

MACON COUNTY BOARD OF COMMISSOINERS
FEBRUARY 6, 2006
MINUTES

Chairman Bryson convened the meeting at 6 p.m. All Board Members, the County Manager, Deputy Clerk, Finance Officer, Staff Attorney, members of the news media and interested citizens were present. Commissioner Shepherd gave the invocation.

PROPOSED I-3: Roger Turner, Edna Foster, Joe Gatins, Bill Crawford and Larry Stenger representing the WNC Alliance, the Coalition to Stop I-3 and the Macon/Jackson Conservation Alliance gave a history of the proposed interstate highway from Savannah, Georgia to Knoxville, Tennessee referred to as I-3, possible routes for the interstate, impacts on the region and requested support of a resolution opposing the proposed federally-funded interstate corridor current called I-3.

Upon motion by Commissioner Simpson and seconded by Commissioner Leatherman the Board unanimously voted to adopt a resolution opposing the proposed corridor per attachment #1.

6:30 & 6:30 p.m. - CELL TOWER HEARINGS: Rainbow Springs Site - Chairman Bryson convened the public hearing at 6:30 p.m. on a cell tower application from Pegasus Tower for location of a 170-foot self supporting tower off Highway 64 West, near Rainbow Springs in Cartoogechaye Township on property at 12692 Murphy Road owned by Myra Waldroop (parcel #0832862).

County Planner Stacey Guffey informed the Board that the application was complete and meets the requirements of the ordinance but, due to the proximity to Rainbow Springs and Standing Indian and that the 64 West corridor is one that the County is currently exploring ways to protect from unsightliness, recommended that special conditions as provided for in the ordinance be imposed.

Harold Timmons from Pegasus Tower and Jonathan Yates from Cingular were present to answer questions. The Board specifically expressed concerns which wireless companies would be utilizing the tower and their service in the area. Also discussed was if a tower designed to look like a 170 foot coniferous tree or a regular monopole was more conspicuous.

Commissioner Davis made a motion that a monopole tower be built with as much attention as possible to aesthetics. The motion was seconded by Commissioner Leatherman and passed four to one with Commissioner Simpson opposing.

Dendy Orchard Road - The hearing on a cell tower application from Cingular Wireless at 1127 Dendy Orchard Road in Sugarfork Township on property owned by Carolyn Houston and John Thomas Carpenter (parcel #0400386) was convened with Jonathan Yates and Roger Tyson representing Cingular Wireless presenting information on their company and the proposed tower. During the public hearing Mack Dendy stated he owns property adjacent to the proposed site, that he wanted to speak to the importance of the tower, that the area is often without electrical and phone service and felt the proposed tower would be helpful in emergency situations.

Commissioner Shepherd made a motion that a monopole be erected. The motion was seconded by Commissioner Davis and all favored.

PUBLIC SESSION: Robin Parker a licensed real estate broker and contractor requested the Board to hire more environmental health inspectors stating the work delays in all constructions fields, loss of real estate sales, etc. due to the backlog of inspections was causing a negative economic impact. Ms. Parker presented petitions with 168 signatures supporting the request and reminded the Board of State regulations that say if a local health department repeatedly fails to issue or deny improvement permits for conventional septic tank systems within 60 days of receiving a completed application then DEHNR

may withhold public health funding.

Helen Bilger gave a history of stray dogs and puppies she has taken care of, stated she has received a letter of complaint from her Home Owners Association about her feeding the dogs and over-populating the neighborhood with stray dogs. Ms. Bilger added the Humane Society and Friends of Animals are no help to her and requested the Board do something about the stray animal situation.

Jerry Mass, President of the Franklin Board of Realtors, reiterated Ms. Parker's concerns and the request to hire another environmental health inspector.

Mack Dendy stated he had worked in public health for thirty years and currently serves on the State Licensing Board. Mr. Dendy explained the licensing process and stated after a new employee is hired it is nine months before they can go out in the field. He stated hiring one person would not put a dent in the problem and asked the Board to look at the issue from a public health standpoint.

Jan Lee stated she was a local realtor and everything she wanted to say had been said but reiterated it is very difficult in real estate sales with the current inspections situation.

Marty Kimsey stated he wanted to reiterate everything that had been said about septic inspections, that he agrees with Mr. Dendy and wanted to note that Macon County has the best group of inspectors since the twenty five years he has been in business there just are not enough of them. Mr. Kimsey noted real estate and construction relate to economic development, brings money into the County and urged the Board to address the problem and keep people working.

Narelle Kirkland stated two years ago she had requested passage of a smoke or burning ordinance and presented a proposed County Smoke Ordinance. Ms. Kirkland also congratulated the Board on progress in the Peeks Creek buyouts.

ENVIRONMENTAL HEALTH UPDATE: Health Director Ken Ring, Environmental Health Supervisor Barry Patterson and Health Board Member Dave Houdequin gave an update on the Environmental Health Division and requested support for another inspector for the Environmental Health Division. Mr. Houdequin complimented Health Board Members Ron Winecoff, Dr. Ron Campbell and Commissioner Davis who serve on the Environmental Committee with him. He also expressed thanks to the public for the comments and support stating they have worked hard to get on top of this situation and the supply simply does not begin to equal the demand.

Commissioner Davis, liaison to the Health Board, expressed appreciation to staff and health board members who have addressed a lot of issues, are working very hard and making real strides but the issue needs to be addressed at the State level before local health departments can clear up their problems because more is involved than just issuing permits. He added lack of qualified applicants has created a state wide problem.

The general consensus of the Board was to urge legislative change at the state level and continue to work with the Health Board.

DIGITAL ORTHOPHOTO PROJECT: Emergency Management Coordinator Warren Cabe explained a cooperative agreement between the County and DENR for replacement of existing orthophotography which will be incorporated into the County's GIS system and geospatial data through the NC One Map Project. Mr. Cabe explained DENR will fund \$34,000 of the \$116,400 cost and the project will be conducted in conjunction with similar projects in Buncombe and Henderson Counties. Mr. Cabe, Andy Muncey from Information Technology and the Staff Attorney all recommended approval of the project. Upon motion by Commissioner Leatherman and seconded by Commissioner Shepherd the Board unanimously voted to authorize the County Manager to execute contracts with NCDENR and Kimball Associates for the project.

ADDITIONS/ADJUSTMENTS TO THE AGENDA: The Board unanimously voted to add the following items to the agenda: upon motion by Commissioner Simpson and seconded by Commissioner Leatherman a change order on the library project; upon motion by Commissioner Simpson and seconded by Commissioner Davis personnel; upon motion by Commissioner Davis and seconded by Commissioner Simpson handling of contracts; upon a motion by Commissioner Leatherman and seconded by Commissioner Shepherd county/staff attorney; and upon motion by Commissioner Shepherd and seconded by Commissioner Leatherman appointments to review Highlands ETJ issue.

HIGHLANDS ROAD CONVENIENCE CENTER/BETHEL CHURCH ROAD PROPERTY: Solid Waste Director Chris Stahl stated the Solid Waste Committee had met and recommended the Highlands Road Convenience Center be paved, the lease be renewed for five years, the Solid Waste Director be authorized to look for a relocation site and the Bethel Church Road property be declared surplus and authorized for disposal.

Commissioner Davis made a motion to accept the recommendation as presented. The motion was seconded by Commissioner Leatherman and all favored.

LIBRARY CHANGE ORDER: Upon motion by Commissioner Davis and seconded by Commissioner Simpson the Board unanimously voted to approve change order #3 in the amount of \$31,875 on the library project per attachment #2.

LEGAL: Gem and Mineral Society Lease - Commissioner Simpson made a motion to adopt a resolution of intent to extend the lease of the old jail property to the Gem and Mineral Society and authorize advertisement pursuant to N.C.G.S. § 160A-272 with final action to be on the March 6th agenda. The motion was seconded by Commissioner Davis and all favored. (Attachment #3)

West Macon Fire Department - Commissioner Simpson made a motion to adopt a resolution of intent to lease certain property to West Macon Fire and Rescue, Inc. and authorize advertisement pursuant to N.C.G.S. § 160A-272 with final action to be on the March 6th agenda. The motion was seconded by Commissioner Davis and all favored. (Attachment #4)

APPOINTMENTS: Board of Adjustments - Commissioner Simpson made a motion to appoint Larry Stenger who is now an alternate on the Board of Adjustments to fill the position vacated by Commissioner Davis, to appoint Byron McClure to fill the unexpired term of the alternate position vacated by Mr. Stenger and reappoint Tony Potts whose terms is expiring. The motion was seconded by Commissioner Davis and all favored. The terms of Mr. Stenger and Mr. Potts will expire April 23, 2009 and the term of Mr. McClure April 23, 2007.

Economic Development Commission - The County Manager reported the terms of Sam Fiske and Maurice Jones have expired on the EDC and both have served two consecutive terms. He advised that the EDC had voted to eliminate one of the positions. Commissioner Leatherman made a motion to appoint Gary Dills to fill the vacancy. The motion was seconded by Commissioner Davis and all favored.

TAX DEPARTMENT: Releases - Upon a motion by Commissioner Leatherman and seconded by Commissioner Shepherd the Board unanimously voted to approve tax releases in the amount of \$511.52. (Note: A computer printout of releases is on file in the Tax Department and the County Manager's Office.) Refund: Commissioner Davis made a motion to approve a tax refund request in the amount of \$1,338.31 to Principal Residential Mortgage, Inc. who paid escrowed taxes to the wrong account noting this motion was against the advice of the staff attorney but was the right thing to do. The motion was seconded by Commissioner Simpson and all favored.

Uncollected tax reports - Pursuant to NCGS §105-369(a) Commissioner Leatherman made a motion to accept the uncollected tax report from the Tax Collector showing the amount due on 2005 real property taxes as of January 31, 2006 as \$1,222,863.27 and to authorize advertisement as authorized by law.

The motion was seconded by Commissioner Shepherd and all favored.

BUDGET REVISIONS: The following budget amendments were unanimously approved: revision #62, upon motion by Commissioner Leatherman and seconded by Commissioner Simpson, appropriating \$996 controlled substance tax distribution in the Sheriffs Department; revision #63, upon motion by Commissioner Simpson and seconded by Commissioner Davis, budgeting an additional \$15,730 DSS emergency energy funds; revision #64, upon motion by Commissioner Davis and seconded by Commissioner Leatherman, budgeting an additional \$4,926 DSS emergency energy funds; revision #65, upon motion by Commissioner Davis and seconded by Commissioner Leatherman appropriating \$29,500 increase in Health Department wastewater revenues; revision #66, upon motion by Commissioner Simpson and seconded by Commissioner Davis appropriating \$19,522 proceeds in Department on Aging from an estate contribution; revision #67, upon motion by Commissioner Simpson and seconded by Commissioner Davis, appropriating additional capital funding in Transit; and revision #68, upon motion by Commissioner Southard and seconded by Commissioner Leatherman, appropriating \$12,795 Tobacco Settlement Grant Funds in the health Department not used in the prior year. (Note: revisions with corresponding numbers attached.)

PERSONNEL: Chairman Bryson stated he had talked with the County Manager about his retirement plans, that the Board needs to think about what they want in a County Manager, each Board Member should sit down and talk with Mr. Greenwood and the Board needs to be looking into the future because County Managers are hard to find. The Chairman stated he had also talked with other staff members about their plans.

CONTRACTS/ATTORNEY: The Chairman stated he felt county contracts should be handled differently, that the Staff Attorney should not have any contracts signed until the Board looks at them and requested the Board for ideas including changing the staff attorney to county attorney.

HIGHLANDS ETJ: Chairman Bryson and Commissioner Simpson agreed to serve with two representatives from Highlands, the Highlands Town Attorney and the County Staff Attorney to review the numbers used in determining proportional representation on the Planning Board and Zoning Board in the Highlands ETJ.

CONTRACT WITH GARY NICHOLSON (LEGACY CONSULTING): The Staff Attorney questioned the Board about resolution concerning the contract with Gary Nicholson as pertains to occupancy tax, After discussion Commissioner Davis made a motion to accept the new proposal renegotiated with Mr. Nicholson to pay \$36,000 of the contract in the current year and the remainder (\$24,000) in the next year. The motion was seconded by Commissioner Leatherman and passed three to two with Chairman Bryson and Commissioner Simpson opposing.

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

Sam K. Greenwood, County Manager
Clerk to the Board

Daniel A. Bryson
Board Chairman