

MACON COUNTY BOARD OF COMMISSIONERS  
SEPTEMBER 8, 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 and advised there would be a continuation meeting on September 18th then passed the gavel to Vice-Chairman Beale to chair the meeting announcing that Commissioner Davis would chair the October meeting and he would chair his final meeting in November.

ANNOUNCEMENTS: There were no announcements.

INVOCATION: Rev. Greg Rogers pastor at Pine Grove Baptist Church gave the invocation.

PLEDGE OF ALLEGIANCE: Commissioner McClellan led the pledge to the flag.

PUBLIC COMMENT PERIOD: Mary Ann Widenhouse, member of NAMI Appalachian South, presented information on activities planned in the area for Mental Illness Awareness Week which included a public safety training by SCC for recognition of the warning signs of mental illness and strategies for effectively dealing with it and the showing of "Canvas" at the library. (Note: Proclamation passed in consent agenda later in the meeting.) John Grist reminded the Board he had attended a previous meeting expressing concerns about animal control and questioned the status of an animal control ordinance and animal shelter.

The County Manager responded a draft ordinance had been presented to the Board and Animal Control Study Committee for review and he and the County Buildings and Grounds Superintendent had recently visited some other shelters. He added he expected plans and the ordinance should be finalized for presentation at the next meeting. Narelle Kirkland reminded the Board of her work in the county to date and presented a proposal that she be contracted to measure and evaluate all public school buildings for installation of solar arrays on the schools at an approximate cost of \$4,800.

ADJUSTMENTS TO AND APPROVAL OF THE AGENDA: Upon motion by Chairman Leatherman and seconded by Commissioner Simpson the Board unanimously voted to approve the agenda with the following adjustments: delete "final change orders East Franklin" as item 10C and replace it with "Highlands School Roof", Nantahala Gym as 10F and add a closed session for personnel.

PUBLIC HEARING: Amended Subdivision Ordinance: Commissioner Leatherman opened the public hearing on the Amended Subdivision Ordinance. County Planner Stacy Guffey explained the changes which deals with review time periods. The floor was opened for public comment and no one wished to speak. The hearing was adjourned. Commissioner Simpson made a motion to approve the amended ordinance as presented. The motion was seconded by Commissioner McClellan and all favored. (Attachment #1)

REPORTS/PRESENTATIONS: GFOA Presentation - The Certificate of Achievement for Excellence in Financial Reporting was presented to Finance Officer Evelyn Southard noting it is the highest form of recognition in the area of governmental accounting and financial reporting. Each Board Member commended Ms. Southard for the job she does for Macon County.

NC Scenic Byway Designation - Ryan Sherby RPO Coordinator for Region A and Paul Carlson from Cowee Community presented information on coordination and application that NC 28 from US 64 in Franklin to US 74 at Lauda in Swain County be designated as a Scenic Byway. Mr. Sherby noted NCDOT Division 14 supports the effort. Upon motion by Chairman Leatherman, seconded by Commissioner McClellan, the Board unanimously voted to support the initiative as presented.

OLD BUSINESS:

TDC BY LAWS AND APPOINTMENTS: The by-laws for the two TDC's as created by Resolution at the August 19th meeting were presented for consideration. After discussion Commissioner McClellan made a motion to adopt the Highlands Area Tourism Development Commission By-Laws. The motion was seconded by Commissioner Simpson and all favored. Also included in the motion was authorization for the County Attorney to prepare contracts for the county's fiscal year 08/09. (Attachment #2) Upon motion by Commissioner Simpson, seconded by Commissioner McClellan, the Board unanimously voted to adopt the Franklin-Nantahala Area Tourism Development Commission By-Laws and authorize the County Attorney to prepare contracts for the county's fiscal year 08/09. (Attachment #3) Contracts for future fiscal years will be negotiated and drafted in early 2009. The following names were submitted for membership on the Highlands TDC: Jerry Moore voting member from the Chamber; Hank Ross, Town of Highlands; Sabrina Hawkins, accommodations with ten or more units; Helene Seigel, accommodations with ten or less units; Wolfgang Green and Gary Drake, Highlands Travel and Tourism District at large; Bob Kieltyka, non-voting member from the Chamber and Commissioner McClellan. Term limits will be set at the September 18th meeting. Motion for approval of appointments as recommended was made by Commissioner Simpson, seconded by Commissioner Davis and all favored. Appointments to the Franklin/Nantahala TDC will be made at the September 18th meeting.

NEW BUSINESS:

WORK FIRST ELECTING COUNTY: Social Services Director Jane Kimsey advised that the County Commissioners must vote to request Standard or Electing County Status for the Work First Program by September 26, 2008 and must submit the county Work First Block Grant Plan by October 31, 2008. She reported the Macon County Welfare Reform Planning Committee met on June 24, 2008, and unanimously recommends to the County Commissioners continuation of the Electing County Status for 2009-2011 Work First Program. A synopsis of proposed changes to the Plan is attached. (Attachment #4)

Upon motion by Commissioner Davis, seconded by Chairman Leatherman the Board unanimously voted to continue as an Electing County for the Work First Program. Ms. Kimsey also advised a local bill to provide that electing counties will be held harmless for work first family assistance was ratified in July, 2008, and advised a letter of appreciation has been sent to the local legislation delegation. Also recognized was Shelia Conley from DSS who supervises the Work First Program.

SCC EARLY COLLEGE BIDS: Architect Tom Ritter and Dr. Connie Haire from SCC presented bids on the Early College Transition Building as received on August 26, 2008. Mr. Ritter advised the Board he had negotiated for changes and/or removal of items with the low bidder, Warth Construction, to reduce Warth's bid from \$955,100 to \$847,108 which includes no furnishings or architect fees. When questioned by the County Attorney, Mr. Ritter assured the Board that the deductions would not change the low bidder, are not a substantial change in the project and recommended acceptance of the bid. Upon motion by Chairman Leatherman, seconded by Commissioner Simpson the Board unanimously voted to accept the lowest bid as negotiated with Warth Construction at \$847,108 excluding furniture and architect fees.

HIGHLANDS SCHOOL ROOF: Terry Bell presented proposals for replacing the entire Highland's School roof with the exception of the gym and presented a recommendation from the Board of Education for award of the low bid for \$132,729 from the Bonitz Company of Carolina-Tennessee, Inc. noting the contract would be with the County and the Bonitz Company. Upon motion by Commissioner Davis, seconded by Chairman Leatherman, the Board unanimously voted to accept the proposal as recommended.

EAST FRANKLIN CHANGE ORDERS: Continued until September 18th continuation

meeting.

TOWN OF FRANKLIN/VEHICLE: A request from the Town of Franklin on behalf of the Macon County's Historical Society's Cherokee Preservation Program for donation of a surplus county 98 Jeep Cherokee with approximately 100,000 miles previously used by the Planning Department and valued at around \$1,850 was presented. Commissioner Simpson made a motion to donate the vehicle as requested. The motion died for lack of a second. Commissioner Davis made a motion to offer the vehicle to the Town for the Preservation Program at the current value of \$1,830. The motion was seconded by Commissioner McClellan and passed four to one with Commissioner Simpson opposing.

FLOOD PLAIN ORDINANCE EXCEPTION: Acting Chairman Beale opened the public hearing for appeal by Michael and Jessi Calafiroe for an exception to the Macon County Flood Ordinance. Erin Dunnuck, Attorney for the Calafiroes presented the appeal including an evacuation plan per information entered into the record and on file in the County Manager's Office. Also submitted was a letter from Jack Morgan, County Codes Administrator, recommending the exception be denied. After discussion with Ms. Dunnuck and Mr. Calafiroe, the Board recessed the hearing and agreed to meet at the site, Old Mill Campground on 441 South, at 6 p.m. on September 16th to gain more insight to the property location and distinguish what would have been allowed under regulations prior to passage of the Flood Ordinance. The hearing was recessed until that time.

NANTAHALA SCHOOL GYM: Chairman Leatherman presented a plan for a gym at the Nantahala Recreation Park which has been proposed by Nantahala resident and school board member Tommy Baldwin. Commissioners Beale and Davis were asked to present the plan to the School Facilities Committee to determine interest in participation by the Schools and requested the County Manager to pursue a long term lease or procurement of the property now leased from Duke Energy. No formal action was taken.

CONSENT AGENDA: Upon motion by Commissioner Simpson, seconded by Commissioner Davis, the Board unanimously voted to approve the following items on the consent agenda:

Minutes - The minutes of the August 4th and 19th meetings as presented.  
Offer to purchase property - Adopted a resolution accepting the offer from Robert Newton to purchase .75 acres located at 51 Community Circle in Topton per attachment #5.

FAIR ASSOCIATION - Adopted a resolution in support of the Macon County Fair Association celebrating 55 years of service per attachment #6.

Mental Illness Awareness Week - Proclaimed October 5th-11th as Mental Illness Awareness Week per attachment #7.

Tax Settlement Report - Accepted the Tax Collectors Settlement report for FY 07/08 per attachment #8.

Tax refund - Accepted the recommendation of the Tax Supervisor based on N.C. General Statutes to deny tax refund for Annie Blaine in the amount of \$71.30.

Tax releases - Approved tax releases as presented for July in the amount of \$5,685.20 and August for \$11,475.35. (Note: Print-outs of releases are on file in the Tax Department and the County Manager's Office.)

Budget revisions - revision #28, appropriating \$450 unspent Sharing Center Contributions from FY 08/08;  
revision #29, budget additional ROAP funds and DSS contract funds to reclassify one full time driver to operations supervisor and add two part time drivers due to increased demands in Transit;  
revision #30, appropriate fund balance of federal, state and local forfeiture funds for Sheriff's Department;  
revision #31, adjust fund balance appropriation for DSS Foster Care by \$1,000;

revision #32, appropriate \$550 Sharing Center Contribution in Health Department  
revision #33, appropriate additional Fire Tax revenues and expenditures for  
county fire departments;  
revision #34, appropriate \$2,269 insurance settlement for Sheriff's Office,  
revision #35, appropriate \$1,316 insurance settlement for Health Department;  
revision #36, appropriate \$3,185 state forfeiture funds in Sheriff's Department  
revision #37, reduce original Hurricane Recovery budget by \$470,850 to reflect  
the amended grant award and  
revision #38, approve transfer of \$24,788 in East Franklin QZAB renovation  
project. (Note: revisions with corresponding numbers attached.)

APPOINTMENTS: Town of Franklin joint town-county development committee - A  
letter from the Town of Franklin requesting appointment to a joint town-county  
development committee in order to authorize application for grant funding for  
development of "Frogtown Park" was presented. The Town advised they would  
appoint the Town Manager and one alderperson and suggested appointment of the  
County Manager and one commissioner. Upon motion by Chairman Leatherman,  
seconded by Commissioner Davis, the Board unanimously voted to appoint the  
County Manager and Commissioner Simpson to the committee.

Rest/Nursing Home Advisory Committee - Upon motion by Commissioner Davis,  
seconded by Chairman Leatherman, the Board unanimously voted to appoint Kay  
Hilty to the Rest/Nursing Home Advisory Committee. Term will expire August 31,  
2011.

Economic Development Commission - Appointments to the EDC were postponed until  
the September 18th meeting.

CLOSED SESSION: Upon motion by Commissioner Simpson, seconded by Commissioner  
McClellan, the Board unanimously voted to go into closed session. During  
closed session the Board was briefed on a personnel issue with no action being  
taken.

RECESS: Back in regular session the meeting was adjourned until 6 p.m. on  
September 16th at the Old Mill Campground Site on 441 South.

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C. Jack Horton, County Manager  
Clerk to the Board

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Charles D. Leatherman  
Board Chairman