

MACON COUNTY BOARD OF COMMISSIONERS  
MAY 2, 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. Commissioner Shepherd gave the invocation.

MINUTES: The minutes of the April 4, 2005, meeting were unanimously approved as submitted upon motion by Commissioner Simpson and seconded by Commissioner Shepherd.

ADDITIONS/ADJUSTMENTS: The Staff Attorney requested that consideration of a resolution concerning minority business participation be added to the agenda. Upon motion by Commissioner Simpson and seconded by Commissioner Davis the Board unanimously voted to add the item. The County Manager stated he had some informational items to present at the end of the meeting.

PUBLIC SESSION: Sandra Hahn expressed concerns about tax charged on home heating fuel bills especially with the current price of fuel. Joe Mollick stated he had recently moved here from Alaska, feels taxes are extremely high here and the County is awash in excess funds. He added he is going to be involved in the tax process. Catherine Robb expressed concerns that as a result of high sales' prices on property she fears a raise in taxes. Norm Roberts stated he did not think the current budget cycle gives the public adequate time to review the budget prior to the hearing and/or adoption. Don Swanson stated he felt fund balance of both the county and schools is excessive and if appropriated taxes could be reduced. Mr. Swanson also stated non-departmental line items scare him. Jimmy Goodman stated unfunded mandates are clichés in every budget year and he would like to see a list of those mandates. He also expressed opposition to forming a joint airport authority with Jackson County adding that we just got out of a bad deal with Jackson County (solid waste agreement). Bob Lavery quoted budget figures stating county revenues exceed expenditures and questioned why the excess cash is in the county's pocket rather than the taxpayer's pocket. Larry Stenger requested support of Agenda Item #7 which was approval of the settlement agreement in the Duke Power intervention. Mr. Stenger added this is a starting point for negotiations. Narrell Kirland informed the Board that the Peek's Creek video is complete and will be in stores soon.

MINORITY PARTICIPATION IN FORMALLY BID CONTRACTS: The Staff Attorney presented the attached resolution establishing policy to encourage minority participation in formally bid contracts in order to be in compliance with NCGS §143-128.2. Upon motion by Commissioner Simpson and seconded by Commissioner Shepherd the Board unanimously voted to adopt the resolution. (Attachment #1)

DEPARTMENT ON AGING: Meal bids - Department on Aging Director Jan Moore reported only one bid was received for providing noon meals Monday through Friday for the Department on Aging and stated the Advisory Council voted unanimously to recommend accepting the bid from Angel Medical Center at a bid of \$4.15 per meal without paper goods and \$4.50 with all paper goods included. Upon motion by Commissioner Davis and seconded by Commissioner Simpson the Board unanimously voted to accept the recommendation to award the bid to AMC. Home Community Care Block Grant Lead (HCCBG) Lead Agency and Committee Upon motion by Commissioner Simpson and seconded by Commissioner Davis the Board unanimously voted to designate the Department on Aging as the lead agency for the HCCBG and to accept the recommendation to add representatives from Angel Home Health CAP Program, Macon Baptist Association, a member of a religious organization and a member of the medical community to the current HCCBG Committee. HCCBG Budgets - Ms. Moore presented the HCCBG FY 05/06 budgets and requested approval contingent upon the availability of funds in the county's FY 05/06 budget. Commissioner Simpson made a motion to approve the budgets as presented contingent upon approval of the county budget.

The motion was seconded by Commissioner Shepherd and all favored.  
(See attachments 2A-2D)

HEALTH DEPARTMENT: Health Director Ken Ring and Terry Dalton Environmental Health Liaison for the Board of Health presented information on wastewater service application residential fees and fast track permitting. After discussion, including recruiting and retention of inspectors, Commissioner Davis made a motion to approve the fees as presented. The motion was seconded by Commissioner Leatherman and all favored. (Attachment #3)

DUKE POWER INTERVENTION: A preferred settlement agreement concerning the Duke Power intervention was presented noting approval of the agreement was necessary for the County to get included in the potential settlement. Consultant John Booze outlined allowances Macon County would receive if the agreement is approved as presented after which Commissioner Simpson made a motion to approve the settlement agreement. The motion died for lack of a second. (A copy of the settlement agreement is on file in the County Manager's Office.)

SHERIFF'S DEPARTMENT: Grant applications - Sheriff Robbie Holland requested authorization to apply for a Governor's Crime Commission grant in the amount of \$59,928.86 with a \$19,976.29 county match. Sheriff Holland explained this is a continuation of the Narcotics Unit Grant. Upon motion by Commissioner Leatherman, seconded by Commissioner Shepherd, the Board unanimously voted to authorize submission of the grant application. Sheriff Holland requested consideration of authorization for submission of another grant application be added to the agenda. He explained the grant is to the Governor's Highway Safety Program in the amount of \$9,595, requiring no county match, to be used for purchase of checkpoint equipment. Upon motion by Commissioner Leatherman and seconded by Commissioner Shepherd the Board unanimously voted to add the item. Commissioner Leatherman made a motion to authorize submission of the grant. The motion was seconded by Commissioner Shepherd and all favored. Sheriff's report - Sheriff Holland gave a statistical report for his department stating it provided an opportunity for him to let the Board and community know what the department does and to brag on his officers.

LEGAL: Pegasus Tower on Dills Knob - Harold Timmons from Pegasus Tower was present to discuss clarification of requirements of their tower permit on Dills Knob. Mr. Timmons stated due to location and terrain it is impossible to construct a monopole tower on the site and requested clarification whether or not the permit would allow for construction of a self-supporting tower. The Staff Attorney explained the application contained specifications for both types of towers. He further explained that although the application presented at the public hearing was for a monopole, in his opinion, the application complied with the requirements of the county ordinance whether a monopole or self supporting tower. The Chairman stated he had made attempts to meet with Pegasus representatives at the site and would like to do so before any action is considered.

Commissioner Simpson made a motion to continue the matter to the May 23rd meeting. The motion was seconded by Commissioner Davis and all favored.  
Offer to purchase - An offer of \$8,500 from Attorney Jason D. Kraus on behalf of Gail Hansen for purchase of property obtained by the County in 1992 through tax foreclosure (parcel #01-00087) was presented. It was noted the current tax value is \$8,440. Upon motion by Commissioner Leatherman and seconded by Commissioner Simpson the Board unanimously voted to accept the offer as a negotiated offer and authorized the Staff Attorney to advertise for upset bids in accordance with general statutes. Sexually Oriented Business Ordinance (SOB) - The Staff Attorney briefly updated the Board on their previous request to develop a SOB Ordinance and questioned if the Board wished to follow similar requirements of the ordinance recently enacted by the Town of Franklin. The general consensus was to follow the Town's regulations.

LIBRARY RESOLUTION OF SUPPORT: Upon motion by Commissioner Simpson and

seconded by Commissioner Davis the Board unanimously voted to adopt a resolution of support for public libraries per attachment #4.

SCC BOARD OF TRUSTEES: Commissioner Leatherman made a motion to recommend to the Jackson County Board of Commissioners reappointment of Pete Penland to the SCC Board of Trustees for the period of July 1, 2005 through June 30, 2009. It was noted that SCC does not limit terms and Mr. Penland has expressed an interest in serving another term until the local SCC construction project is completed. The motion was seconded by Commissioner Shepherd and all favored.

HIGHLANDS RECREATION PROGRAM: Chairman Bryson stated that after discussions with the Town of Highlands he recommended that Macon County assume the costs of operating a combined recreation program with the Town of Highlands with the following understanding:

- (1) Macon County will fund the operation of the combined recreation programs up to \$500,000 per year;
  - (2) the Town will retain ownership and responsibility for recreation park operations;
  - (3) the Town will expand their recreation committee to allow for representation from Macon County. (The County representative will be the District I Commissioner);
  - (4) removal of the Performing Arts Center from the recreation budget;
  - (5) the County proposes that the remaining details be worked out by the joint recreation commissioners. Other issues included would be that
- (1) this proposal is made to the Highlands Town Board in-lieu of any further support payments especially for water and sewer construction except in conjunction with County projects and
  - (2) by prior commitment made to the Highlands Town Board members, request for release of up to \$80,000. in County match to the Holt Knob project.
- Commissioner Simpson made a motion to accept the recommendation as presented. The motion was seconded by Commissioner Shepherd and all favored.

TAX RELEASES: Tax releases in the amount of \$3,744.08 were unanimously approved upon motion by Commissioner Davis and seconded by Commissioner Shepherd. (A printout of tax releases is on file in the Tax Department and the County Manager's Office.)

BUDGET REVISIONS: The following budget revisions were unanimously approved: revision #91, upon motion by Commissioner Shepherd and seconded by Commissioner Simpson, reallocating \$34,587 PARTF funds for Greenway projects;

revision #92, upon motion by Commissioner Simpson and seconded by Commissioner Davis, appropriating \$2,063 in the Health Department for Family Planning; revision #93, (two parts) upon motion by Commissioner Simpson and seconded by Commissioner Shepherd appropriating \$2,767 in Federal Forfeiture Funds and upon motion by Commissioner Simpson, seconded by Commissioner Davis, appropriating \$217 in Controlled Substance Tax; revision #94, upon motion by Commissioner Shepherd and seconded by Commissioner Davis appropriating \$25,269 in canteen proceeds for the jail; revision #95, upon motion by Commissioner Leatherman and seconded by Commissioner Simpson, appropriating \$900 in Narcotics Grant budget; revision #96, upon motion by Commissioner Davis and seconded by Commissioner Leatherman, appropriating \$1,500 Smart Start funds; and revision #97, appropriating \$1,4343 insurance settlement for Transit vehicle .(Revisions with corresponding numbers attached.)

RECESS: The meeting was recessed until 6 p.m. on May 23, 2005.

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Sam K. Greenwood, County Manager  
Clerk to the Board  
Minutes  
05/02/05

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Daniel A. Bryson  
Board Chairman

