

**MACON COUNTY BOARD OF COMMISSIONERS**  
**SEPTEMBER 13, 2011**  
**MINUTES**

Chairman McClellan convened the meeting at 6:08 p.m. All Board Members, the County Manager, Deputy Clerk, Finance Director, County Attorney, members of the news media and interested citizens were present.

**ANNOUNCEMENTS:** Chairman McClellan recognized Commissioner Beale, who was elected Second Vice President of the North Carolina Association of County Commissioners (NCACC) at the association's recent meeting in Cabarrus County, and Commissioner Beale thanked the board for its support of his candidacy.

**INVOCATION:** Commissioner Corbin gave the invocation.

**PLEDGE TO THE FLAG:** The pledge to the flag was recited.

**PUBLIC ROAD HEARING:** Chairman McClellan opened the public hearing on 911 Road Names at 6:11 p.m. Angie Kinsland with 911 Addressing explained that the required notices had been advertised and posted. No one from the public signed up to speak. Chairman McClellan closed the hearing at 6:12 p.m. Action stemming from this hearing is scheduled later in the agenda.

**PUBLIC COMMENT:** **Mark Herstik** told the board that he had been thrust into the steep slope study because Duke Energy had cut and sprayed near his property on Gold Mine Road and now the "hillside is coming down." He went over a long list of officials that he had spoken to and said the board of commissioners is the last line of defense and the only recourse left to landowners.

**PUBLIC HEARING ON THE RURAL OPERATING ASSISTANCE PROGRAM:** Chairman McClellan opened the public hearing on the Macon County Transit Rural Operating Assistance Program (ROAP) at 6:30 p.m. as noticed. No one from the public signed up to speak. Transit Director Kim Angel gave a brief explanation of the program. Chairman McClellan closed the hearing at 6:32 p.m. Action stemming from this hearing is scheduled later in the agenda.

**ADJUSTMENTS TO AND APPROVAL OF THE AGENDA:** Upon a motion by Commissioner Beale, seconded by Commissioner Koppers, the board voted unanimously to approve the agenda as adjusted, as follows:

- To add a report from Commissioner Kupperts regarding Nantahala Lake as Item 8E.
- To add a report from Commissioner Beale regarding the dialysis center petition as Item 8F.
- To add recommendations from the Community Funding Pool committee and consideration of approval of those recommendations as Item 10I, per Commissioner Corbin.
- To add receipt of proposed construction standards from the county planning board as Item 9C, per Commissioner Corbin.
- To add two additional budget revisions as part of the consent agenda under Item 11B, per the Finance Director.
- To add a closed session for the purpose of preserving the attorney/client privilege, per Commissioner Beale.
- To remove Item 10C, Diamond Falls Subdivision bonds.

**WORK FIRST ELECTING COUNTY PLAN:** Department of Social Services Director Jane Kimsey explained that the plan for 2012-2014 had been drafted with three minor changes, which she outlined. Ms. Kimsey said that the plan needed to be submitted to the state by September 30. Commissioner Beale said that plans such as this one were under attack at the state level, although he felt it was a “no-brainer” and made a motion to approve it as presented. The motion was seconded by Commissioner Corbin and unanimously approved. Ms. Kimsey also requested that the board amend the current Work First Electing County Plan (2010-2012) to reflect the three changes that were included in the new plan, and upon a motion by Commissioner Corbin, seconded by Commissioner Kupperts, the board voted unanimously to amend the current plan as recommended. **(Attachment 1)**

**RETENTION OF PART-TIME MAGISTRATE IN HIGHLANDS:** Commissioner Beale asked that this item be delayed until Sheriff Robert Holland could be present.

**WELLS GROVE BAPTIST CHURCH FLOODPLAIN/FILL ISSUES:** Jerry Cook, the chairman of the deacons at Wells Grove Baptist Church, told the board that he was not seeking a variance to the erosion control ordinance. However, he stated his belief that the church should be allowed to continue to place fill dirt on property it had purchased and had been filling off and on since June of 2007, and cited Article 6, Section B of the ordinance as his defense. Mr. Cook went on to explain that the church had been told it could no longer place fill on the property, even though church officials were operating under the assumption that they were doing so legally. The church is in position to get free dirt from the new Wal-Mart site, and Mr. Cook said half of the property would be worthless to the church if it could not be filled.

Commissioner Beale requested, and was granted, permission from the board for him, the County Attorney, and Jack Morgan, Director of Planning, Permitting and Development, to work with the church and review the situation and bring back an alternative for the board's consideration.

**JEAN JORDAN/HEALTHCARE ACCESS:** Jean Jordan explained that she was the former administrator of the community care clinic in Franklin, and asked the board to consider expansion of the county's transit system to enable more access to healthcare – particularly preventive care – and in light of a possible dialysis center being located in Franklin. Commissioner Beale suggested that Ms. Jordan share her thoughts with Kim Angel, Director of Macon County Transit.

**NANTAHALA LAKE SWIMMING ACCESS:** Commissioner Koppers explained that he had received a petition with approximately 300 signatures, requesting a swimming access area near the Rocky Branch boat ramp on Nantahala Lake. Commissioner Koppers said that he would be happy to reopen the discussion, and no formal action was taken.

**DIALYSIS CENTER UPDATE:** Commissioner Beale said that he would be in Raleigh on Friday, September 16 at 10 a.m. to hear the results of the county's recent petition regarding the need for a dialysis center in Macon County, adding that he felt the county had made a strong case for an adjusted need determination.

**RETENTION OF PART-TIME MAGISTRATE IN HIGHLANDS:** Sheriff Holland shared copies of a letter that he and Highlands Police Chief Bill Harrell had written to the NC Administrative Office of the Courts regarding the planned elimination of the part-time magistrate's position in Highlands. Sheriff Holland said the decision would force officers to transport arrestees down the mountain for required appearances before a magistrate in Franklin, which would present a financial hardship on both departments. Chairman McClellan said he was fully supportive of the officers' request for the state to retain the position due to safety and financial reasons. The County Attorney had prepared a resolution on this matter for the board's consideration, and Commissioner Beale suggested that the officers take it to the state representatives and senators next. Upon a motion by Commissioner Koppers, seconded by Commissioner Corbin, the board voted unanimously to adopt a "Resolution of the Macon County Board of County Commissioners Regarding the Proposed Elimination of the Part-Time Magistrate Position in Highlands, Macon County, North Carolina." **(Attachment 2)**

**RESOLUTION REGARDING NEW INDUSTRY:** Commissioner Haven said that Charlie Cowie had asked that he present a proposed resolution regarding the need for new industry in the county, and Chairman McClellan said the board would take it under advisement.

**COMPREHENSIVE TRANSPORTATION PLAN:** Upon a motion by Commissioner Koppers, seconded by Commissioner Beale, the board voted unanimously to adopt the Macon County Comprehensive Transportation Plan 2011 as presented. (Attachment 3) The County Manager noted that the plan would be approved at the regional level by the Southwestern Commission Rural Planning Organization at its meeting on September 26.

**EXCHANGE OF REAL ESTATE WITH DONALD AND BETTY FISHER:** Chairman McClellan provided background on the proposed even exchange, which involves a 1.74-acre tract owned by the county and valued at \$165,060 for a 1.78-acre tract owned by Donald and Betty Fisher valued at \$167,040. The exchange would allow the county to acquire property immediately adjacent to a tract it already owns. Commissioner Koppers expressed his concerns regarding the swap, explaining that he could not support it as he felt the county was giving away a fine piece of property to get one where only one-third of an acre was usable. Chairman McClellan said it would be nice to acquire the property to expand parking and that the county can't buy all three of the parcels between Zachary Park and the one it is offering in exchange. Following additional discussion, and upon a motion by Commissioner Beale, seconded by Commissioner Koppers, the board voted unanimously to table the matter until the October regular meeting.

**PROPOSED CONSTRUCTION STANDARDS:** Commissioner Corbin noted that the county planning board was no longer proceeding with the steep slope regulations. Instead, the planning board had developed a seven-item list of construction standards and was recommending those standards to the commission. Commissioner Corbin asked that the commissioners acknowledge receipt of those standards for their review, and Commissioner Koppers asked that they be placed on the October regular meeting agenda for discussion.

**AMENDMENT TO COUNTY ROAD ORDINANCE:** The County Attorney explained that he had prepared an amendment to the county's road naming and numbering system ordinance, which includes a list of new road names to be added as well as a list of roads which no longer exist and are to be deleted. Upon a motion by Commissioner Koppers, seconded by Commissioner Corbin, the board voted unanimously to amend Chapter 14 of the Macon County Code as presented. (Attachment 4)

**CERTIFIED STATEMENT REGARDING RURAL OPERATING ASSISTANCE PROGRAM:** Upon a motion by Commissioner Beale, seconded by Commissioner Corbin, the board voted unanimously to approve the Certified Statement for Fiscal Year 2012 for the Rural Operating Assistance Program in the amount of \$161,321 and authorized Chairman McClellan, the County Manager and the Finance Director to sign it. (Attachment 5)

**DIAMOND FALLS SUBDIVISION BONDS:** This item was removed from the agenda.

**CONSIDERATION OF CLASSIFICATION AND COMPENSATION STUDY:** The County Manager explained that, following the board's directive, staff had researched various firms and was now recommending that the board consider Springsted, Incorporated to perform the requested classification and compensation study. The County Manager noted that Springsted was a "Preferred Provider" with the North Carolina Association of County Commissioners (NCACC) and that the study, which would cost \$29,500 plus up to \$3,600 in expenses, would include implementation strategies and new job descriptions. He added that it has been at least seven years since the county had a similar study done. Upon a motion by Commissioner Corbin, seconded by Commissioner Beale, the board voted unanimously to authorize the County Manager to enter into the agreement with Springsted.

Chairman McClellan declared a recess at 7:58 p.m.

Chairman McClellan called the meeting back to order at 8:13 p.m.

**WORK SESSION REGARDING REVALUATION:** Upon a motion by Commissioner Corbin, seconded by Commissioner Beale, the board voted unanimously to add consideration of a work session to discuss the upcoming revaluation to the agenda as Item 10J.

**RELEASE OF SEWER EASEMENT:** Upon a motion by Commissioner Corbin, seconded by Commissioner Koppers, the board voted unanimously to approve a "Resolution Authorizing Quitclaim Deed of Individual Sanitary Sewer Easement" involving Tammy Arlene Ramsey Stanfield and Earl Edwin Ramsey, Jr. The County Manager explained that with the new force main sewer along Roller Mill Road, those involved had agreed to a new easement and the county needed to release the old one. (Attachment 6)

**LEASE AGREEMENT WITH DUKE ENERGY CAROLINAS:** The County Manager recommended approval of a lease with Duke Energy involving 17.48 acres of Duke property in the Nantahala community in exchange for \$10 and for a term of 40 years, expiring September 12, 2051. The County Attorney noted that former County Attorney Leslie Moxley had performed extensive work toward completion of this agreement, with Commissioner Beale noting that it had been a four-year process. Upon a motion by Commissioner Kupperts, seconded by Commissioner Haven, the board voted unanimously to approve the “Resolution of the Macon County Board of County Commissioners for Macon County to Enter into Lease Agreement with Duke Energy Carolinas, LLC.” (Attachment 7)

**RIGHT OF WAY AGREEMENTS WITH DUKE ENERGY:** The County Manager explained that Duke Energy was realigning a transmission line, which would result in a benefit for the county by reducing the width of the easement. The County Attorney explained there were two right of way agreements to be considered, both of which involved less than one-tenth of an acre, and in one instance would allow the removal of a power line that crossed a ball field. Upon a motion by Commissioner Haven, seconded by Commissioner Beale, the board voted unanimously to authorize Chairman McClellan and the County Manager to sign the two right of way agreements and release documents as presented. (Attachments 8 and 9)

**RESOLUTION REGARDING FIREFIGHTERS WEEK:** Chairman McClellan read the “Resolution Encouraging the Citizens of Macon County to Observe Firefighters Week in North Carolina” into the record, and upon a motion by Commissioner Kupperts, seconded by Commissioner Haven, the board voted unanimously to adopt the resolution as presented. (Attachment 10)

**COMMUNITY FUNDING POOL:** Commission Corbin explained that the Macon County Community Funding Pool Task Force had received \$107,780 in requests, and had initially trimmed that amount to \$55,388.78, with some of those recommended requests then being further reduced to meet the \$50,000 amount of available funding. Commissioner Kupperts then suggested that the board meet the funding pool “half way” by authorizing \$52,694.39 in funding, to be distributed as outlined, and made that in the form of a motion. Commissioner Corbin seconded the motion, and suggested that the board take a fresh look at how funding from the pool is allocated, particularly if specific organizations would consistently be awarded full funding. The board voted unanimously to approve the motion.

**WEBSTER ENTERPRISES FUNDING:** The County Manager reminded the board that it had pledged \$10,000 in funding to Webster Enterprises for the current fiscal year, but in an oversight, that money was not included in the current budget. In light of the commitment made by the county as recorded in the board's minutes, he recommended that the board amend the budget to include the funding, and upon a motion by Commissioner Beale, seconded by Commissioner Corbin, the board unanimously approved the amendment.

**WORK SESSION:** The board agreed to recess the meeting until Thursday, September 22 at 5:30 p.m. in order to hold a work session regarding the revaluation.

**CONSENT AGENDA:** Upon a motion by Commissioner Corbin, seconded by Commissioner Kupperts, the following items on the consent agenda were unanimously approved: **Minutes** – Approved the minutes from the August 9<sup>th</sup> meeting. **Budget revisions** – Approved the following budget revisions: revision #238 (from Fiscal Year 2010-11) to appropriate additional occupancy tax amounts collected of \$82,598 for Highlands and \$25,234 for Franklin; revision #37 for the Department of Social Services to allocate additional CRC funds in the amount of \$22,100; revision #38 for the Department of Social Services to allocate additional Crisis Program funds of \$115,398 and additional LIEAP Program funds of \$46,139; revision #39 to appropriate state forfeiture funds of \$17,754 and federal forfeiture funds of \$11,828 into 2012; revision #40 for the Airport Authority for the grant award for Runway Extension Project 36237.1.11.3 to include \$782,519 in grant funds, a \$42,447 transfer from general fund and a fund balance appropriation of \$44,500; revision #41 for the Nantahala School renovation project to reduce the project ordinance by \$65,300 from the Board of Education's original allocation; revision #42 for the Housing Department to allocate funds from Weatherization Grant #1261WA; revision #44 for the Housing Department to allocate funds (\$160,000) for the SFR11 Grant; revision #45 for the Transit Department to appropriate fund balance in the amount of \$21,115 for scheduling software, automatic vehicle location devices and contract fees for support/technology. These funds were appropriated in the FY 11 budget but were not spent because the contract was not fully implemented during FY 11. (Revisions with corresponding numbers attached.) **Tax releases** – Approved tax releases in the amount of \$2,614.83. (A computer printout of releases is on file in the Tax Department and the County Manager's office.) **Tax refund** – Approved a tax refund to PNC Equipment Finance in the amount of \$401.65. **Fee changes at Macon County Public Health** – Following discussion with Health Director Jim Bruckner, approved a number of changes to fees (schedule attached). **Resolution supporting addition of**

**Burningtown Church Road to the state-maintained system -**  
Approved the request as presented.

**CLOSED SESSION:** Upon a motion by Commissioner Kuppers, seconded by Commissioner Corbin, the board voted unanimously to go into closed session at 9:13 p.m. for the purpose of preserving the attorney/client privilege. At 9:55 p.m., and upon a motion by Commissioner Kuppers, seconded by Commissioner Beale, the board voted unanimously to come out of closed session. No action was taken. Upon a motion by Commissioner Corbin, seconded by Commissioner Kuppers, the board voted unanimously at 9:57 p.m. to recess the meeting until September 22, 2011 at 5:30 p.m. in the commission boardroom on the third floor of the Macon County Courthouse at 5 West Main Street in Franklin.

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Jack Horton, County Manager  
Clerk to the Board

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Brian McClellan  
Board Chairman