

MACON COUNTY BOARD OF COMMISSIONERS
DECEMBER 10, 2007
MINUTES

Chairman Leatherman convened the meeting at 6 p.m. following a retirement reception for County Manager Sam Greenwood. 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 present and Rev. Vic Greene, Hospice Chaplain, gave the invocation.

ELECTION OF CHAIRMAN AND VICE CHAIRMAN: Chairman Leatherman passed the gavel to County Manager Sam Greenwood for election of Chairman. Commissioner Davis made a motion to nominate Commissioner Leatherman. Commissioner Beale seconded the motion. There were no other nominations and Commissioner Leatherman was unanimously elected. The gavel was passed back to Chairman Leatherman and the floor was opened for nominations for vice-chairman. Commissioner Simpson made a motion to nominate Commissioner Beale. The motion was seconded by Commissioner Davis. There were no other nominations and Commissioner Beale was unanimously elected.

MINUTES: Upon motion by Commissioner Simpson and seconded by Commissioner McClellan the Board unanimously voted to approve the minutes of the November 2nd, 12th and 26th meetings as submitted.

PUBLIC SESSION: Sandy Davis addressed issues concerning the proposed animal shelter questioning what would a complaint driven reason for pickup be, would the public be allowed to pick up and drop off animals, suggested a sanctuary rather than a killing pound and requested consideration for something other than what has been proposed. Narrell Kirkland requested the proposed leash law be limited to dogs and not cats.

FY 06/07 AUDIT: Chris Costner from Martin Starnes & Associates, CPA's presented the county's FY 06/07 audit giving an unqualified opinion. The County's fund balance was discussed at length noting that Macon County's policy is that unreserved fund balance be maintained at 25% of the new year (2007/2008) budget rather than a percentage of expenditures of prior year and that calculations show if Macon County's budget is \$43,990,854 then 25% of that number is \$10,997,713. It was noted the unreserved fund balance was \$15,407,847 at June 30, 2007, from which a total of \$3,729,560 has been appropriated in FY 07/08 and brings the amount of unreserved fund balance over the 25% down to \$680,574. Other outstanding commitments still unappropriated are at least \$710,000, to bring the unreserved fund balance below 25% of 07/08 budget. Finance Director Evelyn Southard presented the attached analysis of current fund balance. (Attachment #1) County Manager Greenwood assured the Board that he was leaving the county in good financial shape and with a fund balance of at least their policy of twenty-five percent. Chairman Leatherman noted that the eight percent fund balance set by the Local Government Commission has not been changed since 1964 and questioned how that compares today stating there are many variables in determining fund balance needs.

PUBLIC HEARING PEGASUS' CELL TOWER APPLICATION (Continuation): Chairman Leatherman reopened the public hearing on Pegasus' cell tower application on the Slagle property reminding everyone they were still under oath. County Planner Stacey Guffey gave a recap of the hearing process to date and presented Exhibit E containing the corrected notification letters to property owners and certifications. (Note: Exhibit E is on file in the Clerk to the Board's Office with these minutes. Exhibits A-D are on file with the October 8, 2007 minutes.) Harold Timmons, Zoning Administrator for Pegasus, as requested, presented cost differences for a lattice pole and a monopole constructed in sections. Mr. Guffey presented the following facts and conclusions:

The Board of Commissioners for the County of Macon, having held a duly advertised public hearing on October 8th, November 13th, and December 10th 2007 to consider an application for the construction of a new telecommunications tower submitted by Pegasus Tower, on property located off Printers Way on Hwy. 64 West and having heard all of the evidence and arguments presented at the hearing, makes the following FINDINGS OF FACT and draws the following CONCLUSIONS:

1. There was substantial evidence in the record to show the following FACTS:
 - (a) Exhibits A-E show compliance with the Criteria for Issuance of a Permit as provided in §154.08 of the Telecommunications Tower Ordinance.
 - (b) Mapping and information provided by the applicant and submitted as part of exhibit D, and confirmed by the County, demonstrates there are no towers within the ¼ (one-fourth) mile required radius that could act as co-location sites. The applicant also asserts that there are no alternative structures that could accommodate equipment for service within the ¼ (one-fourth) mile required radius.
 - (c) Mapping and location information provided by the applicant and submitted as part of exhibits A-E demonstrates that the proposed tower site is located in a residential area near the Nantahala National Forest.

2. The resolution of these proceedings depends on the application of the ordinance language as provided in §154.09 of the Telecommunications Tower Ordinance and the authority provided to the Commission to add special conditions to a permit. Applying the above facts the Board's CONCLUSION is as follows:

The construction of a steel lattice tower will create a significant visual impact on the area and therefore, will not be compatible with the surrounding properties.

THEREFORE, IT IS ORDERED that the permit be issued with the following condition:

The structure type shall be a self supporting steel monopole.

Commissioner Davis made a motion to accept the recommendation as presented with issuance of a permit for a self-supporting monopole. The motion was seconded by Commissioner Beale and passed four to one with Commissioner Simpson opposing. (Attachment #2)

MOUNTAIN LANDSCAPE INITIATIVE: Vicki Greene from Region A, gave an update on the Mountain Landscape Initiative which is a result of the June 28th Growth Management Challenges meeting. Ms. Greene stated the challenge presented to our region is how we sustain economic growth while preserving our natural resources and quality of life. She added the conclusion was a plan to work together to educate the public on growth management challenges and to work towards consistent ordinances and regulations through the Mountain Landscapes Tool Box Initiative. Ms. Greene stated the Initiative is estimated to cost approximately \$350,000 of which \$100,000 has been committed by the Community Foundation, \$10,000 from Duke Energy. She added approximately \$20,000 from other entities and applications and/or requests have been made to the rural Center and ARC. County Planning Board Chairman Lewis Penland and County Planner Stacey Guffey also spoke in support of the initiative. Upon motion by Commissioner Beale and seconded by Commissioner Simpson the Board unanimously voted to appropriate \$10,000 toward the project.

SOUTHWESTERN COMMUNITY COLLEGE: SCC President Cecil Groves presented information on space needs at the SCC Macon Campus stating specific needs are for classroom and lunch room space. Dr. Groves presented two options: one for six plus temporary modular units or option two which would be a permanent structure that could be used or reused as the campus grows. Dr. Groves noted option two will cost almost double option one but it offers durability, multiple use later, plus could be used as future funding match which option one would not. He stated the structure would be 8-10,000 square feet and would

fit in the long term plan. No formal action was taken but the general consensus of the Board was to avoid mobile units if at all possible and requested Dr. Groves to bring some cost figures back to the Board.

SENIOR SERVICES EXPANSION: DSS Director Jane Kimsey presented information on expansion and cost savings in operational cost of senior services since the unit became a part of the County's Social Services Department. The analysis shows a total county cost savings from FY 05/06 to FY 06/07 of \$280,736 which is a 400% decrease in county costs from one fiscal year to the next. Shelia Jenkins, Senior Services Supervisor, presented information on the upgrades/expansion stating most of the \$237,500 were due to health and safety issues. When questioned about funding of the project the County Manager advised the County could front the money and consider financing with the SCC project during the '08 calendar year. Upon motion by Commissioner Beale and seconded by Commissioner Simpson the Board unanimously voted to approve the expansion/upgrades as presented in the amount of \$237,500.

TAX DEPARTMENT: Releases - Upon motion by Commissioner Davis and seconded by Commissioner Beale the Board unanimously voted to approve tax releases in the amount of \$84.98 as submitted. (Note: A copy of releases is on file in the Tax Office and the County Manager's Office.)

Refunds - Upon motion by Commissioner Davis and seconded by Commissioner Simpson the Board unanimously voted to deny a refund request from Cecile Gibson for \$17.46 (account #10624). Upon motion by Commissioner Davis and seconded by Commissioner McClellan the Board unanimously voted to deny a refund request from LaRue W. Wait for \$2,041.02 (Parcel #09-00889 and 09-00887). It was noted neither of the releases were recommended by the Tax Supervisor based on the NCGS.

ANIMAL CONTROL: Sheriff Robert Holland and Commission Liaison Simpson presented recommendations on development of an animal care and control unit and a proposed ordinance. Sheriff Holland stated the reason the County has no animal control is because there is no ordinance or any place to take animals. Chairman Leatherman expressed appreciation to the study committee for all their work.

SOUTH MACON BIDS: Recreation Liaison Commissioner Simpson, Recreation Director Seth Adams and Engineer Larry Lackey presented bids on the South Macon Recreation Park - Phase I site construction project. The Board received the information but tabled action until a continuation meeting on December 17th at 5:30 p.m. to allow the County Attorney to review the information.

OWENS/SANDERS PROPERTY OPTIONS: Upon motion by Commissioner Davis and seconded by Commissioner Beale the Board unanimously voted to adopt a resolution to authorize exercising the options on the two Owens/Sanders property tracts as recorded in the Register of Deeds Office, Book P-31, pages 1359-1376. Upon motion by Commissioner Simpson and seconded by Commissioner Davis the Board unanimously voted to adopt a resolution authorizing the execution and delivery of a financing agreement and deed of trust and related documents in connection with the financing of the acquisition of land to be used for public school purposes. (Attachment #3)

APPOINTMENTS: Health Board - Upon motion by Commissioner Simpson and seconded by Commissioner Beale the Board unanimously voted to reappoint Dr. Roy Lenzo representing Veterinarians and Dr. Ronnie Campbell representing Optometrist on the Health Board. Terms will expire January 1, 2011. Area Agency on Aging - Upon motion by Commissioner Davis and seconded by Commissioner McClellan the Board unanimously voted to appoint Jim Bruckner to fill the vacancy on the Area Agency on Aging Committee previously held by Ken Ring. Term will expire July 1, 2009. Watershed Review Board - Upon motion by Commissioner Simpson and seconded by Commissioner McClellan the Board unanimously voted to reappoint Jim Waldroop to the Watershed Review Board as an at-large member. Term will expire January 1, 2011. It was noted the term of Richard Betz, the other at-large member, was also expiring but he has served three complete terms. Commissioner McClellan will make a recommendation

at the February meeting to fill that vacancy.

FINANCE: Project Ordinance - Upon motion by Commissioner Simpson, seconded by Commissioner Davis, the Board unanimously voted to approve the Macon County Scattered Site Rehabilitation Project 07-C-1662 Ordinance in the amount of \$400,000 per attachment #4. Clean Water Revolving Fund - Upon motion by Commissioner Simpson and seconded by Commissioner Davis the Board unanimously voted to adopt a resolution accepting the NC Clean Water Revolving Loan of \$1,500,000 for the Little Tennessee sewer project per attachment #5. Commissioner Simpson made a motion to adopt a resolution declaring the result of the bond referenda held in Macon County on November 6, 2007 per attachment #6. The motion was seconded by Commissioner Beale and all favored.

Budget revisions - The following budget revisions were unanimously approved: revisions #56, upon motion by Commissioner Simpson and seconded by Commissioner Beale, appropriating \$2,600,000 fund balance to purchase school property to be reimbursed from loan proceeds; revision #57, upon motion by Commissioner Davis and seconded by Commissioner Simpson, appropriating \$522 insurance settlement in Solid Waste; revision #58, upon motion by Commissioner Simpson and seconded by Commissioner Davis, appropriating \$300 donation in the Sheriff's Department; revision #59, upon motion by Commissioner Davis and seconded by Commissioner Simpson, appropriating \$3,215 Public Education Grant in the Health Department; revision #60, upon motion by Commissioner Davis and seconded by Commissioner Simpson, appropriating \$4,572 increase in Emergency Preparedness Pandemic Influenza funding in the Health Department; revision #61, upon motion by Commissioner Simpson and seconded by Commissioner Davis, appropriating an increase of \$40,909 for School Nurse Funding Initiative; revision #62, upon motion by Commissioner Davis and seconded by Commissioner Simpson, appropriating \$1,500 increase in state funding for Childhood Lead Poisoning Prevention; revision #63, upon motion by Commissioner Simpson and seconded by Commissioner McClellan, appropriating \$1,134 controlled substance funds for the Sheriff's Department; and revision #64, upon motion by Commissioner Simpson and seconded by Commissioner Davis, appropriating \$7,405 federal forfeiture funds in the Sheriff's Department. (Note: revisions with corresponding numbers attached.)

REQUEST FROM TOWN OF FRANKLIN: A letter from the Town of Franklin following up their request made at the October 22nd meeting for donation of approximately twelve acres of county property on Sierra Drive near the Town's wastewater treatment plant for expansion of their treatment facilities was presented. Upon motion by Commissioner Simpson and seconded by Commissioner Davis the Board unanimously voted to approve the request and authorized staff to execute the deed transferring all of the specified tract of land.

OCCUPANCY TAX STUDY COMMITTEE: Upon motion by Commissioner McClellan and seconded by Commissioner Simpson the Board unanimously voted to confirm the appointment of Josh Drake from the Franklin area and Mike Gruberman from the Town of Franklin on the Occupancy Tax Study Committee.

CLOSED SESSION: Upon motion by Commissioner Simpson and seconded by Commissioner Davis the Board unanimously voted to go into closed session to discuss property acquisition and contractual matters. During closed session the referenced matters were discussed with no action being taken and the Board returned to regular session.

DEED SUBORDINATION: A request for a Subordination of a Deed of Trust with Countrywide Home Loans on behalf of Charlene Lentz who was a participant in the County's HMGP Buyout Project was presented. It was noted Ms. Lentz desires to refinance her first mortgage to obtain a better interest rate and the County must execute a subordination agreement to give Countrywide a first lien position noting that the increased value of the property demonstrates the County's position has not weakened. Upon motion by Commissioner Beale and

seconded by Commissioner Simpson the Board unanimously voted to approve the Subordination as requested and authorize execution of necessary documents.

POTTS PROPERTY: Upon motion by Commissioner Simpson and seconded by Commissioner McClellan the Board unanimously voted to enter into an option with Lucille Z. Potts for purchase of \$0.667 acres on 107 Lyman Zachary Road at a cost of \$225,000. Option will expire on December 1, 2009. Upon motion by Commissioner Simpson and seconded by Commissioner McClellan the Board unanimously voted to finalize the purchase of the 1.326 acres at Lyman Zachary Road from Lucille Z. Potts at a purchase price of \$250,000. Commissioner McClellan made a motion to authorize the Chairman and County Manager to execute the necessary documents related to the two transactions. The motion was seconded by Commissioner Simpson and all favored.

RECESS: Chairman Leatherman recessed the meeting until December 17, 2007 at 5:30 p.m.

Wilma J. Anderson
Deputy Clerk to the Board

Charles D. Leatherman
Board Chairman

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