

MACON COUNTY BOARD OF COMMISSIONERS
JUNE 18, 2007
MINUTES

Chairman Leatherman convened the meeting at 6 p.m. All Board Members, the County Manager, Deputy Clerk, County Attorney, County Finance Director, members of the news media and interested citizens were present. Commissioners Beale gave the invocation and Chairman Leatherman welcomed everyone present.

MINUTES: Upon motion by Commissioner Simpson and seconded by Commissioner McClellan the minutes of the May 14th meeting were unanimously approved as submitted.

PUBLIC SESSION: Bob Kieltyka, Executive Director of the Highlands Area Chamber of Commerce, presented a letter expressing concerns about the economic development portion of the budget message pertaining to room tax revenues.

Mr. Kieltyka listed accomplishments of the Highlands Chamber and requested the Commissioners discard or defer action on the portion of the budget dealing with room tax until further discussions with all parties can be held. Jan Vanhook had registered to speak but did not wish to make comments. Bob Lavery expressed the opinion that Chairman Leatherman and Commissioners McClellan and Simpson should recuse themselves from voting on the teacher supplements due to conflict of interest because all three have direct ties to school employment.

Commissioner Simpson responded that he had recently attended an ethics class that he was mandated to attend as a member of the Southwestern Board of Trustees and there is not a conflict of interest. Commissioner Beale stated he understood members were required to vote. When questioned the County Attorney gave the legal opinion that there was no conflict of interest and members are required to vote.

Chairman Leatherman questioned Mr. Lavery as to how many children he had that attended Macon County Schools and when the reply was "none" Chairman Leatherman suggested his frustrations and negativism towards the school system might be caused by the system which his children did attend rather than the Macon County Public School System.

ADOPTION OF BUDGET: County Manager Greenwood noted the following changes were suggested to his recommended FY 07/08 budget and is included in the budget ordinance: request for \$50,000 for Veterans Park Project, question of two additional deputies for Sheriff which would cost \$90,000 plus \$30,000 from within the Sheriff's proposed budget, request from Macon County Schools/SCC for \$35,000 for Early College Program and funding for \$12,500 security system for REACH as originally requested but not included in the maintenance budget.

Mr. Greenwood explained the \$35,000 for the Early College Program could be funded by using \$35,000 from close out of SCC/Library sewer project which came in under budget and the other \$152,500 from Fund Balance Reserve (\$200,000) for revaluation adjustments. Mr. Greenwood again reminded the Board of the revenue neutral budget process. For discussion purposes Commissioner Davis made a motion to adopt the budget and ordinance with recommended changes.

The motion was seconded by Commissioner McClellan who stated he felt the Board needed to look at different ways to use occupancy tax during the year before the next budget process. The County Manager advised the disbursement manner was questionable and the Board should make moves to acknowledge the problem and move toward a solution.

After a brief break the Board stated they recognize the Chambers have obligations and agreed to a grace period so the Chambers' finances will not be disturbed with a one-year hold harmless period while a task force, contracts,

etc. are put in place.

Commissioner Davis stated he had concerns that the original fire tax budgets were revenue neutral but in the present budget and ordinance some are revenue neutral and some are not.

After discussion Commissioner Davis withdrew his motion to adopt the budget and Commissioner McClellan agreed to withdraw his second. Commissioner Davis made a motion to rescind the latest fire tax increase and revert to the original budget with strictly revenue neutral tax for fire departments for FY 07/08.

The motion was seconded by Commissioner McClellan. Commissioners Beale and Simpson both expressed support for the final rates submitted by the fire departments.

Emergency Management Director Warren Cabe was questioned about the latest fire rates recommended by the Fire Commission and stated, in his opinion, there were some crucial needs included such as funding for a full time person at Cullasaja and a satellite station for Mountain Valley. Commissioner Davis amended his motion to include funding Cullasaja and Mountain Valley at a rate higher than revenue neutral and Commissioner McClellan agreed.

After further discussion during which Mr. Cabe stated that because he did not know and could not justify other department's needs he could not recommend accepting two departments increases and not the other departments.

Commissioner Davis, with the agreement of Commissioner McClellan, rescinded the exceptions and reverted to his original motion to rescind the latest recommended fire tax increase and revert to the original revenue neutral rates for fire departments.

The motion failed with Chairman Leatherman and Commissioners Beale and Simpson opposing. Commissioner Davis then made a motion to approve the FY 07/08 budget and ordinance as submitted including the \$187,500 changes previously approved. The motion was seconded by Commissioner McClellan. Commissioner Simpson expressed concerns about the increase of personnel in the Sheriff's Department stating he could support the additional four deputies but questioned the need for an attorney. Chief Deputy Andy Shields addressed Commissioner Simpson's concerns noting the department had used a vacant position to originally fund the attorney's position, that the attorney has assisted the department in implementing several programs including one to prevent civil litigation exposure and another to keep officers updated on numerous law changes. All Board Members stated, if the additional deputy positions are approved, they expect more coverage in the Nantahala Community. The motion to adopt the budget and ordinance for FY 07/08 was unanimously approved.
(See attachment #1)

COMMUNITY HEALTH ASSESSMENT: Bill Stiles of Stiles Healthcare Strategy recapped the 2007 Comprehensive Community Health Assessment and Recommendations prepared by Healthy Carolinians in association with Stiles Healthcare Strategy. No action was necessary and a copy of the report is on file at the Macon County Public Health Center and the County Manager's Office.

ENVIRONMENTAL HEALTH UPDATE: Environmental Health Supervisor Barry Patterson gave a monthly update on the status of permits and the backlog in the On Site Waste Water Section stating as of June 15th there were 122 applications which represents a turn around time of eight to nine weeks.

He stated the oldest permit application was dated March 29th and with a staff of seven the "backlog" should be controllable and should be reduced to the four to six week target range during the busy summer season. No action was necessary.

SOLID WASTE: The Solid Waste Director reported sealed bids were opened May 25,

2007, for a transfer station loader to be utilized in the converted bale facility and recommended award of the bid to Briggs Construction Equipment for a Sennebogen Loader at \$172,912 and a wet sweeper attachment at \$17,985.26 which is also included in the bid. It was noted this machinery is part of the equipment package previously approved at the February 5, 2007, board meeting.

Upon motion by Commissioner Simpson and seconded by Commissioner Beale the Board unanimously voted to award the bid as recommended.

VETERANS: Upon motion by Commissioner Simpson and seconded by Commissioner Beale the Board unanimously voted to adopt a resolution in support of a veterans memorial per attachment #2. County Manager Greenwood noted the Board had budgeted \$50,000 for the memorial and County representatives should meet with the memorial fund raising committee to discuss distribution of funds. Bob Litten informed the Board the plan is to have the memorial completed by Veterans Day (November 11th) and added that there is over 3500 veterans in Macon County. Mr. Litten requested consideration of a proclamation proclaiming this year as the Year of the Veteran in Macon County.

Commissioner Simpson made a motion to proclaim July 1, 2007 through June 30, 2008 as the Year of the Veteran in Macon County. The motion was seconded by Commissioner McClellan and all favored.

MOUNTAIN VALLEY FIRE DISTRICT: Emergency Management Director Warren Cabe reported that the Board of Directors of the Mountain Valley Volunteer Fire and Rescue, Inc. has requested that the fire department building and land located at 188 Echo Valley Road be annexed by petition into the Mountain Valley Fire Protection District, gave a history why it is not in the district and explained procedures for annexation pursuant to NCGS §153A-303.

Commissioner Simpson made a motion, upon receipt of Mr. Cabe's report, to call for a public hearing on July 16, 2007, at 6:30 p.m. on the petition for extension of the district and direct the Clerk to give such notice as required by NCGS 153-303. The motion was seconded by Commissioner McClellan and all favored.

PLANNING/CODE ENFORCEMENT: Building Height Moratorium/Ordinance - Upon motion by Commissioner Davis and seconded by Commissioner Simpson the Board unanimously voted to repeal the Moratorium on High Rise Construction. Upon motion by Commissioner Davis and seconded by Commissioner Simpson the Board unanimously voted to adopt the Building Height Ordinance as submitted. (Attachment #3)

Moratorium on issuance of certain permits in flood plain and watershed areas: Code Enforcement Officer Jack Morgan and County Planner Stacy Guffey voiced concerns and problems in issuing permits, especially for recreational vehicle parks, in certain areas in the watershed and flood plain and requested a moratorium be placed on issuance of permits for recreational vehicle parks. After discussion Commissioner Simpson made a motion to schedule a public hearing on an ordinance imposing a moratorium on the issuance of permits for construction of recreational vehicle parks in designated flood plain and watershed areas in the County for July 16th immediately following the 6:30 p.m. public hearing. The motion was seconded by Commissioner McClellan and all favored.

Soil Erosion and Sedimentation Control Administrator - It was noted the Erosion and Sedimentation Control Ordinance requires designation of an Ordinance Administrator must be made by the Board of Commissioners and a recommendation that Chief Code Administrator Jack Morgan be designated was presented. Commissioner Simpson made a motion to accept the recommendation to designate Mr. Morgan as the Ordinance Administrator. The motion was seconded by Commissioner Simpson and passed unanimously with Commissioner Beale expressing concern that Mr. Morgan wore many hats and had a lot of responsibilities.

RECREATION: Commissioner Simpson, recreation liaison, and County Manager Greenwood presented a resolution they were requested to prepare at a previous meeting establishing a single county recreation commission as recommended by the Comprehensive Recreation Plan and by-laws for the commission. Commissioner Davis suggested a change of wording to the first paragraph of the resolution replacing the word menace. Staff was instructed to reword the sentence.

The County Attorney suggested Section 1.2 of the bylaws should reflect the County Commissioner designee would serve ex officio. Upon motion by Commissioner Beale, seconded by Commissioner Simpson, the Board unanimously voted to adopt the resolution and by-laws with suggested change. Attachment #4.) Recommendations for appointments to the committee will be presented at the July meeting.

APPOINTMENTS: Community Funding Pool - Upon motion by Commissioner Simpson and seconded by Commissioner Beale the Board unanimously voted to accept the recommendation to appoint Terri Stenger to the Community Funding Pool. Term will expire March 10, 2010. Housing Authority - Rick Snyder's letter of resignation from the Housing Authority and a recommendation that Christy Molina be appointed to replace Mr. Snyder were presented. Commissioner Simpson made a motion to accept Mr. Snyder's resignation and the recommendation to appoint Ms. Molina. The motion was seconded by Commissioner Beale and all favored.

Health - Upon motion by Commissioner Davis and seconded by Commissioner Simpson the Board unanimously voted to accept the recommendation to reappoint Tammy Dills representing nurses and Roberta Swank and Ron Winecoff representing the general public on the Health Board. Terms will expire June 30, 2010.

Jury Commission - Upon motion by Commissioner Beale and seconded by Commissioner Simpson the Board unanimously voted to reappoint Sara Waldroop to the Jury Commission. Term will expire June 30, 2010. Southwestern Community

College Board of Trustees - Upon motion by Commissioner Simpson and seconded by Commissioner Davis the Board unanimously voted to accept the recommendation to reappoint Terry Bell to the SCC Board of Trustees. Term will expire June 30, 2011.

DSS Board - Upon motion by Commissioner Beale and seconded by Commissioner Davis the Board unanimously voted to reappoint Dom D'Ascoli as the County's appointee to the DSS Board. Term will expire June 30, 2010.

FINANCE: Finance Director Evelyn Southard presented an analysis of bank proposals for financing solid waste equipment and stated that after review staff recommended accepting the proposal from RBC. Upon motion by Commissioner Simpson and seconded by Commissioner Davis the Board unanimously voted to adopt a resolution authorizing the execution and delivery of an installment financing contract in the amount of \$1,000,000 with RBC Centura Bank to finance the acquisition of certain equipment, authorizing the execution and delivery of related instruments and determining other matters in connection therewith per attachment #5. Commissioner Beale stated he felt the Board needed to have a planning session to discuss future solid waste and landfill plans and/or needs.

Budget Revisions - The following budget revisions were unanimously approved:
revision #237, upon motion by Commissioner Davis and seconded by Commissioner Simpson, budgeting \$100 donations for the Sheriff's Department Lifesaver Program;
revision #238, upon motion by Commissioner Davis and seconded by Commissioner McClellan, appropriating \$8,156 in federal forfeiture funds in the Sheriff's Department;
revision #239, upon motion by Commissioner Simpson and seconded by Commissioner Davis, appropriating \$1,910 controlled substance tax funds in the Sheriff's Department;
revision #240, upon motion by Commissioner Davis and seconded by Commissioner

McClellan, making adjustments in the Airport Construction Fund;
revision #246; upon motion by Commissioner Simpson and seconded by Commissioner Beale, appropriating Soil and Water Conservation funds received from SWNCRC&D Council;
revision #247, upon motion by Commissioner Simpson and seconded by Commissioner Davis, appropriating \$20,823 of state reimbursed expenditures for drug fly overs;
revision #248 & #249, upon motion by Commissioner Beale and seconded by Commissioner Simpson, appropriating fire taxes over original budget amounts;
revision #250, upon motion by Commissioner Simpson and seconded by Commissioner Beale, transferring funds within the Soil and Water Clean Water Trust Funds budget;
revision #251, upon motion by Commissioner Simpson and seconded by Commissioner Davis, transferring \$39,487 within the Library Construction Fund and
revision #252, upon motion by Commissioner Davis and seconded by Commissioner Simpson, transferring \$98,740 from Contingency to Housing. (Note: revisions with corresponding numbers are attached.)

CLOSED SESSION: Upon motion by Commissioner Beale, seconded by Commissioner Simpson, the Board unanimously voted to go into closed session to discuss land acquisition. During closed session purchase of property for school expansion, recreation expansion and airport expansion were discussed. No action was taken pending further negotiations and review by the County Attorney.

Upon motion by Commissioner Simpson and seconded by Commissioner Davis the Board unanimously voted to return to regular session.

PROPERTY SURVEY NCFS: Upon motion by Commissioner Davis and seconded by Commissioner Simpson the Board unanimously voted to authorize the County Manager to have property surrounding the North Carolina Forest Service facility on Iotla Road surveyed and transferred to the Airport Authority.

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

Sam K. Greenwood, County Manager
Clerk to the Board

Charles D. Leatherman
Board Chairman