, the board voted

unanimously to go into closed session at 12:25 p.m. for the purpose of preserving the attorney/client privilege. Upon a motion by Commissioner Corbin, seconded by Commissioner Koppers, the board voted unanimously to return to open session at 12:57 p.m. No action was taken.

Upon a motion by Commissioner Corbin, seconded by Commissioner Koppers, the board voted unanimously to adjourn at 12:58 p.m.

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Jack Horton, County Manager  
Clerk to the Board

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Brian McClellan  
Board Chairman