

MACON COUNTY BOARD OF COMMISSIONERS
JULY 11, 2005
MINUTES

Chairman Bryson convened the meeting at 6 p.m. in the new board room on the third floor of the Courthouse. All Board Members, the County Manager, County Attorney, Staff Attorney, Finance Director, Deputy Clerk, members of the news media and interested citizens were present. Commissioner Shepherd gave the invocation.

MINUTES: Upon motion by Commissioner Leatherman and seconded by Commissioner Shepherd the minutes of the June 1st, 6th and 13th meetings were unanimously approved as submitted.

ADDITIONS/ADJUSTMENTS: The Board unanimously voted to add the following items to the agenda: upon motion by Commissioner Leatherman and seconded by Commissioner Simpson presentation of the proposed High Impact Ordinance by the Planning Board; upon motion by Commissioner Shepherd and seconded by Commissioner Simpson a request from Wayne Haire for funding to upgrade the Pine Grove School/Community Building and upon motion by Commissioner Simpson and seconded by Commissioner Davis discussion of county contracts, specifically bidding procedures.

PUBLIC SESSION: Allan Allman expressed concerns about the cost over-runs on the library and SCC construction projects and supported opposition to the Supreme Court's recent ruling concerning condemnation of personal property.

Narrelle Kirkland gave an update on the Peek's Creek video stating the project should net around \$6,000 to go to the victims of Hurricane Ivan and stated July 14th would be the last day the video could be purchased due to IRS regulations.

SEXUALLY ORIENTED BUSINESSES ORDINANCE (SOB): Commissioner Davis made a motion to open the floor for discussion on the proposed SOB Ordinance. The motion was seconded by Commissioner Leatherman and all favored. Changes to sections 111.21, 111.20 and 111.22 were discussed. No action was taken pending comments made at the public hearing scheduled for 6:30 p.m.

NORTH CAROLINA FOREST SERVICE CONTRACT: NCFS County Ranger Bobby Mashburn presented the annual agreement with NCFS for consideration and outlined some of the services offered by the agency. Upon motion by Commissioner Simpson and seconded by Commissioner Shepherd the Board unanimously voted to approve the contract. (A copy of the contract is on file in the County Manager's Office.)

RESOLUTION - CONDEMNATION PROCESS: Commissioner Davis stated he had requested a resolution be included in the agenda as a result of recent Supreme Court action concerning condemnation of private property and made a motion to adopt the attached resolution requesting the General Assembly to limit the exercise of public domain to public purposes. The motion was seconded by Commissioner Leatherman and all favored. (Attachment #1)

SEXUALLY ORIENTED BUSINESSES ORDINANCE (SOB): Chairman Bryson recessed the regular meeting at 6:30 p.m. to convene the public hearing on the proposed SOB ordinance as posted. Narelle Kirkland strongly urged the Board to adopt the ordinance stating such businesses causes neighborhood decline. There were no other speakers and the hearing was adjourned.

Back in regular session Commissioner Davis made a motion to adopt the ordinance with the proposed changes discussed earlier in the meeting. The motion was seconded by Commissioner Simpson and all favored. (See attachment #2)

PLANNING BOARD/HIGH IMPACT ORDINANCE: Planning Board Chairman Ronnie Beale presented the proposed ordinance regulating high-impact land uses stating the Planning Board had held public meetings gathering input and donated a lot of time to developing the ordinance. Upon motion by Commissioner Leatherman and

seconded by Commissioner Shepherd the Board unanimously voted to acknowledge receipt of the proposed ordinance. Commissioner Davis made a motion to authorize the County Manager to schedule and advertise a public hearing on the ordinance in accordance with general statutes. The motion was seconded by Commissioner Leatherman and all favored.

LIBRARY/SCC PROJECT: Library - Library Board Chairman Randolph Bulgin and architect Tom Ritter discussed bids on the library project and informed the Board bids exceeded the initial target of \$3,000,000 by nearly \$1,330,000 which has been reduced by approximately \$330,000. In a memo the County Manager advised that the Local Government Commission has approved a \$3,000,000 installment contract for the project, \$624,861 is appropriated in additional county funds and recommended the Board make up the difference of \$821,149 by appropriating more of the sales value of the old library building.

Commissioner Shepherd made a motion to approve the construction contract with the low bidder and funding of the project as presented. The motion was seconded by Commissioner Simpson and all favored.

SCC - George Stanley and Connie Haire representing SCC were present and informed the Board the low bid on their project was \$1,055,195 over budget. Mr. Stanley explained the project has been reduced by \$152,940 and \$902,255 additional funds would be needed for continuation of the project. The County Manager stated after review of County finances he recommended appropriating the \$902,255 from fund balance noting that this may put levels below the twenty-five percent (25%) reserved by policy which is permissible and noted the County will have two fiscal years to make up the difference.

Commissioner Simpson made a motion to fund the \$902,255 from Fund Balance as recommended. The motion was seconded by Commissioner Shepherd and all favored. (See Capitol Project Ordinances adopted under "Finance" item.)

COMMUNITY ECONOMIC DEVELOPMENT PROGRAM (HOUSING): As instructed at the June meeting the County Manager presented the attached recommendations in relation to consolidation of housing related activities and incorporation into the County structure. After discussion Commissioner Leatherman made a motion to adopt the recommendations as presented in attachment #3. The motion was seconded by Commissioner Shepherd and all favored. Chairman Bryson appointed Commissioners Leatherman and Shepherd as liaisons to work with relocation of the housing projects. Upon motion by Commissioner Davis and seconded by Commissioner Leatherman the Board unanimously voted to rescind the designation of Macon Program for Progress as the public housing agency for Macon County and to designate Macon County Government as the public housing agency effective October 1, 2005. Job security of current MPP housing employees until that time was questioned and the general consensus was that there should be no problems. Chairman Bryson stated he was removing himself as a commissioner representative to the MPP Board of Directors effective immediately in order to avoid violations of the open meetings laws by the Board of Commissioners when attending MPP board meetings conducted in violation of those laws. It was noted Commissioners Simpson and Shepherd will continue to serve on the MPP Board.

DEPARTMENT OF TRANSPORTATION: Addington Bridge Road - Upon motion by Commissioner Simpson and seconded by Commissioner Davis the Board unanimously voted to forward a resolution to NCDOT recommending 0.19 miles of Addington Bridge Road be abandoned from the State Secondary Road System per information from NCDOT. (Attachment #4) Cszonka Road - Upon motion by Commissioner Simpson and seconded by Commissioner Davis the Board unanimously voted to forward a resolution to NCDOT recommending 0.14 miles of Cszonka Road be added to the State Secondary Road System per information from NCDOT. (Attachment #5)

OFFERS TO PURCHASE: The Staff Attorney informed the Board that after advertisement no upset bids were received on negotiated offers that were accepted at the June meeting from DUC Properties LLC to purchase parcel #03-01988 in Ellijay Township and eight lots in Smokerise Mountain Subdivision. Upon motion by Commissioner Davis and seconded by Commissioner Simpson the

Board unanimously voted to adopt the attached resolution finalizing the sale and authorized execution of the necessary documents to transfer the property. (Attachment #6)

APPOINTMENTS: Jury Commission - Commissioner Shepherd made a motion to accept the recommendation to appoint Sara Waldrop to the Jury Commission replacing Bill Waldrop who indicated he did not wish to be reappointed. The motion was seconded by Commissioner Simpson and all favored. Term is for two year and will expire June 30, 2007.

Nantahala Recreation Commission - Upon motion by Commissioner Leatherman and seconded by Commissioner Davis the Board unanimously voted to appoint Gary Cross and Vivian Jacobs to the Nantahala Recreation Commission replacing Dale Raxter and Mike Waters who have served the maximum number of allowable terms. Terms will expire July 30, 2007.

TAX RELEASES: Commissioner Leatherman made a motion to approve a release of \$1,791.05 for Richard M. Olnick due to correction of an appraisal error. The motion was seconded by Commissioner Shepherd and all favored.

FINANCE: The following budget revisions and transactions were unanimously approved: Budget revisions -
revision #125, upon motion by Commissioner Simpson and seconded by Commissioner Shepherd, appropriating \$30,000 for 2003/2004 CDBG appropriation made but never transferred to revenue fund;
revision #126, upon motion by Commissioner Shepherd and seconded by Commissioner Leatherman, appropriating \$475,000 for 2003/2004 for courthouse renovations that was approved but never transferred;
revision #127, upon motion by Commissioner Leatherman and seconded by Commissioner Simpson, amending disaster cleanup funding by \$65,000;
revision #1, upon motion by Commissioner Simpson and seconded by Commissioner Davis, carrying forward NCDOT funding of \$71,200 for transit services;
Reimbursement resolution - upon motion by Commissioner Simpson and seconded by Commissioner Leatherman, adoption of reimbursement resolution in connection with the a new elementary school in the northern section of the County per attachment #7;
budget revision - revision #2, upon motion by Commissioner Shepherd and seconded by Commissioner Simpson, carrying \$3,000 forward for incomplete recreation project;
revision #3, upon motion by Commissioner Simpson and seconded by Commissioner Shepherd, appropriating library construction capital project funds; Capital Project Ordinance - upon motion by Commissioner Simpson and seconded by Commissioner Shepherd, adoption of Macon County Public Library Capital Project Ordinance in the amount of \$4,446,010 per attachment #8;
budget revision - revision #4, upon motion by Commissioner Leatherman and seconded by Commissioner Shepherd, appropriating contributions to SCC construction project on Siler Road; Capital Project Ordinance - upon motion by Commissioner Leatherman and seconded by Commissioner Simpson, adoption of SCC Siler Road Campus Capital Project Ordinance in the amount of \$2,902,555 (attachment #9)
budget revision - #128, upon motion by Commissioner Davis and seconded by Commissioner Simpson, appropriating \$9,500 additional Ivan/FEMA funds.
(Note: revisions with corresponding numbers are attached.)

PINE GROVE COMMUNITY BUILDING: Wayne Haire stated he was chairman of an ad hoc committee of the Historical Preservation Society, owners of Pine Grove Community Building, and requested funding to assist with renovation of the building. Mr. Haire also requested waiver of permit and landfill fees. After a lengthy discussion Commissioner Davis made a motion, contingent upon the Staff Attorney determining if the County can legally make the allocation, to match the request dollar for dollar up to \$25,000 to be taken from Contingency. The motion was seconded by Commissioner Leatherman and all favored. Mr. Haire stated they needed to get started on the renovations immediately and asked that the County front \$15,000. The general consensus of the Board was to advance the \$15,000 and after the group matches that

contribution to match the remaining \$10,000 dollar for dollar as raised. A gain, the Board noted the entire allocation was contingent upon the Staff Attorney's opinion on the legality of the allocation.

CONTRACTING PROCEDURES: Commissioner Simpson expressed concerns about county contracting procedures and made a motion the county adhere strictly to state statues and add that anything over \$5,000 require sealed bids with department heads required to following this procedure. After brief comments the motion died for lack of a second.

CRISIS HOUSING ASSISTANCE FUNDS: The County Manager reported the County had received permission to apply for matching state and relocations funds up to \$2.5 million.

ADJOURNMENT: Upon motion by Commissioner Davis the Board unanimously voted to adjourn.

Sam K. Greenwood, County Manager
Clerk to the Board

Daniel A. Bryson
Board Chairman

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