

MACON COUNTY BOARD OF COMMISSIONERS  
FEBRUARY 23, 2009  
MINUTES

CALL TO ORDER: Chairman Beale convened the meeting at 6 p.m. and welcomed everyone present. All Board Members with the exception of Commissioner Davis who was out of the country, the County Manager, Deputy Clerk, Finance Director, County Attorney, members of the news media and interested citizens were present.

ANNOUNCEMENTS: Chairman Beale announced the Chairman of the Airport Authority would be on the March 9th agenda for a briefing on airport projects, that a lot of interest has been expressed concerning the community garden project and an update would also be on the March 9th agenda, that the Mental Health Task Force recommendation would be on the March 23rd agenda and that Vice-Chairman Davis was excused from the meeting because he was in Africa assisting with establishment of a dental clinic.

INVOCATION: Rev. Frank Rodriguez of Grace Baptist Church gave the invocation.

PLEDGE OF ALLEGIANCE: The pledge to the flag was recited.

PUBLIC HEARING: Community Transportation Program - Chairman Beale opened the public hearing on the County's proposed application for the Community Transportation Program in the amount of \$337,927 which requires a \$44,447.55 local match. Transit Director Kim Angel explained the application stating the total local share is a little less than the current year's. No one wished to speak and the hearing was closed. Upon motion by Commissioner Simpson, seconded by Commissioner Koppers, the Board unanimously voted to adopt a resolution granting permission to apply for Community Transportation Funding per attachment #1.

PUBLIC COMMENT PERIOD: Bruce Hedden stated he had been in the well drilling business for 42 years and his production is down by 26% because of turn around time with inspections. He added that there were a few wrinkles that need to be ironed out between providers and the government. Chris Browning stated when well inspections were implemented they were promised they would not be held on jobs because of the inspections which hasn't been the case and added the manual says well drillers can certify grout themselves. He suggested there should be more productive ways for the inspection process in the Health Department such as cross training and use of people who aren't real busy right now. Mr. Browning also expressed concerns that there's a note on the inspector's door that permits are not issued between 4 p.m. and 5 p.m. He stated that anyone should be able to drop off the paperwork for the permit anytime during regular business hours even if the permit isn't issued that day. Debby Boots informed the Board that Macon Pride was started about a year ago to work on litter, recycling, etc. and reiterated a request that a task force be appointed. She stated litter is still a major problem and suggested the County look at Haywood County's sustainability program which deals with recycling, energy conservation, etc. Chairman Beale requested Commissioner McClellan, liaison for Solid Waste, to get with Solid Waste Director Chris Stahl and bring a recommendation back to the Board. Andy Berry told the Board that waiting for inspectors is costing septic installers money explaining that they either have to leave their equipment sitting at the job site or move it to another location and then move it back while waiting for inspectors noting that either way it's a loss. He added that this is an on-going problem and asked why the Health Department couldn't inspect from the "stub out" to the septic tank. Marilyn Rickey questioned the status of ordinances regulating junk cars and Chairman Beale explained this was on the agenda as Item 9A for discussion. Shirley Ches informed the Board that Macon Pride is planning a county wide trash pick-up and two bags will be provided - one for trash and

one for recyclables. She added the Board would be receiving information on the date. Ms. Ches also encouraged adoption of a junk ordinance as soon as possible and suggested requiring screening such as Thuja Green Giant trees which are fast growing. She also urged the ordinance be enforced once adopted.

Fred Crane stated he had been a well driller for forty-two years and there is a big problem with inspections from the Health Department. He added that he had been told if a permit is not issued in two days they could go ahead and drill which is not true. He expressed concerns that other counties allow permits to be faxed but Macon doesn't and expressed the need for current information and procedures in writing. He also stated that junk looks better in junk yards than other people's yards, that nobody complains about the Burningtown junk yard, that junk yards do not pollute as much as the parking lot at Walmart and there is already too many inspections. Chairman Beale informed the group the Board hears their concerns and will work with the Health Department, well drillers, and septic installers to work out a reasonable solution.

ADJUSTMENTS TO AND APPROVAL OF THE AGENDA: Chairman Beale stated he had the following adjustments to the agenda:

Item #10B, Building Height Ordinance, would be postponed until a later meeting, a presentation by the FOP to be added as Item #8A(1) and there would be a closed session for personnel and attorney/client privilege. Upon motion by Commissioner McClellan, seconded by Commissioner Simpson, the agenda was unanimously approved with the adjustments.

REPORTS/PRESENTATIONS: Fraternal Order of Police (FOP) - Chris Murray, President of the Macon/Jackson County FOP Unit #81, stated they plan to publicly recognize law enforcement officers each quarter for special achievements. The first quarter recipients were Deputy James Briggs and his canine Abby and Devin Holland, Matt Pellicer and Christy Evans with the Franklin Police Department. The recognition was for response to the search for an elderly gentleman who had wondered from his apartment on Harrison Avenue in Franklin. The officers were presented with plaques and gift certificates.

Health Department Accreditation - David Stone and Joy Reed from the Division of Public Health informed the Board that a law was enacted in 2005 which mandates all health departments must be accredited. Mr. Stone presented a certificate of accreditation to the Macon County Health Department staff for the period 2008 through 2012 stating the Department was the 44th department in the State to receive certification.

Senior Project - Taylor Boss and Lauren Stenger with art teacher Joan Lansford presented information on their "Empty Bowl" senior project which will be March 27th at Tartan Hall. Ms. Boss stated FHS art students are making bowls in pottery, parents are making soup and the public is invited to select a bowl to fill with soup which they will keep as a reminder of how many empty bowls there are in the world. Ms. Boss noted all donations will go to Care Net and an international donation to Haiti will be made. Invitations were given to all Board Members. Veterans Memorial Project - Neil Riendeau, co-chairman of the Veteran's Memorial project gave an update on the project stating they had received \$181,000 in contributions to date, they had spent \$95,000 on concrete, the gazebo, walls, etc. with a balance of about \$86,000 in the account. Mr. Riendeau stated the \$95,000 expenditure did not include all the volunteer labor. He added the goal is to have the project ready for dedication by Memorial Day and they needed about \$51,000 for completion. After discussion the Board requested the group attend the March 23rd meeting with an update on donations at that time.

Health Department - Well and septic tank updates - Health Director Jim Bruckner gave an update on the well program (attachment #2) and the on-site waste water program (attachment #3). The Board requested a meeting with well drillers be scheduled as soon as possible to resolve issues presented at this meeting. Chairman Beale stated a determination on how the County can enforce the law as

expeditiously as possible and suggested including Senator John Snow in the meeting.

JUNK ORDINANCE: After a brief discussion on the proposed Junk Ordinance a work session was scheduled for Thursday, March 12th for input and comments from the Board. It was suggested that the Planning Board also be at the work session.

ABANDONED MOBILE HOME PROGRAM: Solid Waste Director Chris Stahl presented information on a proposed Abandoned Mobile Home Demolition and Disposal Program as requested by the Planning Board. (Attachment #4) Also discussed were impacts of HB 1134. After discussion it was agreed the item would be included for discussion at the March 12th work session.

BUILDING HEIGHT ORDINANCE: Discussion and/or action on the Building Height Ordinance was postponed until a later meeting.

LTWA UPDATE: Chairman Beale stated he failed to announce there would be an update by the Little Tennessee Watershed Association at the March 23rd meeting on straight piping.

CONSENT AGENDA: Upon motion by Commissioner McClellan, seconded by Commissioner Kuppers the following items on the consent agenda were unanimously approved:

Minutes - Approved the minutes of the February 9th meeting.

Audit contract - Approved the audit contract with Martin Starnes & Associates for FY 08/09 per attachment #5.

Resolution - Approved a resolution allowing for electronic advertising of purchases. (Attachment #6)

Budget revisions - Approved the following budget revisions:  
revision #125, appropriating \$750 controlled substance tax funds from the State for the Sheriff's Department;  
revision #126, appropriated \$5,000 from Duke Power for Carolina Wood Pellets;  
revision #127, appropriating \$400 DARE donations in the Sheriff's Department;  
revision #128, appropriate \$1,351 from insurance settlement in the Sheriff's Department;  
revision #129, appropriating \$1,401 insurance settlement in the Garage; and  
revision #130, appropriate \$540 donations in School Nursing funding.  
(Revisions with corresponding numbers attached.)

Lease - Approved renewal of lease for dental clinic with Dr. David Silverstein. (A copy of lease is on file in the County Manager's Office.)

Records Retention - Adopted record retention and disposition schedule and retention periods governing the following record series in accordance with the provision of Chapter 121 and 132 of NCGS and authorized execution by necessary parties:

County Management, Sheriff's Department, Tax Administration plus amendment, Register of Deeds amendment and Veteran's Service.

APPOINTMENTS: Board of Equalization and Review - Upon motion by Commissioner Simpson, seconded by Commissioner McClellan, the Board unanimously voted to accept the recommendation to reappoint Rich Bankston, Bill Martin, Bill Mason, Dwight Vinson and Steve Pierson to the Board of Equalization and Review for a one year period.

Appalachian Trail Gateway Community Committee - Chairman Beale reported he had received a request for appointment of liaisons to the Appalachian Trail Gateway Community Committee and recommended Commissioner Davis and a representative from the Planning Department to be filled by Jack Morgan until the Planner's position is filled. Commissioner Simpson made a motion to approve the appointments as recommended. The motion was seconded by Commissioner Kuppers

and all favored.

UPDATES: Chairman Beale stated the EDC had approved the \$5,000 expenditure toward the feasibility study for the Folk Heritage Association. County Manager Horton gave an update on the economic stimulus package stating there would be no funding for general school construction but there might be some funding for water/sewer projects.

CLOSED SESSION: Upon motion by Commissioner Koppers, seconded by Commissioner McClellan, the Board unanimously voted to go into closed session for personnel and attorney/client privilege. The referenced items were discussed with no action being taken. The County Manager, Deputy Clerk and Finance Officer were excused.

SUBDIVISION ORDINANCE: Board returned from closed session and, in open session, voted 4-0 to seek local legislation to modify 153A-335 to provide that the definition of "subdivision" does not apply to a family subdivision, thereby allowing for intra-family transfers.

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

---

Jack Horton, County Manager  
Clerk to the Board

---

Ronnie Beale  
Board Chairman