

MACON COUNTY BOARD OF COMMISSIONERS
JULY 14, 2008
MINUTES

CALL TO ORDER: Chairman Leatherman convened the regular meeting at 6 p.m. All Board Members, the County Manager, Deputy Clerk, County Attorney, County Finance Director, members of the news media and interested citizens were present. Chairman Leatherman welcomed everyone.

ANNOUNCEMENTS: Chairman Leatherman announced there would be a continuation meeting on July 21st and a joint meeting with the Towns on the 17th. He also read and signed a proclamation declaring the third Saturday in July as Macon County Heritage Day.

Wayne Proffitt, Gail Proffitt Young and Dennis Conley, President of the Macon County Fair Association, expressed appreciation to the Board for support of the Fair Association and the contribution in the current budget.

Chairman Leatherman then passed the gavel to Commissioner Simpson who chaired the remainder of the meeting.

INVOCATION: Rev. John Fowler pastor of First Methodist Church gave the invocation.

PLEDGE OF ALLEGIANCE: Commissioner Beale led the Pledge of Allegiance.

PUBLIC COMMENT PERIOD: Jim Lau, 1st Vice President and Lee Whitaker, President, of the Fraternal Order of Police stated they were retired law enforcement officers and would be attending the meetings in support of the Sheriff's Department and law enforcement officers. Janet Gillespie with the Franklin Main Street Program gave an update on their program, stating they had received notification of award of a \$40,000 grant and expressed appreciation to the Board for their support. Mary Ann Widenhouse thanked the Mental Health Task Force, Commissioner Beale and the media for their work. She stated she had attended the Task Force meetings and had heard all perspectives except one and that is the people using the services although about five people were interviewed. She added these are people who are experts through their own experience and would like to see a way to allow them on the Task Force.

ADDITIONS/ADJUSTMENTS TO AGENDA: Upon motion by Commissioner Davis, seconded by Commissioner McClellan, the Board unanimously voted to add submission of a grant application for Emergency Management facility renovations as item "11D" of the consent agenda. Motion to approve the agenda was made by Commissioner Beale, seconded by Commissioner Davis and all favored.

PUBLIC HEARING - None

PRESENTATIONS: MENTAL HEALTH TASK FORCE - Task Force members Jane Kimsey and Jim Bruckner presented a brief history of the Task Force and reviewed their assessment and recommendation for mental health services in Macon County. (Attachment #1). The Task Force was commended for their work and the following members recognized: Ronnie Beale, Vice Chairman of Macon County Board of County Commissioners; Jim Bruckner, Director of Macon County Public Health and Co-Chair of Taskforce; Jane Kimsey-Director of Macon County Social Services and Co-Chair of Taskforce; Robbie Holland, Sheriff of Macon County; Don Sandoval, CEO of Angel Medical Center; Mike Neidig, Therapist with Mental Health Professionals; Kathy McGaha, Program Director of Macon County Healthy Carolinians; and Paula Ledford, Director of Exceptional Children's Program/Support Services with Macon County Schools. Smoky Mountain Center for Mental health, Developmental Disabilities and Substance Abuse Services staff members Rhonda Cox, Tammy Keezer and Judy Kuehn serve as Local Management Entity resource experts to the Taskforce. Also recognized were Andy Shields, Chief Deputy and Brian Welch, Sheriff's Department Attorney for their participation. Commissioner Beale stated that Macon County is

breaking new ground with the work this Task Force is doing and will have a tremendous impact on the citizens of Macon County. Upon motion by Commissioner Beale, seconded by Commissioner Davis, the Board unanimously voted to appropriate \$6,000 from Contingency to Healthy Carolinians to move forward in support of the report as presented. (Attachment #2)

OLD BUSINESS:

SCHOOLS: Commissioners Beale reported he and Commissioner Davis had met with school staff to discuss and receive clarification on two change orders on the QZAB East Franklin renovation project in the amount of \$93,102 presented at the June meeting and felt the issues had been rectified. Also discussed was the procedure for handling of change orders on school projects and which will now go before the School Facilities Committee before being presented to the Board of Commissioners. After discussion Commission McClellan made a motion to approve the budget revision appropriating \$93,102 to cover the change orders. (Attachment #3)

NEW BUSINESS:

SIGN ORDINANCE: As requested County Planner Stacy Guffey presented information on amending the County's Sign Ordinance to allow changing displays on LCD, LED and other types of electronic signs. Mr. Guffey stated this was due in part to changes in technology since the adoption of the Sign Ordinance and if approved unanimously would not require a public hearing. Upon motion by Commissioner Beale and seconded by Commissioner Davis the Board unanimously voted to amend the ordinance as follows:

§ 152.23 SIGNS PROHIBITED.

The following signs and sign features or components are prohibited:

- (A) Signs obstructing the view of motorists entering or exiting roads or highways, or interfering with the driver's view of approaching, merging or intersecting traffic.
 - (B) Signs incorporating flashing, blinking or strobe lights and signs with moving parts or parts which simulate movement; provided, however, signs may include changing time and temperature displays with no and other changing messages displays. Additionally prohibited are signs with direct or indirect illumination which directs or allows a lighting source to direct light on any residential dwelling or at any portion of a roadway with an intensity which may impair a driver's vision.
 - (C) Portable signs.
 - (D) Any non-governmental sign resembling a public safety warning or traffic signal.
 - (E) Signs, whether temporary or permanent, within any road or highway right-of-way, with the exception of governmental signs.
 - (F) Signs constructed or maintained upon trees and utility poles or painted or drawn upon natural rock formations or other natural features.
 - (G) Signs containing words or graphics that are obscene, as defined in G.S. Chapter 15.
- (Ord. passed 9-5-1995; Am. Ord. passed 5-10-1999; Am. Ord. passed 12-3-2001)
Penalty, see § 152.99

FLOOD ORDINANCE APPEAL: Acting Chairman Simpson opened the hearing for appeal by Mr. Joe Noah for an exception to Article 5A(17) of the Macon County Flood Ordinance. Mr. Noah did not appear to present the appeal. Information submitted to the Macon County Flood Plain Administrator by Mr. Noha in support of his appeal was entered into the record. Acting Chairman Simpson requested comment from the Macon County Flood Plain Administrator. It was noted this is a different site than previously heard on behalf of Mr. Noha. Upon motion by Commissioner Davis, seconded by Chairman Leatherman, the appeal board unanimously voted to deny the appeal for lack of good and sufficient cause to allow an exception to the Macon County Flood Ordinance. The appeal hearing was then closed by Acting Chairman Simpson. (A copy of information submitted by Mr. Noha is on file in the County Manager's Office.)

WATER/SEWER PROJECTS: North Macon School - The County Manager reported the Town/County Water/Sewer Liaison Committee met and discussed the service to the proposed North Macon School. He explained the first step necessary is to have a Preliminary Engineering Report (PER) done to determine the water and sewer facilities required to accommodate the school and advised McGill Associates had agreed to provide the PER at a cost of \$18,500. After discussion Commissioner Beale made a motion to authorize the PER at a cost of \$18,500. The motion was seconded by Commissioner Davis and all favored. Cullasaja River aerial sewer crossing - Preliminary cost estimates from McGill Associates for three options to repair the aerial sewer crossing to serve the new 5/6 School and Macon Middle school were presented as follows:

Option 1 - Repair crossing in present location	\$ 45,000
Option 2 - Construction of new pump station	\$370,000
Option 3 - Construct new aerial crossing at higher level	\$220,000

It was noted with Option 3 \$45,000 would be covered by insurance leaving the County's cost at \$175,000. Commissioner Simpson expressed concerns that we were paying to repair and/or replace something that was the engineer's responsibility and fault. After discussion Chairman Leatherman made a motion to proceed with Option 3 to construct a new aerial crossing at a higher lever at a county cost of \$175,000. The motion was seconded by Commissioner Davis and passed four to one with Commissioner Simpson opposing.

NCACC VOTING DELEGATE: Upon motion by Commissioner Beale and seconded by Chairman Leatherman the Board unanimously voted to designate Commissioner Davis as the voting delegate at the NCACC annual conference noting that he is the Board's liaison to the Association.

CONSENT AGENDA: Upon motion by Chairman Leatherman and seconded by Commissioner Davis the following items on the consent agenda were unanimously approved:

Minutes - Approved the minutes from the June 2nd, 3rd, 9th and 16th meetings.
State Pay Plan - Adopted the FY 08/09 State Pay Plan which covers employees of the Departments of Health and Social Services and authorized submission to the Office of State Personnel. (A copy of the Plan is on file in the County Manager's Office.)

Finance: Adopted a Capital Project Ordinance in the amount of \$166,667 for airport improvements per attachment #4.

Budget revisions - Approved revision #174, transferring wireline fund balance to general fund;

revision #175, appropriating \$166,667 Airport Grant;

revision #176, appropriating \$5,500 surety bond for remediation;

revision #177, transferring of \$36,942 QZAB funds;

revision #1, carrying forward \$86,000 FY 07/08 Solid Waste contract;

revision #2, budgeting \$67,755 grant in Housing;

revision #3, adding \$75,800 to Urgent Repair Housing grant; and

revision #4, funding Housing Administration from general fund for FY 08/09 at \$100,003. (Note: revisions with corresponding numbers attached.)

APPOINTMENTS: Farmland Preservation - Upon motion by Chairman Leatherman, seconded by Commissioner Davis, the Board unanimously voted to appoint Larry Sheffield to replace the late Stan Penland on the Farmland Preservation Committee. Term will expire May 31, 2009. Commissioner Davis made a motion to reappoint John McCall and Ricky James to the Committee with terms to expire May 31, 2011. The motion was seconded by Commissioner McClellan and all favored.

Recreation Commission - Upon motion of Commissioner Davis, seconded by Chairman Leatherman, the Board unanimously voted to reappoint Dennis Conley and Tex Davis to the Recreation Commission with terms to expire July 15, 2011.

Subdivision Ordinance Technical Review Committee - Appointments to the Subdivision Ordinance Technical Review Committee as required by the Ordinance was presented and a discussion concerning frequency of review meetings followed. Commissioner Simpson expressed concerns that a wait of four to six weeks for review of a plat is excessive. County Planner Stacy Guffey was instructed to bring some suggestions/recommendation to the July 21st continuation meeting. Upon motion by Commissioner Beale and seconded by

Chairman Leatherman, as required by the Ordinance, the Board unanimously voted to make the following appointments to the Subdivision Ordinance Technical Review Committee: The Subdivision Administrator, Stacy Guffey / Matt Mason, Alternate; One Member of the Macon County Planning Board, Lamar Sprinkle / Lewis Penland, Alternate, one representative each from the following Macon County offices or agencies: Fire Marshal's Office, Warren Cabe / Jimmy Team, Alternate, Environmental Health Department, Charles Womack / Pat Muse, Alternate, and Code Enforcement Department - Jack Morgan / Bobby Crisp, Alternate.

RECESS: Before going into closed session it was announced the meeting would be recessed until 6 p.m. on July 17th at the Boiler Room to meet jointly with the Towns of Franklin and Highlands and that meeting would be recessed until 6 p.m. on Monday, July 21st in the regular meeting place.

CLOSED SESSION: Upon motion by Commissioner Beale, seconded by Commissioner Davis, the Board unanimously voted to go into closed session to consult with the county attorney in order to preserve the attorney/client privilege regarding a legal matter. During closed session two legal matters were discussed with no action being taken. The Board returned to regular session.

INTERLOCAL AGREEMENT WITH SCHOOLS: Upon motion by Commissioner Davis, seconded by Commissioner Beale, the Board unanimously voted to approve an interlocal agreement with the Macon County Board of Education as pertains to the East Franklin School Phase II Project and the New 5-6 School Project.
(Note: The agreement was amended at a later meeting and a final copy is attached to the July 21, 2008 minutes.)

WATERSHED ORDINANCE AMENDMENT: The board reviewed the Macon County Watershed Protection Program Compliance Evaluation, which included a directive from NC DENR, Division of Water Quality, requiring the County to amend the section of the County Watershed Ordinance to increase the required SNIA buffer from 30 feet to 100 feet because the Environmental Management Commission considers SNIA projects to be high-density developments. The board noted that the County has not adopted a high density development option within its watersheds. The board reviewed the ordinance and is of the opinion that it is in compliance with the density requirements of the statute. Commissioner McClellan made a motion to inform the State that the County will not be amending the Watershed Ordinance, to instruct the County Attorney to defend that decision and to solicit the support of the NCACC. The motion was seconded by Commissioner Davis and all favored. (See attachment #5)

RECESS: The meeting was recessed until 6 p.m. on July 17th at the Boiler Room.

C. Jack Horton, County Manager
Clerk to the Board

Charles D. Leatherman
Board Chairman