

MACON COUNTY BOARD OF COMMISSIONERS

MARCH 10, 2008

MINUTES

CALL TO ORDER: Chairman Leatherman convened the regular 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 present.

ANNOUNCEMENTS: There were no announcements.

INVOCATION: Priest Dorrie Pratt from St. Cyprians and St John's Episcopal Church gave the invocation.

PLEDGE OF ALLEGIANCE: Commissioner Simpson led the Pledge of Allegiance.

PUBLIC COMMENT PERIOD: Allan Allman reminded the Board he had addressed property rights at last month's meeting concerning over regulation and duplicate regulation of stream buffers. Mr. Allman stated he had learned of more regulations since then including registration of wells by the State and added more regulations are coming. He read a related article from USA Today and another article from the Franklin Press reporting Macon County Board of Commissioners had appropriated \$10,000 to the Mountain Landscape Initiative to work towards consistent ordinances and regulations through the MLI. He stated he hoped the Board would reconsider this action. Debby Boots stated she and a group of concerned citizens had formed a group, Macon Pride, who are meeting with officials to get input and ideas how they can help the County with recycling and solid waste efforts and the group wants to do anything they can to help solve problems. Shirley Ches stated she had addressed the Board several times and last year had asked for zoning; however, she felt zoning may have been too strong and requested consideration of a junk yard ordinance to license and control junk yards. She added that as the population continues to increase it is important to take care of our own property to protect those around us and there is a local group that feels zoning would affect their property rights but what about the rights of others around them. Charlotte Jones stated she lives next door to a house on lantation and Bell View which has trash, junk cars, rats, no facilities, no septic system, etc. She explained there are times sewage runs across the road and that she had spoken with the Health Department but with no positive results. Health Director Jim Bruckner was present and spoke with Ms. Jones after the meeting. Narrelle Kirkland stated the Board holds the future of Macon County in their hands, explained some of the projects she has worked on and asked the Board to appoint her to some committee or project. Bob Lavery stated he had spoken at the last budget hearing addressing school funding and made some suggestions which were not acted on. He spoke on school expansion and requested the Board to step back and not enter into debt and a tax increase. Don Swanson stated the price of everything is going up and the average Macon County taxpayer is under burden and the burden will get greater. Mr. Swanson added the County has a huge cushion and he feels the taxpayers prefer a smaller cushion rather than a tax increase. Chairman Leatherman stated there are continued presentations to the Board on fund balance and the county's finances and sometimes you have to take action to provide services for the people of Macon County, those services are going to cost more, and he said, as he had stated in the past, if tax increases are necessary to provide these services then he would do that.

ADJUSTMENTS AND AGENDA APPROVAL: Upon motion by Commissioner Beale and seconded by Commissioner Simpson the Board unanimously voted to add the following items to the agenda: item 8D report from the schools; 10F letter to NCDOT; and 11D(2) budget revision.

PUBLIC HEARING: Road Names - Chairman Leatherman recessed the regular meeting to convene the public hearing on 911 addressing road names as noticed. Angie

Kinsland, 911 Lead Technician, explained the new names, one name deletion and the change of five road names had been posted in accordance with NCGS 153A-239.1. No one wished to speak, the hearing was closed and the Board reconvened in regular session. ROAD NAME APPROVAL: Upon motion by Commissioner Simpson, seconded by Commissioner McClellan, the Board unanimously voted to add, delete and change names as presented per attachment #1.

REPORTS: Martin Starnes and Associates, CPA's, P.A. - Prior to introducing Brian Starnes of Martin Starnes Associates, CPA's who conduct the County's annual audit, Chairman Leatherman made a statement in which he explained Mr. Starnes was present in order to clear up any misunderstandings and to put an end to the question of Macon County's fund balance. He further explained that a prior board adopted a policy to maintain a 25% fund balance of the current year's budget and boards have adhered to that requirement noting that a healthy fund balance proves helpful to Macon County in its various related financial concerns. Mr. Starnes gave a power point presentation explaining fund balance, stating fund balance is a moving target and the amount at the beginning of the fiscal year is different than the amount at the end. He explained Macon County's available fund balance on June 30, 2007 was \$15,407,847 after budgeted expenses of \$43,929,774 and appropriations and commitments not yet appropriated equaled \$4,697,839 which left \$10,710,008 as the available fund balance or 24%. Mr. Starnes said a fund balance is a percentage of prior year expenditures plus transfers out and explained that the 41% fund balance reported at the beginning of the fiscal year, didn't take into account transfers out.

USFS - Mike Wilkins, USFS District Ranger, gave an update on facilities, activities and funding at a local level. He explained the water/sewer system at Standing Indian was being updated, there were updates being done in the Gorge for put-ins with the hope for funding for further updates and restrooms and that in conjunction with the Macon County Horse Association seventeen miles of trail with primitive camps are being worked. Mr. Wilkins added the usual timber sales, fish and wildlife habitats and other regular projects are ongoing. He expressed appreciation for the support of the Board and county citizens.

N.C. COOPERATIVE EXTENSION: Kenneth McCaskill, Cooperative Extension Director, presented the 2007 annual update to the Board outlining the goals, objectives and programs of the agency. (A copy of the report is on file in the County Manager's Office.)

SCHOOLS: School Superintendent Dan Brigman and Architect Mike Watson gave a PowerPoint presentation explaining statistics concerning the school facilities expansion plan which Mr. Brigman noted had been presented at ten public forums and in the media. He further explained what the priorities of the schools are, how these are established and carried out. He added after East Franklin is renovated the plan is to expedite the construction of the 5-6 school across from Macon Middle School and to build the new K-4 school at Iotla with expectation that the new 5-6 school will remove all fifth-graders from the county's current K-5 settings which will gain 17% future capacity at each site and remove sixth-graders from the county's middle schools which will gain 30% for future enrollments. Architect Mike Watson explained the cost of renovation of existing facilities in comparison to new construction and stated calculations are that it would cost \$3.2 million to renovate Cullasaja to current requirements with water and sewer problems still existing. Mr. Watson added the scenario for Cowee and Iotla are similar. Mr. Brigman concluded by saying Macon County's own experience with supporting costs for a small school of 150 students as compared to a school of 550 is significantly higher with studies showing that combining three small schools would reduce federal, state and local monies spent by approximately \$787,929.40.

FOLK HERITAGE ASSOCIATION: Margaret Ramsey with the Folk Heritage Association presented a request for additional acreage for the proposed heritage village and farm. Ms. Ramsey noted the group had requested and been granted use of a fourteen acre tract of property at the old "Siler farm" and there is some additional adjoining acreage which falls within the natural boundaries and

lies mostly in the flood plain but could be used for garden and crop space. Upon motion by Commissioner Davis, seconded by Commissioner Beale, the Board unanimously voted to grant the additional acreage and authorize the County Attorney to prepare the necessary legal documents and resolution for the April agenda.

HEALTH DEPARTMENT: Private Drinking Water Well Permits - Health Director Jim Bruckner presented a resolution in support of privatization of the newly adopted North Carolina private drinking water well permitting and requested the Board adopt a similar ordinance. Commissioner Davis, made a motion to adopt a resolution in support of the privation of the newly adopted North Carolina Private Drinking Water Well permitting rules per attachment #2. The motion was seconded by Commissioner McClellan and passed four to one with Commissioner Simpson opposing. On site wastewater permitting - Mr. Bruckner presented a proposed fee change for onsite wastewater permitting noting that the Board of Health had approved the recommendation. Upon motion by Commissioner Beale, seconded by Commissioner Davis, the Board unanimously voted to approve the fee schedule as presented per attachment #3. All agreed to amendment of the motion for implementation to be upon adoption.

J & B DISPOSAL, INC.: Bonnie Hamstra, President of J&B Disposal, Inc., noted she had not had a rate increase in residential rates in five years and with the rise of fuel and operation costs requested current residential roadside rates increase from \$10 per month to \$12 per month and current house service rates increase from \$13.50 per month to \$15.50 per month. Upon motion by Commissioner Simpson, seconded by Commissioner Davis, the Board unanimously voted to grant the increases as requested to be effective April 1, 2008. Ms. Hamstra also presented a request for an increase from \$60 per pull on the county's 40 year containers to \$75 per pull noting this rate had not been increased since 2001 and approval of a proposed rate of \$175 per transfer t railer pull from Highlands scheduled to begin in July with the guarantee of eight pulls per week. The request was unanimously approved upon motion by Commissioner Davis and seconded by Commissioner Simpson. Action on a request that J&B be allowed to leave a truck and containers at the Highlands Landfill after closing of the demolition landfill was delayed pending final decision made on construction, landfill closing, etc. by the County.

GRADING CONTRACTORS: Code Enforcement Administrator Jack Morgan and Commissioner Beale made the following recommendation as pertains to grading licenses in Macon County as a process for allowing certain grading contractors to be "approved", these not being required to comply with providing plans as required by our Erosion and Sedimentation Control Ordinance for projects less than one acre. The following was proposed:

Require that all grading contractors for projects in Macon County be "Licensed" by Macon County. A contractor could be licensed by passing a written exam administered by Macon County Code Enforcement. This exam could be taken by any person filling out an application provided by Code Enforcement and providing evidence they are a U.S. citizen. The exam could be taken any time the office is open. Once the person passes the exam they would be issued a license to conduct grading contracting in Macon County. They should be allowed to retake the exam in one week if they fail to pass. This Macon County license would not replace the license required by the North Carolina License Board for General Contractors for projects exceeding \$29,999.99. Any person producing one of the older "Approved Contractor" cards from Macon County would be exempt from taking the exam but not from paying a license fee.

The license must be renewed annually by attending an eight hour continuing education course presented by Code Enforcement or someone or some agency approved by Code Enforcement and pass a short exam on the material presented. For the contractor's convenience, the continuing education course would be provided twice a year somewhere in Macon County. Their license would not be renewed if the licensee failed to attend all eight hours of the course or

failed to pass the exam.

Propose a \$50 fee to take the exam and a \$25 fee for the continuing education to cover administrative costs for this program.

Anyone holding a Macon County Grading Contractor license would not be required to provide a plan for any project containing less than one acre of disturbed area.

Anyone not obtaining a license and conducting grading in Macon County would be subject to a \$500 fine. Any licensee willfully failing to comply with the Macon County Sedimentation and Erosion Control Ordinance would be subject to having their license revoked.

This would not apply to someone "owner contracting" their own home who wishes to do their own grading. They would still have to comply with all provisions of the ordinance.

Mr. Morgan added he thought this would be fair to the contractors who had been approved by Macon County before the Ordinance removed the approval condition, and also fair to contractors new to this area or new in business. He noted he wasn't sure if all the language would have to be included in the ordinance or if the ordinance could refer to a license process approved by the Board of Commissioners or approve the County Manager to put a system in place.

Upon motion by Commissioner Simpson, seconded by Commissioner Beale, the Board unanimously voted to proceed with the proposal as presented.

WORKFORCE DEVELOPMENT AND TECHNICAL COMMERCIALIZATION PROJECT: SCC President Dr. Cecil Groves, Gary Dills from the EDC, Dr. Connie Haire from SCC, and Tommy Jenkins and Dale Carroll from Advantage Center West were present to request endorsement of the Macon Enterprise Center a collaborative effort of various agencies to create new enterprises, modernization of existing businesses and industries, and the education and training of an academically and technically proficient and responsible workforce. Commissioner Beale made a motion to support the concept. The motion was seconded by Commissioner McClellan and all favored.

TRUCK ROUTE ON US 64: Commissioner McClellan presented information on the decision to allow 53-foot tractor-trailer rigs on Highway 64 between Franklin and Highlands. After discussion Commissioner McClellan made a motion to direct the County Manager to forward a letter to the NCDOT and the local legislation delegation requesting the NCDOT and Attorney General to reconsider this decision. The motion was seconded by Commissioner Simpson and all favored.

CONSENT AGENDA: Upon motion by Commissioner Simpson, seconded by Commissioner McClellan, the Board unanimously voted to approve the following items on the consent agenda: Minutes - The minutes of February 6th work session and the February 11th and 18th meetings with the a correction on page 1 of the February 11th minutes under Flood Damage Prevention Ordinance "...limiting the size of RV's to 450" was changed to "...limiting the size of RV's to 400 and on page 6 of the February 11th minutes under Occupancy Tax the motion was changed to read "...voted to accept the report as presented"...rather than"...voted to accept the recommendation;

Solid Waste Surplus Property - Declared an Aluminum Can Flattener, Recycling Manufacturing, Inc., Model 300-1070 as surplus and authorized for sale;
Tax Department - tax release in the amount of \$25,435.22 for the J.R. Parrish Estate, tax releases in the amount of \$1,718.12 and a refund of \$120.00 for Geneva Carpenter; Financing of Solid Waste Transfer Station Construction and Equipment: Finance Director Evelyn Southard, reminded the Board that at the previous meeting the Board had approved an agreement with RBC Centura for a five year term at an interest rate of 2.58% for financing of the construction of the Solid Waste Transfer Station proposed to be built in the Highlands area of Macon County and the equipment to operate the station at an estimated cost

of \$1,000,000. However, Ms. Southard reminded the Board that they plan to issue an additional school debt in July, 2008 which will exceed the IRS threshold of \$10,000,000 in a calendar year of bank qualified debt. She stated the bids received in February, 2008, for the transfer station were bank qualified bids and the low bidder, RBC Centura, has provided a revised proposal for non bank qualified at a rate of 2.97% for five years with no prepayment penalty. Based on review of all the bids received at bank qualified terms and compared to the revised non bank qualified proposal from RBC Centura it was recommended the non bank qualified rate of 2.97% from RBC Centura be accepted.

Budget Revision - revision #106 appropriating \$4000 state funding for Healthy Carolinians and
revision #107 appropriating \$7,700 county portion for purchase of a truck for the NC Forest Service. (Note: a printout of releases is on file in the Tax Office and the County Manager's Office and budget revisions with corresponding numbers are attached.)

APPOINTMENTS: Upon motion by Commissioner Beale and seconded by Commissioner Simpson the Board unanimously voted to reappoint the following to the Board of Equalization Review: Rich Bankston, Steve Pierson, Bill Martin, Dwight Vinson and Bill Mason.

RECESS: The meeting was recessed until 6 p.m. on March 18th at the Boiler Room for a joint meeting with the Towns of Franklin and Highlands

C. Jack Horton, County Manager
Clerk to the Board

Charles D. Leatherman
Board Chairman

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