

MACON COUNTY BOARD OF COMMISSIONERS
HIGHLANDS CONFERENCE CENTER
NOVEMBER 3, 2003
MINUTES

Chairman West convened the meeting at 6 p.m. at the Highlands Conference Center as noticed. All Board Members, the County Manager, County Attorney, Deputy Clerk, County Finance Director, members of the news media and interested citizens were present. Rev. Hunter Coleman from Highlands First Presbyterian Church gave the invocation. Highlands Mayor Buck Trott welcomed the Board and expressed appreciation for meeting in Highlands.

MINUTES: Upon a motion by Commissioner Simpson and seconded by Commissioner Leatherman the Board unanimously approved the minutes from the October 6, 2003 meeting as submitted.

PUBLIC HEARING: Chairman West convened the public hearing on debt issuance of \$2,850,000 for construction of the Highlands School Gym Project at 6:05 p.m. as noticed. The floor was opened for public comment and no one wished to speak. Chairman West adjourned the hearing noting that items related to this matter would be handled later in the agenda.

PUBLIC SESSION: No one wished to address the Board during public session.

ADDITIONS/ADJUSTMENTS: Commissioner Bryson requested an item from the Fire Commission be added as item 12A and later in the meeting an item relating to the Planning Board was added as item 12B. A closed session was also added to the agenda.

TRANSIT SERVICES: Public hearing - After being duly advertised, no one requested the holding of a public hearing on the proposed Community Transportation Application to the North Carolina Department of Transportation so it was not necessary to convene a hearing. Resolution - Upon motion by Commissioner Bryson and seconded by Commissioner Shepherd the Board unanimously voted to adopt the attached resolution seeking permission to apply for Community Transportation Program Funding, to enter into an agreement with the NCDOT, provide for necessary assurances and authorize execution of necessary documents. (Attachment #1) Advisory Committee: Commissioner Leatherman made a motion to accept the recommendation to reorganize the Transportation Advisory Committee to be composed of representatives from the following agencies: Required Representatives: Department of Social Services, Health Department, Aging Department, Mental Health, Sheltered Workshop (Macon Citizens for the Handicapped), Private Citizens (1 from each: Nantahala & Highlands communities) Other Representatives as Recommended by NCDOT: Smart Start (Macon Program for Progress), Employment Security Commission, Civic Organization, Chamber of Commerce, Economic Development (Macon County Planning or EDC Member), Business/Industry, Emergency Medical Services, Faith Community Leader, Community Transportation Provider from adjoining County (Clay), Local elected officials (this is a non voting member if representative is from Board of Commissioners), Other Representatives as needed for Macon County: Macon County Veterans Services. The motion was seconded by Commissioner Bryson and all favored.

HUMAN RESOURCES: Social Services - DSS Director Jane Kimsey presented a request and supporting information for an additional Food Stamp Eligibility Caseworker II due to continued caseload increase. Ms. Kimsey explained the county's share of projected salary and fringe for the remainder of the fiscal year beginning December 1st would be \$9,339 and there is adequate funds in the DSS budget to cover the costs due to the decreased Medicaid local match rate for this fiscal year. Upon motion by Commissioner Simpson and seconded by Commissioner Shepherd the Board unanimously voted to authorize the position from December 1, 2003 through June 30, 2004. It was recommended the position be filled with a bilingual individual if possible. Tax Department - Human Resource director Gary Nicholson presented a request on behalf of the Tax Department for approval of a job description for a Deputy Tax Collector. He explained General Statutes allow for appointment of a deputy tax collector, and with recent staff changes within the tax collections section addition of the deputy position was recommended. He noted the funds had been budgeted as part of the total tax department reorganization. During the discussion the meeting was recessed to convene the public hearing.

PUBLIC HEARING/NANTAHALA BUOY: Chairman West convened the public hearing on a request for placement of a "no wake" buoy on Nantahala Lake at 6:30 p.m. as noticed. W.C. "Sonny" Burrell was the first registered speaker and asked that his comments be deferred until others spoke because he had no information on the request other than what was in the public notice. Wayne Haines explained Mountain Shadows Homeowners Association had requested the placement of a "no wake" buoy in a portion of the lake located approximately one-fourth of the distance across the Jarrett Creek Cove and the Mountain Shadows Community and Jarrett Creek Community board ramps. Mr. Haines added that several families with young children use these docks and a "no-wake" buoy would regulate speed and promote safety in the area. Jim Davis, President of Mountain Shadows Homeowners Association, reiterated Mr. Haines comments and stated the buoy would not effect the open lake just the cove area as described. W.C. "Sonny" Burrell stated he uses the dock on the opposite side of the cove from Mr. Haines and Mr. Davis, the other buoys on Nantahala Lake are in public access areas, he has been using the lake for around fifty years, hates to see it change and would have to voice his opposition to the proposal and encourage not making changing on lake that might affect other areas. It was suggested this item be tabled until the December meeting and the two groups were requested to see if they could work together on a solution. Upon a motion by Commissioner Leatherman and seconded by Commissioner Bryson the Board unanimously voted to recess the public hearing until 6:30 p.m. on December 1, 2003 in the Board Room on the fourth floor of the Courthouse. Chairman West recessed the hearing and reconvened the meeting in regular session.

HUMAN RESOURCES (Continued): After further discussion Commissioner Simpson made a motion to add the Deputy Tax Collector position to the pay plan as recommended. The motion was seconded by Commissioner Shepherd and all favored.

TAX RELEASES: Upon a motion by Commissioner Bryson and seconded by Commissioner Leatherman the Board unanimously voted to approve \$3,493.58 in tax releases as submitted. (A printout of releases is on file in the Tax Department and the County Manager's Office.)

FINANCE: Bond Counsel - Upon a motion by Commissioner Bryson and seconded by Commissioner Leatherman the Board unanimously voted to accept the recommendation to engage Parker Poe as special/bond counsel for the Highlands School Project financing per the attached engagement letter. (Attachment #2) Financing bids - Per attachment #3 the 2003 financing bid tally was presented and Commissioner Bryson made a motion to accept the recommendation to award the bid to Wachovia Bank at 3.17%. The motion was seconded by Commissioner Simpson and all favored. Budget revisions: The following budget revisions were unanimously approved: revision #51, upon motion by Commissioner Bryson and seconded by Commissioner Simpson, appropriating \$3,335 insurance reimbursement for maintenance building damage; revision #52, , upon motion by Commissioner Bryson and seconded by Commissioner Simpson, appropriating interest earning and aligning budget for Highlands Recreation capital project; revision #53, upon motion by Commissioner Shepherd and seconded by Commissioner Leatherman, appropriating \$9,906 in Transit Services; revision #54, upon motion by Commissioner Leatherman and seconded by Commissioner Shepherd, appropriating \$2,300 Health Department Medicaid cost settlement; revision #55, upon motion by Commissioner Shepherd and seconded by Commissioner Leatherman, appropriating \$858 contributions for Healthy Carolinians; revision #56, upon motion by Commissioner Shepherd and seconded by Commissioner Leatherman, appropriating \$2,832 Tobacco Wellness funds; revision #57, upon motion by Commissioner Leatherman and seconded by Commissioner Simpson, appropriating \$14,839 in State Bioterrorism funding in the Health Department; revision #58, upon motion by Commissioner Leatherman and seconded by Commissioner Bryson, appropriating \$3,000 increase in physician fees from Medicaid cost settlement funds; revision #59, upon motion by Commissioner Bryson and seconded by Commissioner Simpson, appropriating \$1,862 in State family planning funding; revision #60, upon motion by Commissioner Simpson and seconded by Commissioner Shepherd, appropriating \$4,100 NCDENR fees; revision #61, upon motion by Commissioner Simpson and seconded by Commissioner Leatherman, appropriating \$7,000 TEA foster care funds; revision #62, upon motion by Commissioner Bryson and seconded by Commissioner Simpson, appropriating \$6,000 for the State of Franklin as approved September 8, 2003; revision #63, upon motion by Commissioner Simpson and seconded by Commissioner Leatherman, appropriating additional local funding in the Sheriff's Department for fringe benefits, revision #64, upon motion by Commissioner Leatherman and seconded by Commissioner Bryson, appropriating

funding from the 2004 Local Law Enforcement Block Grant; revision #65, upon motion by Commissioner Bryson and seconded by Commissioner Simpson, appropriating \$6,873 in drug forfeitures; revision #66, upon motion by Commissioner Shepherd and seconded by Commissioner Leatherman, appropriating \$23,216 grant for Emergency Management; revision #67, upon motion by Commissioner Shepherd and seconded by Commissioner Simpson, appropriating \$6,968 911 fund balance; revision #68, upon motion by Commissioner Shepherd and seconded by Commissioner Simpson, appropriating interest earnings and aligning budget in Schools Package A; revision #69, upon motion by Commissioner Simpson and seconded by Commissioner Leatherman, appropriating interest earnings and aligning budget in Schools Package B; revision #70, upon motion by Commissioner Simpson and seconded by Commissioner Bryson, appropriating \$1,901 in Cartoogechaye sewer trunk project and revision #71, upon motion by Commissioner Leatherman and seconded by Commissioner Shepherd aligning CJPP budget to state approved amounts. (Note: revisions with corresponding numbers are attached.)

LEGAL: Harris Regional Hospital Offer - The County Attorney presented the following for consideration: A proposal for a negotiated offer to purchase lands from Macon County known as the 0.642 acre tract adjoining the Holly Springs Office Park, having previously been made by the Harris Regional Hospital, Inc., and accepted as a negotiated offer of sale for said lands and premises; and negotiated offer having been advertised as by law provided, and the necessary cash deposit having been placed with Macon County; and there being no raised bids or objections to the negotiated offer having been received; and the said Harris Regional Hospital, Inc. having agreed to pay all costs involved in the purchase and sale of said property, including the County's Attorney fees and advertising fees, the following Resolution was upon Motion of Commissioner Bryson, seconded by Commissioner Leatherman unanimously approved: RESOLVED: that the negotiated offer to purchase the lands known as the 0.642 acre tract adjoining the Holly Springs Office Park, having been accepted by Resolution entered on the 6th day of October, 2003 and the purchaser having agreed to pay all costs of purchase and sale with respect thereto, said negotiated offer, have been advertised as by law provided, and no higher upset bid or objections to said sale having been made, said negotiated offer is hereby accepted as a final agreement for the purchase and sale of said property. IT IS FURTHER RESOLVED that the Chairman of the Macon County Board of Commissioners, joined by the County Manager, Clerk to the Board, be and they are hereby authorized and instructed to execute deed of conveyance for said property in accordance with the format, a copy of which is attached. (Attachment #4) Pine Grove School Property - A proposal for a negotiated offer to purchase lands from Macon County known as the Pine Grove School Property, a/k/a/ Piney Grove Community Center, having previously been made by the Macon County Preservation Society, Inc., and accepted as a negotiated offer of sale for said lands and premises; said negotiated offer having been advertised as by law provided, and the necessary cash deposit having been placed with Macon County; and there being no raised bids or objections to the negotiated offer having been received; it was, upon Motion of Commissioner Bryson, seconded by Commissioner Leatherman and unanimously approved: RESOLVED: That the negotiated offer to purchase the lands known as the Pine Grove School Property, a/k/a Piney Grove Community Center, having been accepted by Resolution entered on the 6th day of October, 2003 and no proper increased offer or objection to said sale having been made, said negotiated offer is hereby accepted as a final agreement for the purchase and sale of said property. IT IS FURTHER RESOLVED that the Chairman of the Macon County Board of Commissioners joined by the County Manager, Clerk to the Board, be and they are hereby authorized and instructed to execute a deed of conveyance for said property in accordance with the format, a copy of which is attached. The County Manager is thereafter authorized to deliver said Deed of Conveyance upon receipt of the purchase price in the amount of \$1.00. All costs of purchase and sale shall be paid by the Seller. (Attachment #5) Offer on Lots 11 and 19, Nantahala Township: An offer of \$2400 from Stanley Shook for purchase of Lots 11 and 19, Block A of Gold Creek Road, Nantahala Township was presented. For the purpose of discussion Commissioner Leatherman made a motion to accept the offer. The motion was seconded by Commissioner Simpson. During discussion it was noted Mr. Shook had paid to have testings done on the lots and the lots were deemed unsuitable for a septic system. The general consensus of the Board was, with modern technology, there may be alternate systems available. The motion failed unanimously.

FIRE COMMISSION: Commissioner Bryson presented information on HB 2961 which would allow volunteer fire fighters a break on home mortgage loans and made a motion that the Chairman be authorized to sign a letter of support to the legislative delegation. The motion was seconded by Commissioner Simpson and all favored.

Commissioner Bryson noted the Fire Commission recommended support of the bill.

PLANNING BOARD: A request from the Planning Board to expand membership from six to nine members and a list of prospective appointees was presented. Commissioner Shepherd made a motion to expand the Planning Board as requested and appoint three new members with staggered terms. Upon a motion by Commissioner Bryson and seconded by Commissioner Simpson the Board unanimously voted to appoint Larry Stenger for a three year term. Commissioner Simpson made a motion to appoint Evelyn Southard to a two-year term. The motion was seconded by Commissioner Leatherman and all favored. Upon a motion by Commissioner Leatherman and seconded by Commissioner Shepherd Jimmy Goodman was appointed for a one year term..

CLOSED SESSION: The County Attorney advised that the Board needed to go into closed session to discuss matters dealing with purchase of real property, acquisition of property and potential litigations. Commissioner Leatherman made a motion to go into closed session per the Attorney's comments. The motion was seconded by Commissioner Shepherd and all favored. During closed session the above referenced items were discussed including possible condemnation of certain properties. No action was taken and upon motion of Commissioner Bryson and seconded by Commissioner Simpson the Board unanimously voted to return to regular session.

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

Sam K. Greenwood, County Manager
Ex Officio Clerk to the Board
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Mark B. West
Board Chairman