

MACON COUNTY BOARD OF COMMISSIONERS  
SEPTEMBER 12, 2005  
MINUTES

Chairman Bryson convened the meeting at 6 p.m. 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. Chairman Bryson requested everyone to take a moment to remember our neighbors in southern states suffering from Hurricane Katrina and reminded the group that September 16th will be the first anniversary of the Peak's Creek disaster. He also expressed thanks to all the county law enforcement, emergency personnel, etc. and outlined payments to date from FEMA and various agencies.

MINUTES: Upon motion by Commissioner Simpson and seconded by Commissioner Leatherman the Board unanimously voted to approve the minutes of the August 1st meeting and August 29th public hearing.

ADDITIONS/ADJUSTMENTS: Commissioner Simpson made a motion to add the Chamber of Commerce reduction in occupancy tax to the agenda. The motion was seconded by Commissioner Davis and all favored.

PUBLIC SESSION: Carole Rogers spoke on behalf of her 22 year old disabled daughter, Amanda Agner. Ms Rogers stated her daughter has multiple physical problems and could not get on Medicaid, that she needs help with food supplements, has knee problems that no orthopedic doctor will treat because she doesn't have insurance and that she had to put her someplace that could help. She stated she has requested help from various agencies but nobody cares.

The second issue Ms. Rogers addressed was animal abuse and the lack of animal control adding that her family was afraid to go out of their home for fear of being attacked by their neighbor's dog. She noted her disabled daughter was not strong enough to fight off the dogs and reiterated the need for animal control.

Narelle Kirkalnd thanked the Board and community for their support of the documentary on the Peak's Creek disaster stating that there was a \$10,000 to date profit.

Chris Hoover, a deputy with the Macon County Sheriff's Department, stated he and fellow officers were at the meeting to publicly support Sheriff Holland. Mr. Hoover noted the Sheriff had not requested the deputies to be present and they were not being paid but were on their own time. He stated the Department was proud of the work they do and felt it an honor to protect and support the community.

SHERIFF'S REPORT: Sheriff Robert Holland expressed appreciation to the deputies for being present, stated they were all overworked and underpaid but dedicated to their jobs. The Sheriff did a power point presentation showing various departmental statistics for the past six months per attachment #1.

J & B DISPOSAL: Bonnie Hamstra, President of J & B Disposal, presented a request for a fuel charge of three percent (3%) per month due to the increased cost of fuel or a \$2.00 per month charge to customers. Commissioner Davis made a motion to grant the request. The motion was seconded by Commissioner Leatherman and all favored.

ANIMAL CONTROL ISSUES: County Manager Sam Greenwood gave an update on House Bill 685 as relates to animal control and stated the County cannot afford to enter into any agreements with any party on animal control issues until the actions of this bill are determined as to standards for animal shelters. Chairman Bryson stated appointment of a study commission to do a complete analysis of the animal control issues facing the County and to evaluate options for a recommendation to be made to the Board had been discussed. He appointed Commissioners Simpson and Leatherman to serve as

Board representatives on the committee. Commissioner Simpson stated he had discussed serving on the committee with Dr. Amy Patterson (veterinarian) Neal Hearn (Friends of Animals), Shelia Myers (Human Society) and Willard Barrett (sporting dogs) who have all agreed to serve. He also suggested the Sheriff or his designee and a representative from each of the towns be on the committee. Commissioner Leatherman also suggested a representative of the Health Department be on the committee and stated, in the meantime, the Board needed to do something to give the Sheriff's Department some temporary relief and pointed out the working relationship in the past with the Humane Society for housing animals. No action was taken at this time and committee appointments will be made at the October meeting.

HIGH IMPACT LAND USE ORDINANCE - Upon motion by Commissioner Leatherman and seconded by Commissioner Shepherd the Board unanimously voted to adopt the Ordinance Regulating High-Impact Land Uses in Macon County as presented at the August 29th public hearing and codify the ordinance as chapter 157 of the Macon County Code per attachment #2. Appointment of an enforcement officer for the ordinance will be on a later agenda. Commissioners expressed appreciation to Planning Board Members for the effort put into the Ordinance and all their hard work.

SCHOOLS - School Superintendent Dr. Rodney Shotwell presented a request for release of \$220,000 Public School Building Capital Funds for technology equipment. Commissioner Simpson made a motion to approve the request as submitted. The motion was seconded by Commissioner Davis and all favored. Dr. Shotwell reported the State has cut education funding by \$45 million dollars and presented a listing of additional funds needed by Macon County Schools in the amount of \$925,931 stating he was asking the Board of Commissioners to consider an additional appropriation of \$400,000 of the shortfall. No action was taken on the request but Commissioner Davis encouraged a legislative delegation, including the superintendent, to represent the citizens of Macon County in Raleigh opposing more unfunded mandates.

CHAMBER OF COMMERCE/OCCUPANCY TAX: Commissioner Simpson, who is also a member of the Franklin Chamber Tourism Development Committee (TDC), stated the administrative fee for the occupancy tax had been increased from 15% to 5% without the Chambers being notified and they had budgeted based on the 5% rate and was now running short on funds some of which have already been committed. Franklin Chamber President Tom Ritter and Executive Director Linda Harbuck discussed the shortfall (\$17,300) and requested the fee be reduced back to the 5% and made retroactive to recoup funds taken from their 2005 remittance. County Manager Greenwood explained by statute Macon County is responsible for collection and use of proceeds from the occupancy tax and has basically been an honor system which the County has used from the implementation of the tax. He added after a compliance audit on a finder's fee basis it was determined the honor system was not functioning and a three year compliance audit, which cannot be done on a finder's fee basis, was thought needed, the system needed redesigned from forms to registration, enforcement options needed to be looked at and after the compliance audit a mechanism for random audits needed to be put in place. Mr. Greenwood further explained that in 1999 the administrative rate had been dropped from 15% to 5% (approximately \$20,000 per year) and in the 2004/05 budget the rate was again changed to 15% to begin accumulating sufficient funds for the audit and related overhead costs; however, actual implementation of the 15% did not occur in July, 2004 and Chambers had not been notified. However, the error was discovered in January, 2005 and corrected. After a lengthy discussion during which the Staff Attorney and County Manager stressed that it is a requirement that once made aware of a statutory compliance problem, the problem must be addressed or risk possible complaint or lawsuit for not collecting the tax in a fair and equitable manner. Also included in the discussion was requesting legislation to change statutory authorization for the collection of occupancy tax in Macon County. Chairman Bryson appointed Commissioner Davis to work with the Chamber for a suitable resolution. Commissioner Simpson stated the TDC had obligated funds, were in immediate need of the money and made a motion to refund the administrative

fee back to July, 2004, to form a committee to study the best avenue to collect the tax, set the administrative percentage and to determine if there needs to be an audit. More discussion followed after which Commissioner Simpson withdrew his motion. After a recess Commissioner Simpson made a motion to reimburse the Franklin Chamber \$12,000 of the administrative fee in question and the Highlands Chamber a proportionate amount based on their collections, to use the balance for an audit and to leave the administrative fee at 15% until completion of the audit. The motion was seconded by Commissioner Davis and all favored.

CAA DESIGNATION/HOUSING UPDATE: The Staff Attorney, Housing Director and County Manager gave an update on the transition of the housing programs from MPP to the County including discussions with HUD considering current financial status. A recommendation that the Community Action Agency (CAA) designation be transferred from Macon Program for Progress to Macon County in order to be eligible for housing grants, etc. was made by the County Manager and Staff Attorney. Commissioner Davis made a motion to rescind the designation of MPP as the CAA for Macon County and designate Macon County as the CAA. The motion was seconded by Commissioner Shepherd and all favored. Commissioner Shepherd made a motion to authorize application for continuation of CDBG funding and continuation of the World Changers and related projects. The motion was seconded by Commissioner Leatherman and all favored.

APPOINTMENTS: Appointments to the Planning Board and Airport Commission were postponed until the October meeting. Chairman Bryson requested Planning Board Chairman Ronnie Beale to bring the five top needs from the Planning Board to the Board.

RELEASES: Upon motion by Commissioner Simpson and seconded by Commissioner Davis the Board unanimously voted to approve tax releases in the amount of \$20,148.36 as submitted. (A printout of releases is no file in the Tax Department and the County Manager's Office.)

FINANCE: The following budget revisions were unanimously approved:  
FY 2004/05 revision #142, upon motion by Commissioner Simpson and seconded by Commissioner Davis, appropriating \$4,450 rental revenues for the Airport Authority;  
revision #143, upon motion by Commissioner Davis and seconded by Commissioner Leatherman, appropriating \$201,700 insurance reserve;  
revision #144, upon motion by Commissioner Shepherd and seconded by Commissioner Simpson, allocating \$5,348 to Project Challenge; FY 2005/06  
revision #12, upon motion by Commissioner Leatherman and seconded by Commissioner Shepherd, appropriating \$500 grant funds for Substance Abuse Program;  
revision #13, upon motion by Commissioner Simpson and seconded by Commissioner Leatherman, appropriating \$2,935 additional DSS crisis funds;  
revision #14, upon motion by Commissioner Simpson and seconded by Commissioner Davis, allocating \$3,220 additional DSS TANF Domestic Violence funds;  
revision #15, upon motion by Commissioner Simpson and seconded by Commissioner Leatherman, budgeting \$2,139 State Forfeiture Funds;  
revision #16, upon motion by Commissioner Simpson and seconded by Commissioner Davis, appropriating \$15,000 for Senior Care Outreach Program;  
revision #17, upon motion by Commissioner Shepherd and seconded by Commissioner Leatherman, appropriating \$1,000 DSS-SHIPP grant and  
revision #18, upon motion by Commissioner Shepherd and seconded by Commissioner Davis, budgeting \$101,800 from Contingency to upgrade law enforcement salaries.  
(Note: revisions with corresponding numbers attached.)

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

---

Sam K. Greenwood, County Manager  
Clerk to the Board

---

Daniel A. Bryson  
Board Chairman

Minutes  
09/12/05  
Page #1