

MACON COUNTY BOARD OF COMMISSIONERS
MINUTES
MAY 5, 2003

Chairman West convened the meeting at 6 p.m. and welcomed everyone. All Board Members, the County Manager, County Attorney, County Finance Director, members of the news media and interested citizens were present. Rev. Terry Bloesma from Emanuel Presbyterian Church gave the invocation.

MINUTES: Upon a motion by Commissioner Shepherd and seconded by Commissioner Leatherman the Board unanimously voted to approve the minutes from the April 7th and 18th meetings as submitted.

PUBLIC SESSION

Narella Kirkland expressed concern about the safety and/or difficulty when entering Wayah Street from Phillips Street. Ms. Kirkland stated she realized this was within the town limits but felt it was a bigger item than she wanted to take to the town. She suggested that either guardrails be relocated or, what she felt was a better solution, to fill until the entrance was level with Wayah Street. Ms. Kirkland stated life is about choices and the County will have to make a decision between attracting tourism and retirees or industry. She advocated retaining an atmosphere for tourism/retirees citing personal experience with industry and large corporations.

SOLID WASTE MANAGEMENT PLAN: Solid Waste Director Chris Stahl reported legal advertisements had been posted in the newspaper that the three-year update to the Macon County Solid Waste Management Plan for Macon County, the Town of Franklin and Town of Highlands has been available for public review and public comment would be received at this meeting. Mr. Stahl added Board Members had also received a copy. Commissioner Bryson expressed concern about a section on page 8 of the Plan stating Macon County had assigned an exclusive contract for collection. Mr. Stahl stated, after discussion with Commissioner Bryson, that had already been changed. There were no other comments from the Board or the public and upon a motion by Commissioner Bryson and seconded by Commissioner Leatherman the Board unanimously voted to approve the plan as submitted with the change as discussed. (A copy of the plan is on file in the Solid Waste Department and County Manager's Office.)

TRANSIT SERVICES: Kim Angel, Transit Director, presented an updated Drug & Alcohol Testing Policy for the Macon Area Transit Services explaining the updated policy reflects recent federal regulations and applies specifically to transit operators. Upon a motion by Commissioner Simpson and seconded by Commissioner Shepherd the Board unanimously voted to adopted the updated policy. (A copy is on file at Macon County Transit Services and the County Manager's Office.) Commissioner Leatherman complimented Ms. Angel for her department's service stating he had received a letter from the family of one of Transit Services' clients who recently passed away commending the staff for their service and making a memorial donation.

DEPARTMENT ON AGING: Home Community Care Block Grant (HCCB) Jan Moore, Department on Aging Director, presented proposed budgets for HCCB grant funds explaining the total funding is \$324,718 which includes a \$31,095 county match that is the same as the current year and requested approval contingent upon approval of the county budget. Commissioner Leatherman made a motion to approve the budget request as submitted contingent upon approval of the county budget. The motion was seconded by Commissioner Bryson and all favored. Food service bids Ms. Cabe reported one bid had been received for provision of food service for the Department on Aging Nutrition Program and recommend accepting the bid. Ms. Cabe explained it was not necessary to rebid and award of bid will meet state requirements. Upon a motion by Commissioner Bryson and seconded by Commissioner Shepherd the Board unanimously voted to award the food service bid to Angel Medical Center at \$3.90 without paper goods and \$4.25 with all paper goods included.

HEALTH DEPARTMENT: Bioterrorism Plan Health Director Ken Ring presented the Macon County Bioterrorism Preparedness Response Plan and requested authorization for Chairman West to sign the approval page. Mr. Ring explained the Health Board had approved the plan which will be updated as needed and merged with the county plan. He added that this plan was not tied to the budget revision discussed at the April meeting. Upon a motion by Commissioner Shepherd and seconded by Commissioner Simpson the

Board unanimously voted to approve the plan as submitted. (A copy is on file in the Health Department and the County Manager's Office.) Mosquito Control Grant Application. Upon a motion by Commissioner Simpson and seconded by Commissioner Leatherman the Board unanimously authorized submission of a \$13,134 grant application for state aid for mosquito control.

NCACC RESOLUTION: County Manager Greenwood explained the North Carolina Association of County Commissioners request that members of the insurance pool re-adopt resolutions of participation. He added that we are members of the Liability and Property Pool and may join the Worker's Compensation Pool so requested a resolution for both pools be adopted. Upon a motion by Commissioner Simpson and seconded by Commissioner Bryson the Board unanimously voted to adopt resolutions adopting the interlocal agreements to join the two pools as stated. (Attachments #1 and #2)

INSPECTIONS: Commissioner Simpson had asked that action be considered requiring individuals to prove a level of proficiency before being permitted to perform their own contracting work but stated the details/language had not been worked out and requested the item be tabled until the June meeting. Commissioner Simpson reported he had been requested by the State Inspections Board and Chief County Inspector Jack Morgan to introduce action that would require all contractors and subcontractors to sign the permit application before any permit is issued and each would be responsible for requesting their respective inspections and would be required to sign release forms before any certificate of occupancy could be issued. Commissioner Bryson made a motion to approve the requirements to get the matter on the floor for discussion. The motion was seconded by Commissioner Shepherd and after discussion both agreed to withdraw the motion in order for Commissioner Simpson and Commissioner Bryson to work with necessary parties for clarification of language.

PUBLIC HEARING: After a brief recess, Chairman West convened the public hearing on 911 roads names at 7 p.m. as posted. Andy Gibson had signed to speak but stated the change of Star View Lane to Upper Dalton Creek Road had been resolved and his comments would not be necessary. Sandra Henson Davis presented historical information on her father's (Tom Henson) property stating the property had been in the Henson family for four generations and requested the road through the property be named Tom Henson Ridge. Ms. Henson also presented a letter from her sister Ms. Taylor supporting the request. Kenneth Bingham, son-in-law of Tom Henson, stated he and his wife had lived on the road in question twenty years and they do not feel the road should be named after an individual. Mr. Bingham also provided family history about the property stating his brother was also a property owner on the road. Angie Kinsland from the County 911 Office stated all county procedures had been followed in that she had checked the tax records and sent petitions to the three property owners who submitted a petition with all three names requesting the road be named Timber Ridge Road although Ms. Davis daughter later rescinded her decision. Chairman West questioned if there was a name they could all agree on and after some discussion Ridge Circle was considered. Ed Waters had registered to speak but did not need to because there was no discussion on his road. Being no further comments Chairman West closed the public hearing and reconvened public session.

ROAD NAMES: Upon a motion by Commissioner Shepherd and seconded by Commissioner Leatherman the Board unanimously approved the list of road names as submitted per attachment #1 with Upper Dalton Greek Lane instead of Star View Lane and Ridge Circle rather than Timber Hill Ridge.

APPOINTMENTS: Board of Adjustments Upon a motion by Commissioner Simpson and seconded by Commissioner Bryson the Board unanimously voted to accept the recommendation that alternate member Dwight Vinson be moved to fill the vacancy created by Joe Hamstra's death. Term will expire April 23, 2005. Filling the alternate position was delayed until the June meeting. Jimmy Goodman volunteered to serve as alternate. Community Funding Pool. Upon a motion by Commissioner Simpson and seconded by Commissioner Shepherd the Board unanimously voted to accept the following recommendations concerning appointments to the Community Funding Pool: Appoint Gail Criminger and Stacy Guffey to fill two vacancies which will expire March 1, 2006 and to appoint Charlie McLaughlin and Thom Corrigan to replace Peter Laroch and Beth Perry who have moved and/or resigned with terms to expire March 1, 2004.

LEGAL: Department on Aging/Walmart Plaza Easement: Attorney Richie Jones gave a brief update on the easement problems at the Department on Aging/Walmart Plaza and introduced attorney Orville Coward representing WestCare. Mr. Coward stated the

hospital purchased the property and had been in operation several years prior to being advised of the easement problem and knew nothing of the problems at the time of purchase. He explained an offer of \$5,000 for purchase of the easement had been made on behalf of his clients and, after receiving the current appraisal the county had done, felt \$39,000 was more than they could offer to correct the problem and asked what alternatives the Board might offer. During discussion the general consensus of the Board was that the County has no intent of using the property and should declare the property as surplus, offer for sale and deal with correcting the problem upon sale. No action was taken and the matter will be on the June agenda. CONSERVATION EASEMENTS/PROPERTY PURCHASES: Attorney Jones stated completion of purchase of three tracts of land from Nikawsi Foundation to be purchased with Cleanwater Management Trust Funds and conservation easements to the State of North Carolina on the same tracts are ready for completion and requested final actions as follows: upon a motion by Commissioner Bryson and seconded by Commissioner Simpson the Board unanimously voted to adopt a resolution authorizing the completion of the purchase of 1.76 acres known as the Wiggins tract at a total cost of \$27,660 including cost of acquisition, survey, etc. and upon completion of purchase to immediately grant a conservation easement to the State of North Carolina; upon a motion by Commissioner Leatherman and seconded by Commissioner Bryson purchase of a 6.86 acre tract known as the Vanhook heirs property which joins the Cullasaja River to the confluence of the Little Tennessee River running up-river for a distance at a total cost of \$107,875 including acquisition, surveys, etc with a conservation easement to the State of North Carolina on the entire tract; upon a motion by Commissioner Leatherman and seconded by Commissioner Bryson purchase of 10.407 acres which is the remainder of the Vanhook tract at a total cost of \$149,719 with a note that this property has no river frontage, did not require reservation for sand removal, could be used for recreational purposes and also included a conservation easement to the State.. It was noted Nikawsi was making a profit on the sales but all profit was used to improve the property.

INTERLOCAL AGREEMENT WITH TOWN OF FRANKLIN: The County Manager presented a proposed interlocal agreement with the Town of Franklin for the Cartoogechaye sewer line and requested approval of the terms in order for the Town and County Attorneys to prepare a joint agreement upon approval of the terms by the Town of Franklin. Upon a motion by Commissioner Simpson and seconded by Commissioner Leatherman the Board approved the terms per attachment #4.

TAX RELEASES: Upon a motion by Commissioner Leatherman and seconded by Commissioner Shepherd the Board unanimously voted to approve releases in the amount of \$2,696.25 as submitted. (A computer printout of releases is on file in the Tax Department and the County Manager's Office.)

FINANCE: The following budget revisions were unanimously approved:
revision #145, upon a motion by Commissioner Leatherman and seconded by Commissioner Shepherd, transferring \$13,000 from capital expense for purchase of state surplus vehicles;
revision #146, upon a motion by Commissioner Bryson and seconded by Commissioner Leatherman, budgeting \$150 insurance payment for tow bill;
revision #147, upon a motion by Commissioner Bryson and seconded by Commissioner Simpson, appropriating \$2,000 in Sheriff's Department for judgment for damage to vehicles;
revision #148, upon a motion by Commissioner Bryson and seconded by Commissioner Leatherman, appropriating \$177,585 from capital expense for purchase of six vehicles for the Sheriff's Department;
revision #149, upon a motion by Commissioner Shepherd and seconded by Commissioner Bryson, appropriating \$5,500 jail canteen proceeds;
revision #131, upon a motion by Commissioner Leatherman and seconded by Commissioner Shepherd, appropriate \$24,345 state funding for Bioterrorism Projects;
revision #150, upon a motion by Commissioner Bryson and seconded by Commissioner Simpson, increasing state funding for WIC by \$2,386;
revision #151, upon a motion by Commissioner Shepherd and seconded by Commissioner Simpson, budgeting adjustments in the DSS budget;
revision #152, upon a motion by Commissioner Leatherman and seconded by Commissioner Shepherd, align DSS budget for fulltime employee;
revision #153, upon a motion by Commissioner Shepherd and seconded by Commissioner Simpson, appropriating \$20674 MAN unit funds;
revision #154, upon a motion by Commissioner Bryson and seconded by Commissioner Simpson, appropriating \$124,902 E-911 fund balance;

revision #155, upon a motion by Commissioner Shepherd and seconded by Commissioner Simpson, appropriating interest earnings and sales tax refunds with Schools Package A;

revision #156, upon a motion by Commissioner Bryson and seconded by Commissioner Leatherman, appropriating \$259,853 in 441-South water/sewer capital project;

revision #157, upon a motion by Commissioner Leatherman and seconded by Commissioner Shepherd, appropriating funds to cover change order #3 in Garage/Maintenance/Transit facilities site capital project;

revision #158, upon a motion by Commissioner Simpson and seconded by Commissioner Bryson, appropriating \$1,490 within the Cartoogechaye Sewer Trunk Capital Project;

revision #174, upon a motion by Commissioner Bryson and seconded by Commissioner Simpson, appropriating \$43,024 for purchase of two vehicles for Building Inspections; and revision #175, upon a motion by Commissioner Leatherman and seconded by Commissioner Bryson appropriating \$11,920 for engineering cost within the Cartoogechaye sewer trunk capital project.

(Note: revisions with corresponding numbers are attached.)

BUDGET WORKSESSIONS/MEETINGS: Budget work sessions tentatively scheduled for May 6th and 7th were cancelled and a continuation meeting for May 12th at 6 p.m. was set at which time the Board will meet with school representatives to discuss their budget request. Other meetings confirmed for the month were: May 22nd continuation meeting at 9:30, DOT secondary roads hearing at 10:00 a.m. on May 22nd and the public hearing on the budget at 7 p.m. on May 27th.

BOWERY ROAD: Commissioner Bryson made a motion that a letter of support for the Town of Highlands be submitted to NCDOT requesting releases of right-of-way on a section of Bowery Road in order to allow paving by NCDOT and authorize the Chairman to sign the letter on behalf of the Board. The motion was seconded by Commissioner Leatherman and all favored.

SCC SAFETY TRAINING CENTER SHOWER FACILITY: Cost of a shower facility at the SCC Safety Training Center located in the County Industrial Park, previous cost figures and the matter being an accreditation issue for SCC were discussed. The County Manager stated he and the County Maintenance Supervisor felt the County could construct the facility for under \$40,000. Upon a motion by Commissioner Bryson and seconded by Commissioner Simpson the Board unanimously voted to authorize county staff to construct a shower facility for SCC at the Industrial Park at a cost not to exceed \$40,000.

INTERLOCAL AGREEMENT FOR ENFORCEMENT OF EROSION AND SOIL CONTROL ORDINANCE: The County Attorney presented a proposed interlocal agreement between the Town of Franklin and Macon County by which the County would enforce the Erosion and Soil Control Ordinance within the corporate limits of the Town of Franklin. Upon a motion by Commissioner Shepherd and seconded by Commissioner Simpson the Board unanimously voted to approve the agreement per attachment #5.

SALES TAX: The Board noted the State does not plan to sunset the one-half cent sales tax in July and requested the matter be on the June agenda. County Manager Greenwood explained that would be part of the budget process.

CLOSED SESSION/RECESS: The County Attorney advised the Board needed to go into closed session to discuss potential litigation and personnel. Commissioner Shepherd made a motion to go into closed session to discuss matters as advised. The motion was seconded by Commissioner Leatherman and all favored. During closed session the above referenced items were discussed. No action was taken and the Board returned to regular session to recess until 6:00 p.m. on Monday, May 12, 2003 for budget discussions.

Ex Officio Clerk to the Board

Board Chairman

Minutes
05/05/03