

MACON COUNTY BOARD OF COMMISSIONERS  
MARCH 7, 2005  
MINUTES

Chairman Bryson convened the meeting at 6 p.m. All Board Members, the County Manager, County Attorney, Staff Attorney, Interim Finance Director, Deputy Clerk, members of the news media and interested citizens were present. Rev. Randy Drinnon from Prentiss Baptist Church gave the invocation.

MINUTES: Upon motion by Commissioner Leatherman the minutes of the February 7th, 21st and 28th meetings were approved as submitted with the following correction: the February 28th minutes were changed to read "met jointly with the Franklin Town Board" rather than the Highlands Town Board. The motion for approval was seconded by Commissioner Shepherd and all favored.

ADDITIONS/ADJUSTMENTS: An update on the Peek's Creek fundraiser and a request from the schools was added to the agenda.

PUBLIC SESSION: No one wished to speak during public session.

SPAY AND NEUTER CONTRACTS: SPAY AND NEUTER PROGRAM: Commissioner Simpson made a motion to hear comments from the Staff Attorney with respect to the proposed Spay and Neuter Program but to table any consideration of the matter until next month. Commissioner Leatherman seconded the motion and all favored. The Staff Attorney reported that he had provided the Board with a memo which fully discussed a proposed Memorandum of Understanding with both animal welfare groups to implement the program as well as further animal control issues.

The Staff Attorney recommended that the Board take immediate action to eliminate the job description for an animal control officer in the Sheriff's Department because, without animal shelter space available, the animal control officer could not perform all statutory duties imposed on the position.

The Staff Attorney advised that the Sheriff's Department should continue to investigate complaints involving animals with regular deputies in the same manner as all other complaints were investigated. The Staff Attorney further advised that the Sheriff should be designated as the officer responsible for making the initial determination of a potentially dangerous dog pursuant to Chapter 67 of the General Statutes and thereby, any deputy could act in his stead.

Commissioner Simpson made a motion to accept the Staff Attorney's recommendations as follows: (1) eliminate the description of animal control officer in the Sheriff's Department, (2) request that the Sheriff continue to investigate complaints involving animals with regular deputies, (3) appoint the Sheriff as the officer responsible for making the initial determination of a potentially dangerous dog pursuant to Chapter 67 of the General Statutes, and (4) invite the Humane Society and the Friends of Animals to each designate one of their members to meet with the committee that considered animal control issues. Commissioner Leatherman seconded the motion and all favored. Commissioner Leatherman next made a motion directing the County Manager to immediately negotiate a contract with a local veterinarian or kennel to temporarily hold dogs that had been designated as potentially dangerous in those instances in which the dog's owner could not be determined. Commissioner Shepherd seconded this motion and it passed unanimously.

6:30 P.M. - PUBLIC HEARING - ROAD NAMES: The regular meeting was recessed at 6:30 p.m. to convene the public hearing on road names as noticed.

Charles Frankosky protested the proposed name of Barn View Road. Angie Kinsland, representing the 911 Addressing Office, stated she had three votes for Barn View and two votes for Spotted Trail. Mr. Frankosky was advised in accordance with county policy road names are selected by the majority of responding property owners on the road. Dan Green also voiced his objections to the name of Barn View. Charles and Millie Honeycutt stated they understood there was going to be opposition to the naming of Honeycutt Place and voiced their support for the name. There were no further public comments and upon motion by Commissioner Davis, seconded by Commissioner Shepherd, the Board unanimously voted to adjourn the public hearing and reconvene in public session.

Commissioner Simpson made a motion to adopt road names as presented. The motion was seconded by Commissioner Davis and all favored. (Attachment #1.)

HUMAN RESOURCES: Human Resource Director Gary Nicholson presented a certificate of resolution amending the county's deferred compensation plan as pertains to "automatic rollover" requirements of the Internal Revenue code. Upon motion by Commissioner Davis, seconded by Commissioner Simpson, the Board unanimously voted to approve the amendment.

NCDOT/RICH GAP ROAD: Upon motion by Commissioner Simpson and seconded by Commissioner Leatherman the Board unanimously voted to adopt a resolution recommending 0.33 miles of Rich Gap Road be added to the State System per information from NCDOT. (Attachment #2)

MEDICAID: Commissioner Leatherman made a motion to adopt a resolution per attachment #3 supporting state assumption of the county share of Medicaid with a copy being forward to the members of the General Assembly representing Macon County. The motion was seconded by Commissioner Simpson and all favored.

6:45 P.M. " PUBLIC HEARING " CELL TOWER: 6:45 P.M. - PUBLIC HEARING ON CELL TOWER APPLICATION: Chairman Bryson recessed the regular meeting and convened a public hearing for consideration of the application of Pegasus Tower for construction of a new cell tower in the Otto Community on Parcel

No. 731155 owned by Warren R. Beck and Jimmy W. Blalock. The Staff Attorney reported that proper notices were sent to all property owners entitled to notice under the ordinance. The Staff Attorney further reported that Mr. Timmons, the Pegasus representative, had brought documentation to the meeting that resolved an issue with respect to the potential violations of restrictive covenants on the property. The Staff Attorney advised that the application satisfied the ordinance requirements.

Tom Kleschka stated he was a resident on Norris Road where the proposed tower will be constructed, that Norris Road is an unpaved road due to right of way problems, that construction of the tower will mean more traffic, more dust and safety hazards. Mr. Keschka suggested the tower company and property owner be required to pay cost for condemnation of property for right of ways so road can be paved.

Jim Mayberry stated he was one of the property owners on Norris Road who refused to grant right of way and as long as he was alive and owned property Norris Road would not be paved.

Donald Fraser stated he was a resident at 466 Norris Road, expressed opposition to the cell tower due to erosion and height concerns and asked if the permit is granted a stipulation be included to number of trees that can be cut to prevent erosion.

Peggy Patterson expressed concern about the lack of cell phone service in the Otto area and spoke in favor of the tower. Ms. Patterson informed the Board if this site does not work out she might know of another location

that could be considered.

Commissioner Simpson questioned which carriers would use the tower and Mr. Timmons stated the tower is designed for six companies although Ramcell and Cingular were the only two currently involved. When questioned, Mr. Timmons stated the utilities would be underground from the connect point.

There were no further comments or questions and upon motion by Commissioner Simpson, seconded by Commissioner Davis the hearing was adjourned and the Board reconvened in regular session. Commissioner Simpson made a motion to approve the cell tower application submitted by Pegasus Tower to construct a 170 foot monopole cell tower in the Otto Community on Lot 15 (Parcel ID#731155) Bluebird Heights off Norris Road in Smithbridge Township, owned by Warren R. Beck and Jimmy W. Blalock. The motion was seconded by Commissioner Shepherd and all favored.

APPOINTMENTS: Town Board of Adjustments (ETJ) - Commissioner Simpson made a motion to reappoint Gus Wilde and Lloyd Swift to the ETJ and appoint Johnny Waldrop and Bobby Peek to fill two of the three vacant positions noting that Bill Jamison had been recommended but he had been unable to contact him. The motion was seconded by Commissioner Davis and all favored. Terms will expire January 31, 2008.

Community Funding Pool - Commissioner Simpson made a motion to reappoint Jennifer Jones to the Community Funding Pool and to appoint Hammond Rauers, Andy Cloer and Cindy Reed. The motion also included reducing the committee by not filling the positions vacated when Tom Corrigan moved from the area and when Stacy Guffey became a county employee. The motion was seconded by Commissioner Leatherman and all favored. Terms will expire March 1, 2008.

Industrial Facility and Pollution Control Finance Authority (Bond Authority) - Upon motion by Commissioner Leather and seconded by Commissioner Shepherd the Board unanimously voted to appoint Ed Shatley and Beverly Mason to the Bond Authority. Terms will expire February 28, 2008.

Library Board of Trustees - Commissioner Davis made a motion to reappoint Elena Carlson to the Library Board and to appoint Vic Greene to fill the term of Ken Stonebreaker who has served the maximum number of allowable terms. The motion was seconded by Commissioner Leatherman and all favored. Terms will expire February 28, 2008.

Board of Equalization and Review - Upon motion by Commissioner Simpson and seconded by Commissioner Davis the Board unanimously voted to reappoint Rich Bankston, Steve Pierson and Emory Crawford to the Board of Equalization and Review and to appoint Bill Mason and Dwight Vinson.

Western RC&D Council - Commissioner Leatherman made a motion to reappoint Mike Breedlove to the Western RC&D Council. The motion was seconded by Commissioner Shepherd and all favored. It was noted Mr. Breedlove has served multiple terms; however, this appointment has traditionally been filled by an employee of Soil Conservation Services.

TAX DEPARTMENT: Releases - Upon motion by Commissioner Davis and seconded by Commissioner Leatherman the Board unanimously approved tax releases in the amount of \$19,842.80 as submitted. It was noted the correction from Franklin Aviation as approved at the previous meeting was included in the releases. (A computer print-out of tax releases is on file in the Tax Collector's and County Manager's Offices.)

Tax Administrator reappointment - Tax Administrator Richard Lightner reported his appointment ends June 30, 2005 and as allowed under NCGS 105-294 requested a four-year appointment to run from July 1, 2005 to July 1, 2009. Commissioner Leatherman made a motion to reappoint Mr.

Lightner for a four-year term as requested. The motion was seconded by Commissioner Shepherd and all favored.

FINANCE: Audit Contract - Commissioner Simpson made a motion to contract with Martin Starnes & Associates, CPAs, PA to perform the FY 2004/2005 county audit. The motion was seconded by Commissioner Leatherman and all favored. (Attachment #4)

Budget revisions - The following budget revisions were unanimously approved:

revision #76, upon motion by Commissioner Shepherd and seconded by Commissioner Shepherd, appropriating \$17,135 from Contingency for the County Recreation Plan;

revision #77, upon motion by Commissioner Leatherman and seconded by Commissioner Simpson, appropriating \$500 in DSS for Vocational Rehabilitation;

revision #78, upon motion by Commissioner Davis and seconded by Commissioner Shepherd, appropriating additional allocations in DSS for Crisis and Energy Administration;

revision #79, upon motion by Commissioner Shepherd and seconded by Commissioner Simpson, appropriating \$3,063 Family Planning funds;

revision #80, upon motion by Commissioner Simpson and seconded by Commissioner Davis, appropriating \$1,000 March of Dimes grant;

revision #81, upon motion by Commissioner Simpson and seconded by Commissioner Leatherman, appropriating \$13,043 from sale of bridge materials in the Greenway project;

revision #82, upon motion by Commissioner Shepherd and seconded by Commissioner Simpson, appropriating \$10,455 in DSS for Crisis Intervention Prevention; and

revision #83, upon motion by Commissioner Simpson and seconded by Commissioner Shepherd, appropriating \$7,500 in DSS State Foster Care. (Note: revisions with corresponding numbers are attached.)

PEEKS CREEK FUNDRAISER: Commissioner Simpson requested Narelle Kirkland to give an update on the Peek's Creek video fund raising project. Ms. Kirkland reported they were getting negative responses from television stations on release of their films taken immediately following the disaster. She stated they are still seeking funding and working with the Community Foundation.

SCHOOLS: School Board Chairman Kevin Corbin and Superintendent Rodney Shotwell presented information on the Qualified Zone Academy Bonds (QZAB) Program which allows borrowing money for certain school rehabilitation or repair projects at zero percent interest and requested permission to apply for funding for additions and renovations to East Franklin School.

After discussion Commissioner Davis made a motion to authorize the schools to apply for the QZAB funding with the understanding that the County has budget constraints and final approval of funding will need to be worked within those constraints. The motion was seconded by Commissioner Leatherman and all favored.

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

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Sam K. Greenwood, County Manager  
Clerk to the Board

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Daniel A. Bryson  
Board Chairman

