

MACON COUNTY BOARD OF COMMISSIONERS
APRIL 9, 2007
MINUTES

Chairman Leatherman convened the 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. Rev. Andy Cloer gave the invocation and Chairman Leatherman welcomed everyone present.

ADDITIONS/ADJUSTMENTS: The following additions or adjustments to the agenda were unanimously approved: (1) Upon motion by Commissioner Beale and seconded by Commissioner Simpson, voted to add school facilities funds as item 5F. (2) Upon motion by Commissioner McClellan and seconded by Commissioner Simpson, item 12B, discussion on revenue neutral budget, was moved to item 5G. (3) Upon motion by Commissioner Davis and seconded by Commissioner Beale, adding as item 11E appointment of an administrator for the Sexually Oriented Businesses Ordinance; (4) upon motion by Commissioner Davis and seconded by Commissioner McClellan, adding as item 11F public construction contracts and (5) upon motion by Chairman Leatherman and seconded by Commissioner Simpson moving item 5D, Macon Middle School presentation, to item 5A.

MINUTES: Upon motion by Commissioner Simpson and seconded by Commissioner Beale the Board unanimously approved the minutes of the March 5th meeting as submitted with the correction of spelling on Neil Hoppe's name who spoke during public session.

PUBLIC SESSION: Fred Plesner, President of the Gem and Mineral Society stated he was present to answer any questions concerning the Society's request for an extension of their lease at the old jail facility which was scheduled as agenda item 11A. Shirley Ches, resident at 1400 Lake Emory Road, reiterated her comments made at a previous meeting concerning the problems with junk cars, equipment, etc. across the street from her and requested the Board to look into planning to prevent this from happening all over the county. Allan Allman stated he had discussed the recent property evaluation with several people and the percentages of increase ranged from 31% to 125% with most increasing over 50%. Mr. Allman added the bottom line is that taxes should be what they were last year and even with adoption of a 25 cent millage rate his taxes would still increase considerably. He called from an enactment of a taxpayer's bill of rights and a rewrite of the Machinery Act at the state level. Mr. Allman also expressed concerns about a bond referendum including recreation and schools with equal priority adding it would be a "death nail" for both. He suggested a referendum on the recreation project and funding of fund balance for school construction. William Derrick, Wayah Street resident, suggested consolidation of city and county government stating that is the way it is done in Georgia and the only thing he gets from the County is back-up law enforcement.

PRESENTATIONS:

MACON MIDDLE SCHOOL - Macy Lewis, Katy Elliott, Clint Strain, Miranda Caffee, Brittany Bishop, Leah Stamey, Jessica Weikel, Carly Payseur, Cody Keener and Courtney Shuler, Macon Middle School students, recently attended the American Youth Congress in Asheville sponsored by the Western Carolina University Political Science Department and won the award for the Best Legislative Act. They presented their legislation to the Board which involved converting the vacant library into a youth center. They students stated some of the uses would be to provide tutoring, art and music classes, etc. which would be offered to grades six through twelve. Chairman Leatherman advised the group their presentation would be on the list for consideration when uses of the library are discussed. Board members commended the students for their interest and presentation and for their success at the Youth Congress.

AMERICAN LEGION/VFW: Several members of American Legion Post #108 and VFW Post

#739 were present to receive plaques of appreciation from the Board for their many contributions to the citizens of Macon County. Chairman Leatherman read an extensive list of contributions and projects of the groups and commended all service members for their efforts and contributions. Bob Litten expressed appreciation to the Board for initiatives to honor veterans with a memorial. He stated they have located a place in the recreation park near the Community Facilities Building and will be meeting with county officials to finalize plans.

SOIL CONSERVATION SERVICE: SCS Supervisor Mike Breedlove stated he, SCS staff and board members were present to introduce the new conservationist Oshen Sand, to present the Macon Soil and Water Conservation District's annual report and answer any questions anyone might have. Mr. Breedlove recognized Ms. Sand who gave a brief explanation of her role with SCS and Melinda James, SCS Board Chair, presented the annual report. No action was necessary and a copy of the report is on file in the County Manager's Office.

WAYAH STREET LIBRARY BUILDING: Sissy Patillo stated as a former educator she commended the students who made the earlier presentation. She explained she, as an individual, along with a group of citizens were truly concerned about what is going to happen with the old library on Wayah Street. She added that the Chamber Board has taken the lead and introduced Tony Angel and Bonnie Pickartz who did a power point presentation on a proposal to use the building as a Macon Visitor and Community Information Center. The proposal calls for use of the building by various non profit organizations.

HISTORIC PRESERVATION COMMITTEE: Tony Angel from the Macon Heritage Task Force and Leesa Brandon, Regional Heritage Officer with the N.C. Department of Commerce, presented information on establishment of a historic preservation commission (HPC). They gave a power point presentation explaining how a historic preservation commission is an effective means of protecting and preserving local historic resources and outlining the tax incentives available to communities with established HPC's . A joint commission with the county and towns was suggested. No formal action was requested at this time.

PUBLIC SCHOOLS BUILDING FACILITIES: Concerns about school facilities capital needs were discussed and Chairman Leatherman stated Commissioners Beale and Davis had been appointed to work with the schools on facilities needs, expansion and funding. Commissioner Beale and School Superintendent Dan Brigman presented a request for expansion and upgrade of the track, bleachers and restrooms and concession areas at the FHS gym at a cost of \$520,000. Mr. Brigman requested permission to draw down the unallocated \$335,305.34 from the Public School Building Capital Fund, allocation of the \$110,000 required county match and funding of the balance of \$73,695 which will be submitted with the FY 07/08 Board of Education budget request. After discussion Commissioner Beale made a motion to approve all funds as requested so work can be done while school is out. The motion was seconded by Commissioner Davis. County Manager Greenwood cautioned the Board on prioritizing expenditures and requested the Board to pay close attention to account balances for the purpose of capital financing. He added county general fund money will be extremely limited for capital financing in FY 08 and beyond. The motion passed unanimously.

REVENUE NEUTRAL BUDGET: Commissioner McClellan stated that after hearing concerns about the recent property revaluation he had reviewed the budget and based on his calculations 25 mills would be a revenue neutral budget and he would like to see the county adopt that. After a lengthy discussion Commissioner McClellan made a motion to adopt a revenue neutral budget at 25 mills. The motion was seconded by Commissioner Simpson with more discussion following. Commissioner McClellan withdrew his motion with the agreement of Commissioner Simpson and then made a motion to adopt a revenue neutral budget for FY 07/08. The motion was seconded by Commissioner Simpson and all favored.

STATE LEGISLATIVE UPDATES: County Manager Greenwood gave an update on proposed Medicaid changes that could require the County to impose another one cent sales

tax and urged the Board to make the effort to go to Raleigh on Assembly Day to lobby on this and several other issues. Tax Supervisor Richard Lightner explained legislators are busy introducing legislation aimed at reducing property taxes to many different groups and causes most of which are poorly planned and will end up costing the county tax revenue. He added this legislation would be very expensive to implement. Solid Waste Director Chris Stahl distributed bills before the House and Senate regarding the Solid Waste Management Act of 2007 and some of the implications passages of the bills would have for Macon County. Mr. Stahl stated he felt these bills are not in the best interest of Macon County and urged the Board to review the bills and, if in agreement, express their opposition to our legislative representatives. Mr. Greenwood also informed the Board that the lottery proceeds to counties have been cut by about 25% and distributed information on the Governor's proposed budget and other legislative proposals that will have negative impacts on the County. The Board generally agreed to attend the Assembly Day to lobby on several issues.

TAX DEPARTMENT: Refund - Tax Supervisor Richard Lightner presented a request from Vincent Barry Jones (Account 56061) for refund of \$1,336.96 for 2005 and 2006 landfill fees which was due to a clerical error on data entry and recommended approval as provided for under general statutes. Upon motion by Commissioner Davis and seconded by Commissioner McClellan the Board unanimously voted to approve the refund as recommended.

Releases - Upon motion by Commissioner Beale and seconded by Commissioner Davis the Board unanimously voted to approve tax releases in the amount of \$16,870.01. (A printout of releases is on file in the Tax Office and the County Manager's Office.)

SOCIAL SERVICES: Work First Plan - DSS Director Jane Kimsey reported upon review of the proposed Work First Electing County Plan for 2007-2009, the N.C. Division of Social Services requested minor changes before submitting the proposed plan to the N.C. General Assembly. The changes included:

- 1) modifying the budget to reflect a 31% decrease in federal funding;
- 2) clarifying the process for an applicant to apply for Medicaid including the citizenship and identity process; and
- 3) providing applicant the right to appeal a final DSS decision through judicial review.

Ms. Kimsey noted these changes were approved by the Welfare Reform Planning Committee on March 19, 2007 and were recommended to the County Commissioners for approval. Upon motion by Commissioner Davis and seconded by Commissioner Simpson the Board unanimously approved the changes as recommended. (A copy of the Plan is on file at DSS)

Home/Community Care Grant - Commissioner Simpson made a motion to designate DSS Senior Services as the lead agency for the Home and Community Care Block Grant as required by Region A. The motion was seconded by Commissioner Beale and all favored. It was noted the HCBG committee was reappointed last year with terms to expire in 2009.

HOUSING: Housing Director Rick Norton presented information to the Board concerning naming a designee for the management of the HUD Section 8 Rental Assistance Program in order for the required training to be scheduled and completed as soon as possible. Upon motion by Commissioner Davis and seconded by Commissioner Beale the Board unanimously voted to designate the Housing Advisory Board as the designee for management of the program.

APPOINTMENTS: Board of Adjustments - Upon motion by Commissioner Simpson and seconded by Commissioner Davis the Board unanimously voted to reappoint Ben Swafford to the Board of Adjustments and to reappoint Byron McClure and Charles Thun as alternates. All terms will expire April 23, 2010. Community Funding Pool- It was reported the terms of Vince West and Karen Wallace on the Community Funding Pool expired March 1, 2007, and the seat of the late Charlie McLaughlin is vacant with an expiration term of March 1, 2007. Commissioner Davis made a motion to waive the term limitation and reappoint Ms. Wallace and Mr. West. The motion was seconded by Commissioner Beale and after discussion concerning term limitations both Commissioners Davis and Beale agreed to

withdraw the motion. Commissioner Simpson made a motion to reappoint Mr. West and delay other appointments to the May meeting pending the Attorney researching the resolution limiting terms. The motion was seconded by Commissioner Beale and all favored.

Planning Board - Commissioner Beale made a motion to reappoint Karl Gillespie who is filling an unexpired term on the Planning Board and to delay appointment for the position held by Eric Pierson which will expire April 23, 2007 for the same reason stated above involving term limitations. The motion was seconded by Commissioner Simpson and all favored.

LEGAL: Gem and Mineral Society Lease - A letter from the Gem and Mineral Society requesting renewal of their lease at expiration on June 3, 2007 for ten years was presented. The letter outlined the improvements and expenditures since 2006. After discussion Commissioner Davis made a motion to authorize proper advertisement for renewal of the lease for a five year period. The motion was seconded by Commissioner Simpson and all favored. The County Attorney and County Manager were instructed to make proper advertisement with return to the Board for final approval.

Mother-of-Pearl Lease (Old Otto School) - Upon motion by Commissioner Simpson and seconded by Commissioner Davis the Board unanimously voted to enter into a lease agreement with Mother-of-Pearl, Inc. for recreational facilities at the old Otto School property they recently purchased.

Structure Height Ordinance - The Building Height Moratorium adopted December, 2006 and concerns about single family dwellings were discussed. The County Attorney will review the legalities of exempting single family dwellings and report back to the Board.

DCI Ordinance (background checks) - Upon motion by Commissioner Simpson and seconded by Commissioner Beale the Board unanimously approved amendments to the Ordinance requiring a criminal history background check on applicants for County positions per attachment #1.

Sexually Oriented Businesses Ordinance Administrator - Commissioner Simpson, pursuant to Chapter 111.03 of the Macon County Code, made a motion to appoint the County Sign Enforcement Officer as the Ordinance Administrator for the Sexually Oriented Businesses Ordinance. The motion was seconded by Commissioner Davis and all favored.

Legislation relating to Public Construction Contracts - Information on Senate Bill 1241 and House Bill 1121 which relates to retainage payments on construction contracts was presented and discussed. Upon motion by Commissioner Beale and seconded by Commissioner Simpson the Board unanimously voted to forward letters of opposition to the bills to the congressional delegation and N.C. Association of County Commissioners.

FINANCE/BUDGET REVISIONS: The following budget amendments were unanimously approved: revision #134, upon motion by Commissioner Davis and seconded by Commissioner Simpson, appropriating \$3,326 insurance settlement in Solid Waste; revision #135, upon motion by Commissioner Beale and seconded by Commissioner Simpson budgeting \$16,165 additional ROAP funds in Transit; revision #136, upon motion by Commissioner Simpson and seconded by Commissioner Davis, appropriating \$9,621 increase in Family Planning state funds; revision #137, upon motion by Commissioner Simpson and seconded by Commissioner Beale, increasing Medicaid Transportation in DSS by \$35,000; revision #138, upon motion by Commissioner Davis and seconded by Commissioner McClellan, appropriating \$1,532 controlled substance tax funds in the Sheriff's Department; revision #139, upon motion by Commissioner Davis and seconded by Commissioner Simpson, appropriating \$4,976 federal forfeiture funds in the Sheriff's Department; and revision #140, upon motion by Commissioner Simpson and seconded by Commissioner McClellan, appropriating \$137 controlled substance tax funds in the Sheriff's

Department. (Revisions with corresponding numbers are attached.)

CLOSED SESSION: Pursuant to GS § 143-318.11 Commissioner Simpson made a motion to go into closed session to consult with and give instructions to the County Attorney regarding a judicial action entitled Macon County, et al. vs Town of Highlands and a personnel matter. The motion was by Commissioner Beale and all favored. During closed session the above referenced items were discussed. Action was taken given instructions to the County Attorney on how to proceed with the litigation issue. There are sealed minutes of closed session which will be opened at the appropriate time in the litigation process. No other action was taken during the closed session and upon motion by Commissioner Beale, seconded by Commissioner McClellan, the Board voted to return to regular session.

PERSONNEL: Upon motion by Commissioner Davis and seconded by Commissioner McClellan the Board unanimously voted to authorize changing the previous approved part-time clerical position in the legal department to full-time.

BUDGET REVISION: Upon motion by Commissioner Davis and seconded by Commissioner Beale the Board unanimously approved budget revision #147 appropriating \$25,000 from Contingency to Legal. (See attachment)

RECESS: Chairman Leatherman recessed the meeting until April 24th at 6 p.m. to meet jointly with the EDC and handle any other necessary items.

Sam K. Greenwood, County Manager
Clerk to the Board

Charles D. Leatherman
Board Chairman