

MACON COUNTY BOARD OF COMMISSIONERS
NOVEMBER 13, 2007
MINUTES

Chairman Leatherman convened the meeting at 6 p.m. All Board Members with the exception of Commissioner McClellan who arrived late, the County Manager, Deputy Clerk, County Attorney, County Finance Director, members of the news media and interested citizens were present. Chairman Leatherman welcomed everyone and Rev. Harold Ball from First Baptist Church gave the invocation. Chairman Leatherman also expressed appreciation to the Streets of Franklin and everyone involved in the Veteran's Day ceremony.

MINUTES: Upon motion by Commissioner Simpson and seconded by Commissioner Davis the minutes of the October 4th, 8th and 22nd meetings were approved as submitted.

PUBLIC SESSION: (Note: Commissioner McClellan arrived at this time). Norm Roberts stated he voted against the recent bond issue(s) and wanted to analyze why it failed stating he felt it was leadership in county offices. Mr. Roberts compared county government to an orchestra leader with a baton. He asked the Board to back off and evaluate what happened stating, in his opinion, it was too big especially with the recent increase in the tax revaluations. Rick Neal, President of the Franklin Area Chamber of Commerce, stated the Tourism Development Committee (TDC) had some concerns about the distribution of occupancy tax and presented a recommendation for appointment of a nine member task force. Bob Kieltyka, Executive Director of the Highlands Chamber of Commerce, addressed the issue of occupancy tax stating state legislation requires the revenue be used only to promote travel and tourism in the county. Mr. Kieltyka added he had previously noted to the Board several of the Highlands programs and accomplishments made possible by use of the revenue. He also expressed concerns about the 15% administrative fee. He added that the Highlands Chamber supports the Franklin Chamber's recommendation to appoint a task force stating they were willing to actively participate in the process. (Note action taken later in meeting.) Johnny Mira-Knippel made a proposal on behalf of the Miracle Children's Center, a non-profit community based childcare center, for the use of old Cartoogechaye School as a childcare center. Mr. Mira-Knippel stated he had presented the proposal to the Board of Education and they had referred him to the Board of Commissioners.

PEGASUS SLAGLE PROPERTY CELL TOWER HEARING (Continued)- Chairman Leatherman recessed the regular meeting to reconvene the public hearing on the cell tower application from Pegasus as continued from the October 8th meeting. The Chairman reminded individuals who spoke at the last hearing that they remained under oath and anyone wishing to speak would need to be sworn in.

Gregory Hunt, representing the Planning Department due to illness in the County Planner's family, was sworn in. Harold Timmons responded to concerns the Board presented at the previous meeting stating the cost of using a helicopter to set a monopole would be in excess of \$90,000 which would put the project over budget and asked that, in this particular instance, a lattice pole be allowed.

In response to Commissioner Beale's question if property owners were sent corrected of letters of notification Mr. Timmons responded they were sent. Commissioner Beale questioned if Mr. Timmons had checked on erecting a monopole made in sections. Mr. Timmons stated he had not. Chairman Leatherman opened the floor for other comments from the public and there were none. He then called on the Planning Department for a recommendation. Mr. Hunt stated staff had researched construction of a monopole in sections and had found a monopole can be molded in whatever sections necessary at an added expense. Mr. Hunt added the County Planner's recommendation was, since the authority of the Board to grant special conditions as provided in §154.09 deals with the compatibility of surrounding areas; and since this tower is located in a residential area near the Nantahala National Forest; and since lattice structures have more

visual impact on surrounding areas, staff recommended imposing a special condition on the new tower permit that Pegasus agree to the construction of a monopole.

Commissioner Simpson questioned what the cost difference in construction of a lattice and monopole is and Mr. Timmons responded it is usually around \$15,000 more for a monopole. Commissioner Beale questioned what the advantage to Macon County would be if a lattice pole was approved rather than a monopole. Mr. Timmons responded it would help small businesses, keep cost down and provide additional services. Mr. Timmons explained he had not checked on a monopole in sections but had focused on road improvements and use of a helicopter. Chairman Leatherman requested Mr. Timmons to indulge the Board and research what it would cost to have a monopole customized and delivered in sections and the cost of cranes to erect the pole. Commissioner Davis stated at the October meeting, based on faulty or erroneous information, he had falsely accused Mr. Timmons and Pegasus of not living up to their promises and/or responsibilities and he wanted to offer Mr. Timmons a public apology. Being no further comments the hearing was recessed until the December 10th meeting. Chairman Leatherman reconvened regular session.

COURTHOUSE SQUARE IMPROVEMENTS: The County Manager reported the project for pavers and tree grates around the Courthouse was readvertised and the only bid received was from Clark and Company who submitted new references as requested and bid the project at the same amount as their first bid (\$103,000). The necessity of the needed improvements was briefly discussed and upon motion by Commissioner Simpson, seconded by Commissioner Davis, the Board unanimously voted to adopt a resolution awarding the bid to Clark and Company. (Attachment #1)

OLD CARTOOGECHAYE SCHOOL SITE: A letter from the Macon County Board of Education, pursuant to General Statute 115C-518, granting the County first opportunity to buy the old Cartoogechaye School site was presented. The County Manager reminded the Board that they had expressed the desire to the Board of Education that surplus school buildings be sold and the proceeds applied to either debt payments or improving school facilities. After a brief discussion Commissioner McClellan made a motion to refuse the offer and let the School Board proceed. The motion was seconded by Commissioner Davis and passed four to one with Commissioner Beale opposing.

NANTAHALA PROPERTY (old EMS Base): The County Manager reported several years ago the Nantahala Volunteer Fire and Rescue requested and received deed to the Nantahala EMS property for construction of a fire department unit. However they later decided the construction was not feasible and deeded the property back to Macon County. He requested the property, consisting of approximately .75 acres, located at 51 Community Circle, Topton, recently appraised at \$72,500, be declared surplus and authorized for disposal. Upon motion by Commissioner Davis and seconded by Commissioner Simpson the Board unanimously voted to declare the property surplus and authorize for disposal.

OCCUPANCY TAX: County Manager Greenwood presented a memo recommending appointment of a review committee to study relevant issues concerning use of occupancy tax revenue, the current collection system and needed changes. He recommended membership on the committee consist of representation of the county and town(s), occupancy businesses, other agencies/commissions plus chambers of commerce representatives although chamber representatives would be non-voting to minimize conflict of interest concerns. He also recommended the Board name the chairman of the committee. After discussion the general consensus of the Board was to appoint a nine member committee consisting of the Highlands and Franklin Chamber Directors; three occupancy tax remitters one each from Highlands, Franklin and Nantahala areas preferably multi-service providers, a representative from the Franklin and Highlands Town Boards, and two Commissioners (Simpson and McClellan) with names being submitted at the November 26th continuation meeting for final approval. Commissioner Simpson stated he would like to address an article in the Highlander in which statements were made by Gary Nicholson who the county

had contracted with to review the occupancy tax collection process. Commissioner Simpson stated the article quoted Mr. Nicholson as saying he and then Board Chairman Bryson had held him up in doing his job and this was not true.

APPOINTMENTS: Board of Adjustments - Upon motion by Commissioner McClellan, seconded by Commissioner Davis the Board unanimously voted to appoint Gary Drake to fill the vacant unexpired term on the Board of Adjustments. Term will expire April 23, 2009. Planning Board - Commissioner Beale, Planning Board liaison, presented Al Slagle's resume and made a motion to appoint him to fill the vacancy on the Planning Board. The motion was seconded by Chairman Leatherman. The motion passed three to two with Commissioners Davis and McClellan opposing. Commissioner Davis stated he had been previously contacted by Jimmy Goodman whose term is expiring and had committed his support to him. Commissioner McClellan stated since he had been on the Board they have never failed to reappoint someone who was eligible and willing to continue serving. Mr. Slagle's term will expire November 1, 2010.

TAX RELEASES: Upon motion by Commissioner McClellan and seconded by Commissioner Beale the Board unanimously voted to approve tax releases in the amount of \$9,638.24 as submitted. (Note: A printout of releases is on file in the Tax Office and the County Manager's Office.)

FINANCE: Financing Resolution: Finance Director Evelyn Southard reported that at the October 22nd meeting the Board approved Bank of America's proposal to issue the \$2,000,000 QZAB bonds for East Franklin School renovations; however, the bank is now requesting adoption of a formal resolution. Commissioner Simpson made a motion to adopt the attached resolution as requested. The motion was seconded by Commissioner Davis. During discussion it was noted there are some items listed in Item J of the resolution still needed from the Board of Education including the deed to Macon County for the East Franklin School property. Commissioner Simpson, with the agreement of Commissioner Davis, amended his motion to make it contingent upon receipt of the necessary items from the Board of Education. The motion passed unanimously. (Attachment #2)

Budget revisions: The following budget revisions were unanimously approved: revision #30, upon motion by Commissioner Simpson and seconded by Commissioner Davis, appropriating \$3,308 controlled substance tax funds in the Sheriff's Department; revision #31, upon motion by Commissioner Davis and seconded by Commissioner McClellan, appropriating \$1,839 vehicle insurance settlement in Health Department; revision #32, upon motion by Commissioner Beale and seconded by Commissioner Simpson, appropriating \$829 vehicle insurance settlement in Transit Services; revision #41, upon motion by Commissioner Davis and seconded by Commissioner Simpson, appropriating \$19,600 in state funding for the Eat Smart Move More Grant; revision #42, upon motion by Commissioner Davis and seconded by Commissioner Simpson, appropriating \$15,000 increase for Local Technical Assistance and Training in the Health Department; revision #43, upon motion by Commissioner Simpson and seconded by Commissioner Davis, appropriating \$1,895 increase in health funding for Family Planning Women's Health Services; and revision #44, upon motion by Commissioner Davis and seconded by Commissioner McClellan, appropriating \$675 for Project Lifesaver, \$250 for K9 Operations and \$430 for DARE in the Sheriff's Department. (Note: Revision with corresponding numbers attached.)

Financing resolution - land purchase - Upon motion by Commissioner Davis and seconded by Commissioner Beale the Board unanimously voted to adopt a financing resolution relative to financing of not more than \$2,600,000 for acquisition of land necessary for public school purposes per attachment #3. It was noted the resolution also called for a public hearing on the matter on November 26, 2007 at 6 p.m.

MENTAL HEALTH: Commissioner Beale, liaison to the area mental health committee, advised the Board that a stakeholders meeting was scheduled for 10 a.m. on Thursday, November 15th at the Community Facilities Building and invited everyone to attend.

CLOSED SESSION: Upon motion by Commissioner Beale and seconded by Commissioner Simpson the Board unanimously voted to go into closed session to discuss personnel. During closed session a personnel issue was discussed with no action being taken. Upon motion by Commissioner Davis, seconded by Commissioner Simpson, the Board returned to regular session.

COUNTY MANAGER: Upon motion by Commissioner Simpson and seconded by Commissioner Davis the Board unanimously voted to approve the employment contract with C. Jack Horton at an annual salary of \$125,000 effective January 7, 2008 or as soon after January 1, 2008 as possible.

RECESS: The meeting was recessed until November 26, 2007 at 6 p.m.

Sam K. Greenwood, County Manager
Clerk to the Board

Charles D. Leatherman
Board Chairman

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