

MACON COUNTY BOARD OF COMMISSIONERS
OCTOBER 8, 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. Chairman Leatherman welcomed everyone and Commissioner Beale gave the invocation.

MINUTES: Upon motion by Commissioner Beale and seconded by Commissioner Simpson the Board unanimously voted to approve the minutes from the September 10th and 13th meetings as submitted.

PUBLIC SESSION: Narrelle Kirkland stated the Governor had lifted the burning ban although she felt it was still too dry to do so. She stated a new development on Wide Horizon Drive had a huge pile of stumps and brush the owners were going to shred for mulch and suggested the County stop burning and grind into mulch instead. Ms. Kirkland stated Franklin and Macon County is a Norman Rockwell place and again reminded the Board of her proposal to the TDC on making a film about Macon County people.

PUBLIC HEARING/COMMUNICATION TOWER: Chairman Leatherman recessed the regular meeting to convene the quasi-judicial hearing on the cell tower application from Pegasus Tower for a new tower in the Cartoogechaye Community on property owned by Siler and Clydie Slagle off Old Printers Way as noticed. The County Attorney explained the quasi-judicial process after which the Deputy Clerk swore in County Planner Stacey Guffey, Pegasus representative Harold Timmons and property owner Timothy Stover. Chairman Leatherman asked Board Members if any wished to reveal a possible conflict of interest or the necessity to withdraw from the proceedings. All members replied negatively.

County Planner Stacey Guffey presented the following: Exhibit A consisting of the affidavit of publication for advertisement of the public hearing on the application that was published in the Franklin Press and posted at the site and the Courthouse, letters of notification to required property owners and certifications of receipt of letters; Exhibit B consisting of a transmittal letter from Pegasus to Mr. Guffey, a statement of ordinance compliance from Pegasus to Mr. Guffey, a receipt for \$2500 submittal fee, a completed Macon County application and certificate of liability insurance; Exhibit C consisting of a deed of easement from Patricia Elaine Robertson, Memorandum of Lease with Siler and Clydie Slagle and existing structure maps; and Exhibit D consisting of Intent to Share Statement, structural letter, consultant aeronautical report, letter of intent from Cingular, RF information from Cingular, existing structure maps, site development plans and FCC license information. (Note: All exhibits are on file with these minutes in the office of the Clerk to the Board.)

Harold Timmons, Zoning Coordinator with Pegasus Tower in Richlands, Virginia explained the content of their application, location, coverage areas and the proposed tower.

Commissioner Simpson stated in October, 2004, Pegasus promised a repeater at Peak's Creek for fire protection, stated it was not in place and questioned what happened. Mr. Timmons stated it was part of the agreement to construct the tower was to give emergency services space and due to internal problems at Pegasus it took two years to get that done. Mr. Timmons added that they did not know how to address the issue within Pegasus. Commissioner Simpson reminded Mr. Timmons that there was a lot of discussion concerning the emergency repeater and that was a condition of approval for the tower. Commissioner Simpson also questioned what companies would utilize the proposed tower.

Commissioner Beale stated the letters sent to property owners indicated the

tower would be a monopole tower but other information says it will be a lattice tower and questioned which was correct. Mr. Timmons stated the letters were in error and a lattice tower is planned because of access issues it would be impossible to get a monopole to the site.

Commissioner Davis stated Pegasus had not lived up to their expectations on the last tower and now there's the issue of monopole versus lattice and questioned what else might Pegasus be missing. Mr. Timmons responded Pegasus is a relatively new company and would never purposely mislead anyone.

Commissioner McClellan stated he felt all requirements need to be met and advocated that more companies using the tower would create more market competition which should result in better service .

Teresa Seay, resident at 8 Old Printer's Way, stated she was the first home on Old Printer's Way. She explained that traveling Old Highway 64 the proposed site is higher than all surrounding property which will make the tower very visible. She stated as a property owner she never received any notification and would like to have a letter of clear explanation including how the tower will expand services.

Tim Stover stated he lives in the third house on Old Printer's Way and the tower will be behind him so he will not be able to see it. However, he stated he has concerns about road usage and health concern as megawatts increase and questioned if, with the current energy crisis, a wind turbine been considered for this and other sites.

Chairman Leatherman stated he would like to follow-up on Mr. Stover's concerns and questioned Mr. Timmons about (1) road maintenance at this site and other sites (2) questioned how changes in technology would be handled and (3) if a future wind turbine on the property, or other tower sites, had been considered or was feasible. Mr. Timmons replied (1) the company would do any necessary road construction and repair any damage done to existing roads; (2) that if there is any change to equipment the tower users would be responsible but any additions of equipment would need to be approved by Pegasus; however, both would operate under FCC regulations and (3) at this time he did not foresee any feasibility of any wind turbines.

When questioned about notification requirements Mr. Timmons stated they were required to notify adjacent property owners and anyone within a 1320 foot radius.

Commissioner Beale asked if they had considered setting a monopole with helicopters and Mr. Timmons stated it was cost prohibitive.

Being no further comments the County Planner stated all required documents had been submitted by Pegasus and, due to the location being in a residential area, he recommended approval of a monopole tower via road construction.

Commissioner Beale made a motion, due to lack of property, correct information presented to the County and property owners, to table action until corrected information is received by the County Planner. The motion was seconded by Commissioner Simpson and all favored. Commissioner Davis noted to Mr. Timmons and the County Planner that the desire is for a monopole structure with the exact status as Peak's Creek.

Chairman Leatherman recessed the hearing and reconvened regular session.

SEDIMENTATION AND EROSION CONTROL ORDINANCE: Upon motion by Commissioner Davis and seconded by Commissioner Beale the Board unanimously voted to approve the seconded reading of the amended Sedimentation and Erosion Control Ordinance per attachment #1. Commissioner Beale noted that as more regulations are implemented the Board needs to look at distribution of responsibilities and duties of code enforcement.

J & B DISPOSAL: Bonita Hamstra, President of J&B Disposal, presented a request that their contract and franchise with Macon County be extended for an additional five year option beginning January 6, 2011 through January 6, 2016. Ms. Hamstra explained the request was being made because of capital investments J & B has made and needs to make in the future. She added they need the extension to make these investments economically feasible and reasonable. Commissioner Simpson made a motion to approve the extension to 2016 as requested and authorize staff to amend the contract as necessary. The motion was seconded by Commissioner Beale and all favored.

TAX DEPARTMENT: Refund - Tax Supervisor Richard Lightner presented a request from Sam J. Baker for refund of \$242.88. Mr. Lightner stated Mr. Baker bought the property listed as 4.5 acres on foreclosure and paid back taxes; however, upon survey there was only 1.90 acres and Mr. Baker is requesting release for 2007 taxes. Mr. Lightner stated he did not recommend a release or refund based on North Carolina General Statutes which allows only correction in the next tax year. Upon motion by Commissioner Davis and seconded by Commissioner McClellan the Board unanimously voted to deny the request for refund. Releases - Upon motion by Commissioner Beale and seconded by Commissioner McClellan the Board unanimously voted to approve tax releases in the amount of \$8,502.84 as submitted. (A printout of releases is on file in the Tax Department and the County Manager's Office.)

FOLK HERITAGE ASSOCIATION: Margaret Ramsey, Co-Chairman of the Folk Heritage Association of Macon County, presented information and a power point presentation on their plans for a Heritage Village and Farm in Macon County. The Association presented a letter of formal request for a long term lease of a fourteen acre tract of property owned by the County located between Cartoogechaye Creek and the northern boundary of the existing Duke Energy Electric Transmission Line off Siler Road, being a portion of the "Old Siler Farm". The letter stated they feel a long term lease with a reversionary clause would allow adequate time to locate and obtain appropriate funding to make the village a reality while protecting the interests of Macon County. Commissioner Davis made a motion to honor the request as presented and Commissioner McClellan seconded the motion. After discussion Commissioner Davis, with the agreement of Commissioner McClellan, amended the motion to honor the request and award the lease for time regulated by General Statutes minus one day with the County Attorney bringing back the necessary documents to the Board. The motion passed unanimously.

DEPARTMENT OF TRANSPORTATION: Airport road project - Upon motion by Commissioner Davis, seconded by Commissioner Simpson, the Board unanimously voted to forward to NCDOT a resolution requesting realigning of a section of Airport Road in Macon County to provide for expansion of airport facilities. (Attachment #2) Siler Road Extension - The County Manager advised the Board that the County needed to submit formal comments on the Siler Road Extension and recommended DOT's Alternative A retaining light control systems at the Dowdle Mountain/Highway 441 intersection with modification to the traffic circle concept to minimize impact on nearby businesses. Commissioner Davis made a motion to direct the County Manager to send a letter to NCDOT in conjunction with other officials to appeal to NCDOT to revisit this issue with hopes of coming up with a better solution. The motion was seconded by Commissioner Beale and all favored.

COURTHOUSE SQUARE IMPROVEMENTS: The County Manager reported after advertisement for informal bids for pavers and tree grates around the Courthouse, two bids had been received with both being insufficient and non-responsive and were rejected. The project will be rebid. No action was necessary.

MEDICAID LETTER: Commissioner Davis presented a letter to NCACC questioning their resolution of appreciation to the General Assembly for recent legislation concerning Medicaid, noting Macon County's net cost could be in excess of \$720,000 over the first three years including other lost revenues. Commissioner Beale questioned if these numbers could be verified and the

County Manager stated they were based on information from NCACC. Commissioner McClellan made a motion to send the letter as presented. The motion was seconded by Commissioner Simpson and passed four to one with Commissioner Beale opposing. (See attachment #3)

NOVEMBER MEETING: Upon motion by Commissioner Simpson and seconded by Commissioner Beale the November meeting was scheduled for Tuesday, November 13, 2007, due to the regular meeting date being Veteran's Day.

APPOINTMENTS: Appointments to the Board of Adjustments and Planning Board were delayed until the November meeting.

SOUTHWESTERN COMMUNITY COLLEGE: Upon motion by Commissioner Simpson, seconded by Commissioner McClellan, the Board unanimously adopted the attached resolution congratulating SCC on being designated the fourth best community college in America and commending SCC for its contributions to the people of Western North Carolina. (Attachment #4)

FINANCE: Budget revision - The following budget revisions were unanimously approved:
revision #27, upon motion by Commissioner Beale, seconded by Commissioner Davis, appropriating \$4,605 federal forfeiture funds in the Sheriff's Department and
revision #28, upon motion by Commissioner Simpson, seconded by Commissioner Davis, carry over \$1,999 unspent Healthy Carolinians Grand Funds.
(Note: revisions with corresponding numbers are attached.) QZAB Public Hearing - Finance Director Evelyn Southard informed the Board in order to get on the LGC's November agenda the Board needed to schedule a public hearing to receive comments on the intent to finance \$2,000,000 in Qualified Zone Academy Bonds (QZAB) for East Franklin renovations. Upon motion by Commissioner Simpson and seconded by Commissioner Davis the Board unanimously voted to schedule the hearing for 6 p.m. on October 22, 2007.

RECREATION SECURITY: Commissioner Simpson, liaison to the Recreation Commission, stated there has been continuing vandalism in recreation areas of the county and presented a request from the Commissioner for consideration of night security. A brief discussion followed which included Sheriff Holland who was present. The group was instructed to get funding information, suggested schedules, etc.

CLOSED SESSION: Commissioner Simpson made a motion to go into closed session to discuss personnel. The motion was seconded by Commissioner Beale and all favored. During closed session the Chairman briefed the Board on a personnel issue. No action was taken and the Board returned to regular session upon motion by Commissioner Simpson and seconded by Commissioner Davis.

CO-OP PROPERTY: An offer from the Macon County Fruit and Vegetable Growers Association for purchase of .86 acres of county owned property adjoining their property at a price of \$23,709 was presented. Stating due to the relation to the Co-Op property, Commissioner Simpson made a motion to accept the offer pending the upset bid process. The motion was seconded by Commissioner Beale and passed four to one with Commissioner McClellan opposing.

RECESS: Chairman Leatherman recessed the meeting until 6 p.m. on October 22, 2007.

Sam K. Greenwood, County Manager
Clerk to the Board

Charles D. Leatherman
Board Chairman

