

MACON COUNTY BOARD OF COMMISSIONERS  
JULY 16, 2007  
MINUTES

Chairman Leatherman convened the meeting at 6 p.m. All Board Members with the exception of Commissioner McClellan who arrived late, the County Manager, Deputy Clerk, County Attorney, County Finance Director, members of the news media and interested citizens were present.

Commissioner Beale gave the invocation and Chairman Leatherman welcomed everyone present.

MINUTES: Upon motion by Commissioner Simpson, seconded by Commissioner Davis, the Board unanimously voted to approve the minutes of the June 3rd and 18th meetings and the June 4th and 18th public hearings as submitted.

Commissioner Leatherman noted a continuation meeting would need to be scheduled to review both long and short term capital plans.

PUBLIC SESSION: Bob Kieltyka, Director of Highlands Chamber of Commerce, stated as a follow up to comments made during the budget process, that he would be available to serve on the task force to review allocations of occupancy tax revenues.

SOLID WASTE: Solid Waste Director Chris Stahl stated bids had been received for a track loader and a two ram auto-tie recycling baler and conveyor. Mr. Stahl explained Liebherr Equipment was the low bidder on the Crawler Loader at \$184,694.70 and recommended accepting the bid. (Note: during discussion Commissioner McClellan arrived.) After discussion Commissioner Davis made a motion to award the bid on the crawler loader to Liebherr Equipment Source as recommended. The motion was seconded by Commissioner Beale and all favored. Mr. Stahl stated Nu-Life Environmental was the low bidder on the auto-tie recycling baler and conveyor at \$163,552.00 and recommended accepting the bid. Upon motion by Commissioner Simpson, seconded by Commissioner McClellan, the Board unanimously voted to accept the low bid from Nu-Life as recommended. Mr. Stahl gave a power point presentation on landfill capacity rates explaining we should have 10.1 years life remaining in the landfill; however, he added that it was not a good idea to count on this number until we have reproduced the compaction rate for a couple of years, especially after addition of C&D and what those materials could do to our compaction rate.

MOUNTAIN VALLEY FIRE DISTRICT: Chairman Leatherman adjourned the regular meeting at 6:30 p.m. to convene the public hearing on extending the Mountain Valley Fire Protection District to include the Mountain Valley Fire Department's building and land located at 188 Echo Valley Road pursuant to NCGS 153A-303 as noticed and as discussed at the June 18th meeting. Pete Haithcock, Franklin Fire Chief, expressed appreciation to the Board for support of the fire departments, stated he had no problem with annexing this particular request but expressed concerns that departments will not start nipping at everyone's districts. Larry Franks, President of the Mountain Valley Board of Directors, explained the request and stated this request was just to annex their building into their district. There were no further comments and the hearing was adjourned. Back in regular session Commissioner Beale made a motion to approve the annexation as requested. The motion was seconded by Commissioner Simpson and all favored. (See attachment #1)

MORATORIUM ON ISSUANCE OF BUILDING PERMITS FOR CONSTRUCTION OF RECREATIONAL VEHICLES IN RECREATION VEHICLE PARKS IN THE DESIGNATED FLOOD PLAIN AND WATERSHED AREAS: Chairman Leatherman recessed the regular meeting to convene the public hearing on a moratorium on issuance of building permits for construction of recreation vehicles in recreation vehicle parks in the designated flood plain and watershed areas and opened the floor for public comment. Ben Uttley, Dobson Mountain resident, gave a power point presentation showing flooded campgrounds and areas on the Cullasaja River,

the Tennessee River, the Cartoogechaye Creek and Parker Meadows where a destination RV park has been proposed.

Mr. Uttley stated this moratorium was a matter of public safety, public health, public welfare and protection of the town's water supply and wells. He urged the Board to be strenuous with regulations. Tom Walker, Parker Farms Estates resident, expressed concerns about the water supply to the three wells serving their subdivision stating he lived 220 feet from the proposed RV park which will negatively impact their water supply. He added that ascetically he had the most to lose because he lives just across the road from the proposed park. Mr. Walker expressed the opinion that developers had destroyed the beaches, lakes, everglades, etc. in Florida and now they are doing the same to North Carolina.

Mike Decker, Town of Franklin Administrator, stated Mr. Uttley had appeared at the July 2nd Town Board meeting and made comments concerning the proposed RV Park and noted that the proposed park is within the Cartoogechaye Creek watershed from which the Town's drinking water is supplied. Mr. Decker added he had been instructed to send a letter to the County Manager expressing the Town's concern over this project, and any such project within the watershed. He expressed the desire that the Town be included with any discussions concerning the Town's water supply.

George Baumann asked that the Board impose restrictions before the area loses clean water, clean air, natural beauty, etc. He stated wetlands are of the utmost importance and that Heritage Hills residents support the proposed moratorium. Bud Colcord, Indian Hills Association Treasurer, expressed concerns about the project stating a high-end motor home can hold 100 gallons of diesel or gasoline and, worst case scenario, this fuel along with sewer material would be siphoned into the Cartoogechaye Creek. Mr. Colcord urged adoption of the moratorium.

Bob Dobes, Heritage Hills resident, stated every thing of importance had been said and the Board is looking at what could be a precedent. Mr. Colcord questioned if there are plans in place for bonds on developers so if something goes wrong the taxpayers do not have to bear the financial burden. He also suggested these type parks will create noise and then a noise ordinance will be necessary. Shirley Ches, Lake Emory resident, stated she was present in support of the moratorium and if past planning proposals had been implemented this proposed park might not be a problem.

She suggested driving down 441 in South Florida to see what can happen without planning. Narrell Kirkland stated a project should always have objectives and goals and the objective of the film she worked on in the aftermath of Hurricane Ivan was to learn/remember the powers of nature. She urged the Board to protect the county and citizens from reckless development.

Monty Beck whose firm represents the developer of the proposed park, Peter Shipps Design and Construction, Inc., stated the Board had previously received information on the project and that they understood the purpose of the hearing was to receive input on a moratorium on development of RV parks in the flood plain or watershed areas. Mr. Beck explained his client does not oppose a moratorium for a reasonable period of time with the express expectation that all parties concerned can work together to address these concerns but feels eleven months seems too long. Mr. Beck questioned when the County would be receiving the new flood plain maps, outlined the proposed project stating there would be no permanent structures in the flood plain and reminded everyone this park was for Class A motor homes which can be driven away during a flood. Mr. Beck added that Mr. Shipp is acting in good faith and hopes to reach a beneficial resolution with the Board and those in attendance. Chairman Leatherman recessed the hearing to convene another hearing.

RURAL OPERATING ASSISTANCE PROGRAM: At 7:30 p.m. Chairman Leatherman convened the public hearing on the proposed Rural Operating Assistance Program (ROAP) as noted per the attached certified statement. (Attachment #2) No one wished

to speak and no Voluntary Title VI Public Involvement forms were submitted.

The hearing was adjourned and the hearing on the moratorium on issuance of building permits for construction of recreational vehicles in recreation vehicle parks in the designated flood plain and watershed areas continued.

CONTINUATION OF HEARING: Neal Parker stated he had lived in Cartoogechaye for 55 years and has seen the area proposed for the RV park flood many times and will see it flood again. Mr. Parker noted this will affect the quality of water for the town and everybody.

Jennifer Parker Wolfe stated she grew up on Parker Farms and has seen the area flood. She added she grew up tubing the Cartoogechaye Creek and would like to see the creek preserved so she can do it again.

Jenny Sanders, Executive Director of the Little Tennessee Watershed Association, presented a letter stating the Association was formed to protect and restore water quality and habitat in the Little Tennessee River and its tributaries. She explained the Association would appreciate any action that will preserve the water quality of the area and felt a positive decision would be in the best interest of the citizens.

Bill McLarney stated he works and studies biological issues in watershed and supports the proposed moratorium. He stated as a biologist he is concerned about the Cartoogechaye Creek and although some things may be legally correct it is not necessarily ethically correct.

Brent Martin stated he escaped North Georgia due to lack of controls and has been a county resident for four years. He expressed concerns about the Little Tennessee River and its tributaries explaining the river looks really bad after it rains. Mr. Martin added he thought considering the moratorium was a great thing.

Paul Carlson, Executive Director of the Land Trust for the Little Tennessee, presented a letter stating during the past eight years the Land Trust has been involved in the permanent conservation of about 35 miles of Little Tennessee River frontage and associated floodplains of which about one-third has been in Macon County. Mr. Carlson expressed appreciation to the Board for their leadership in conserving clean water and public safety in the County and stated a moratorium on floodplain development while such ordinances are completed is a sensible approach to the work at hand.

Jack Bright stated he is a new resident to Franklin and Macon County and this moratorium is a personal issue to him. He stated he is an "RV" survivor of Ivan. He explained he had his RV on the Cullasaja River and although he moved it to higher ground in twelve minutes the water went from knee high to chest high. He further explained it was his choice to live on the river but it changed from idyllic to terrifying in minutes adding that nothing changes as fast. Mr. Bright expressed the opinion "we need to be protected from ourselves" and that he made that statement from personal experience. He added there were heroes among us, Cullasaja Fire Department, Baptist Men's Association, law & emergency personnel, etc. but nobody can move as fast as the river. Mr. Bright stated there are water and safety issues but no one had talked about the people in the RV park should something happen.

Being no further comments Chairman Leatherman thanked everyone for their comments and adjourned the hearing. (Note: Action taken later in meeting.)

APPOINTMENTS: Library - Upon motion by Commissioner Simpson and seconded by Commissioner McClellan the Board unanimously voted to accept the resignation of Carolyn Patton from the Library Board of Trustees and to accept the recommendation to appoint Cynthia Colaizzi Trevanathan to replace Ms. Patton. Term will expire February 28, 2009.

Recreation Commission - Commissioner Simpson, Recreation Liaison, made a motion the following members be appointed to the new county-wide recreation commission:

Matt Bullis and Gloria Thun for three year terms to expire July 15, 2010; Vince West from Nantahala and Allan Bryson from Highlands for two year terms to expire July 15, 2009 and Tex Davis and Dennis Conley for one year terms to expire July 15, 2008. The motion was seconded by Commissioner Davis and all favored.

Highlands Planning Board (ETJ) - Upon motion by Commissioner Davis and seconded by Commissioner Beale the Board unanimously voted to accept the resignation of Mitch Gurganus from the Highlands Planning Board as one of the County's appointees from the ETJ and to accept the recommendation to appoint Allan Bryson to fill the vacancy. Term will expire June 30, 2009.

SCHOOLS/SURPLUS PROPERTY: Commissioner Simpson made a motion to refuse the offer from the Board of Education to purchase an acre of property near Nantahala School that the Board of Education has declared surplus and is offering to the County pursuant to NCGS §115C-518. The motion was seconded by Commissioner Davis and all favored. It was noted the property was not suitable for a recreational site or any other county operation.

MORATORIUM ON ISSUANCE OF BUILDING PERMITS FOR CONSTRUCTION OF RECREATIONAL VEHICLES IN RECREATION VEHICLE PARKS IN THE DESIGNATED FLOOD PLAIN AND WATERSHED AREAS: County Planner Stacy Guffey presented proposed amendments to the proposed moratorium he, the Chief Codes Inspector and the County Attorney had discussed. Upon motion by Commissioner Davis and seconded by Commissioner Simpson the Board unanimously voted to adopt the moratorium on issuance of building permits for construction of recreational vehicles in recreation vehicle parks in the designated flood plain and watershed areas with amendments per attachment #3.

NCACC VOTING DELEGATE: Upon motion by Commissioner Simpson and seconded by Commissioner Beale the Board unanimously voted to designate Chairman Leatherman as the voting delegate to the NCACC annual conference in Cumberland County to be held August 15th - 19th and Commissioner Davis as the alternate.

STATE PAY PLAN: Upon motion by Commissioner Simpson and seconded by Commissioner Beale the Board unanimously voted to adopt the FY 07/08 State Plan which covers employees of the Departments of Health and Social Services and to authorize submission to the Office of State Personnel. (A copy of the Plan is on file in the Human Resource Department.)

RELEASES: Upon motion by Commissioner Davis and seconded by Commissioner Simpson the Board unanimously voted to approve tax releases in the amount of \$303.24 as submitted. (A computer printout of releases is on file in the Tax Collectors Office and the County Manager's Office.)

FINANCE: Project Ordinance - Upon motion by Commissioner Simpson and seconded by Commissioner Davis the Board unanimously voted to adopt a Grant Project Ordinance in the amount of \$200,000 for the Single Family Rehab Program per attachment #4.

Budget revisions - The following budget revisions were unanimously approved: revision #254, upon motion by Commissioner Simpson and seconded by Commissioner McClellan, carrying forward \$16,962 for purchase of new vehicle from 06-07 budget year to 07-08 year and amounts due on contract with Roger Stamey for Cullasaja Park restrooms; revision #255, upon motion by Commissioner Davis and seconded by Commissioner Beale, budgeting for close out of Highlands gym project; revision #256, upon motion by Commissioner Davis and seconded by Commissioner Simpson, to appropriate \$1,000,000 proceeds of installment contract for solid waste equipment purchases; revision #257, upon motion by Commissioner Simpson and seconded by Commissioner Beale, appropriating rent revenue of \$10,000 for the Airport Authority; revision #258, upon motion by Commissioner Davis and seconded by Commissioner Simpson, increasing the revenue and expenditure budget for SFR-07 grant program;

revision #259, upon motion by Commissioner Simpson and seconded by Commissioner Davis, reappropriating \$16,000 in DSS-Senior Services for van not delivered in FY 06/07;

revision #260 was voided due to duplication;

revision #261, upon motion by Commissioner Beale and seconded by Commissioner Simpson, appropriating FY 07/08 Weatherization Grant and

revision #262, upon motion by Commissioner Simpson and seconded by Commissioner Davis, carrying forward \$1,957 DSS-Senior Services grant funds. (

Note: revisions with corresponding numbers are attached.)

CONTINUATION MEETINGS: The Board discussed having continuation meetings and work sessions to discuss capital projects for the proposed November bond referendum. Continuations were scheduled for Thursday, July 19th at 6 p.m . and Sunday, July 22nd at 2 p.m. at the usual meeting place.

CLOSED SESSION: Upon motion by Commissioner Simpson and seconded by Commissioner Davis the Board unanimously voted to go into closed session to discuss land acquisition, personnel and attorney/client privilege. During closed session the Board met with Dan Brigman and Architect Mike Watson to discuss contractual matters and land acquisition for the schools. Action was taken authorizing Commissioner Beale to make certain offers relating to property acquisition. The minutes are sealed and will be opened when appropriate to do so. A personnel issue was also discussed with no action being taken. Upon motion by Commissioner Davis and seconded by Commissioner McClellan the Board returned to regular session.

HEALTH DIRECTOR: Upon motion by Commissioner Davis and seconded by Commissioner Beale the Board unanimously voted to authorize the Health Board to designate County Manager Sam Greenwood as interim health director effective today (July 16, 2007). Commissioner Davis made a motion to authorize the Health Board to enter into negotiations for hiring of a health director at a salary range up to \$76,000. The motion was seconded by Commissioner Simpson and all favored.

HIGHLANDS RECREATION AGREEMENT: Commissioner McClellan made a motion to ratify the interlocal agreement between the Town of Highlands and Macon County for payment of recreation funding to the Town for FY 06/07 per attachment #5. The motion was seconded by Commissioner Simpson and all favored.

PROPERTY EXCHANGE: Upon motion by Commissioner Davis and seconded by Commissioner Simpson the Board unanimously voted to adopt a resolution authorization exchange of property between Macon County, the Airport Authority and the Tippett/Penland family per attachment #6.

RECESS: Upon motion by Commissioner Simpson and seconded by Commissioner Beale the Board unanimously voted to recess until Thursday, July 19th at 6 p.m.

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Sam K. Greenwood, County Manager  
Clerk to the Board

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Charles D. Leatherman  
Board Chairman