

**MACON COUNTY BOARD OF COMMISSIONERS
FEBRUARY 14, 2012
MINUTES**

Chairman Corbin convened the meeting at 6:00 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: Due to the large number in attendance, and noting that the maximum occupancy of the boardroom was 49 people, Chairman Corbin announced that the board would immediately recess the meeting and reconvene in Courtroom A of the Macon County Courthouse. Chairman Corbin reconvened the meeting there at 6:07 p.m.

MOMENT OF SILENCE: Chairman Corbin requested that those in the room observe a moment of silence.

PLEDGE TO THE FLAG: The pledge to the flag, led by Commissioner Beale, was recited.

PUBLIC HEARING ON PROPOSED AMENDMENTS TO AN ORDINANCE TO ESTABLISH A PLANNING BOARD FOR MACON COUNTY: Chairman Corbin called the public hearing to order at 6:09 p.m. and asked the County Attorney to read into the record the amendments as presented, with the County Attorney noting that this was a draft document for discussion purposes. Chairman Corbin then explained that with 33 individuals signed up to speak, each would be allotted three minutes.

- 1) **Sue Waldroop** explained that she had served on the county planning board during the 1990s, noting it was “a thankless, sometimes frustrating job.” She noted her opposition to term limits, adding it was foolish to kill the messenger.
- 2) **William Dewey Gunnin** expressed his appreciation for the commissioners, planning board chairman Lewis Penland and the other planning board members, adding that everyone needed to work together.
- 3) **Les Slater** said that he supported term limits, and it was a great idea not to have members serve forever.
- 4) **Mike Jackson** of Macon Sense said the proposed amendment was “a bad idea” and suggested that if the commissioners are not

happy with members of the planning board, then don't reappoint them.

- 5) **James Burch** deferred to speak at a later time.
- 6) **Bill Crawford** asked that the board grandfather in anyone that was currently serving on the planning board, adding his belief that the amendment was "a thinly-veiled attempt" to remove certain individuals from the planning board.
- 7) **Lenny Jordan** said he struggled to understand the board's desire to take members off of the planning board and urged the board to "stand up for what you know is right" and not impose term limits.
NOTE: At this time, Chairman Corbin announced that it was 6:30 p.m. and that the scheduled public hearing on the subdivision ordinance amendment would immediately follow the conclusion of this hearing.
- 8) **Kristina Oliver**, who said she owns a home in the Diamond Falls subdivision, said the timing of the term limits is of concern to her and suggested that the planning board first be allowed to resolve the issues before it, noting it would be a shame to waste that work.
- 9) **Shirley Ches** said that she wholeheartedly supports the planning board and its members and asked the board to do the same.
- 10) **Victor Drummond** urged the board to adopt all of the amendments as presented, saying it would lead to broader citizen participation, and asked that the county website be updated to show current advisory board members, the expiration date of their terms and other information.
- 11) **Bruce Thorne** told the board that he supported the amendments and a new infusion of people, saying there needed to be "new blood in the system."
- 12) **Paul Higdon** said he also supported the infusion of new ideas, adding he was in favor of retroactive term limits.
- 13) **Alan Allman**, noting that term limits were in place at various levels of government, said there was nothing detrimental about them and that he favored term limits for all boards.
- 14) **Leora Fix** told the board she was in favor of the proposed amendments, noting the need for fresh ideas and that there were plenty of educated people willing to serve.
- 15) **Don Swanson** voiced his support of the amendments and encouraged the board members to vote for them.
- 16) **Carroll Poindexter** thanked the commissioners and the planning board members for their work, and said he favored term limits for the planning board and any other advisory board.
- 17) **Loretta Newton** said that long-term representation on any board leads to relationships with outside groups, and then commented

- on her desire for the county to stop pushing regulations that violate private property rights.
- 18) **Susan Ervin**, a member of the planning board, explained that she had not served on the planning board for two decades, as had been reported, nor was she the longest serving member, and that most members of the board were men with a heavy representation from the building and development industries, adding this was not fully representative of the community. She pointed out that if she leaves the board in April, there would not be a woman on it, and advocated that Sue Waldroop be appointed to fill Jim Tate's term on the planning board. Saying she has been a strong advocate for open land and a rural environment, she thanked the board for the opportunity to serve.
 - 19) **Larry Stenger** offered comments on the philosophical side of the issue, saying there is a special value system here and he doesn't want to lose it, because it leads to better decision making.
 - 20) **Jimmy Goodman**, also a member of the planning board, told the board he supports the amendments and for them to be retroactive, and asked the board to make decisions based on facts.
 - 21) **Bill Van Horn** told the board he was for land use planning and regulations, a strong planning board and for the slope map as a reference, but said he was against planning board term limits, adding that three years was too long to have someone sit out. With so many land use issues to address, he said the county needed a strong, seasoned board responding to the commissioners' direction.
 - 22) **Al Slagle**, also a member of the planning board, said he pretty much agreed with Mr. Van Horn, and said he wasn't opposed to the concept of term limits, but was opposed to using them to remove members. He asked that the commissioners allow the existing term of current planning board members to count as their first term.
 - 23) **Kathy Tinsley**, saying that the timing "is just all wrong," told the board she did not support the amendments.
 - 24) **Mike Kent** stated his belief that all county boards should have uniform rules.
 - 25) **Michelle Masta** said she was glad that the board was considering term limits, saying 90 percent of counties have three-year limits.
 - 26) **Jason Meador** told the board he supported planning, the planning board and reasonable regulation. He said having a political agenda to remove folks wasn't right, and while term limits are not necessarily a bad thing, they were questionable now.
 - 27) **Bill Vernon** said that while he was supportive of the planning board, he could not support the way it was run. He said he

- supported and hoped the board would make a decision for term limits.
- 28) **Kent Busing** told the board he strongly supported retroactive term limits.
 - 29) **John Sill** said he was in support of the planning board, and that opposition comes from those who do not wish to be under standards. He said that “complete freedom requires perfect self-regulation,” adding that hasn’t happened.
 - 30) **Dan Tinsley** exhorted the board to do what is right, challenged them to look ahead, and to take a stand and adopt building standards, and to keep the planning board intact.
 - 31) **Hal Chapman**, saying “I hope we get this right,” told the board that he supported new, fresh ideas.
 - 32) **David Culpepper** told the board that he strongly supports retroactive term limits, and, speaking to the crowd, told those who want regulation that they can put deed restrictions on private property.
 - 33) **Olga Pader**, saying that the county cannot allow another Peeks Creek, told the board that we need some kind of guidance, and that the planning board is “a way to guide us.”

Chairman Corbin commended the speakers, and the County Attorney noted that, unless the commissioners wanted to make any statements, it would be appropriate to close the hearing. Commissioner Haven told the audience that he appreciated those who came to the hearing, explaining that he didn’t initiate the term limits debate to start trouble, but out of fairness, stating his belief that term limits are fair. Commissioner Koppers directed his comments at the overall process, and wanted to correct the record regarding motions made at the January 14th board meeting, stating that instead of the planning board doing whatever it wanted, it was instead following the direction given to it at a joint meeting with the commissioners in 2011. Commissioner Beale said the board has the political will to dismiss someone from a board, and that the commissioners did away with term limits in the past in order to have continuity, later adding that an attack on a volunteer on a board is out of bounds and his belief that there is plenty of diversity on the planning board. Commissioner Tate said he would hold his comments until later in the meeting, and Chairman Corbin closed the public hearing at 7:46 p.m.

PUBLIC HEARING ON PROPOSED AMENDMENT TO THE SUBDIVISION ORDINANCE OF MACON COUNTY: Chairman Corbin called the public hearing to order at 7:47 p.m. and reminded the speakers of the three-minute time limit.

- 1) **Mike Jackson**, saying that removing the slope map would deprive people of information, encouraged the board not to delete the slope hazard designation from the ordinance.
- 2) **Victor Drummond** urged the board to adopt the amendment, saying the slope hazard designation was long overdue for removal and that the basis for the maps was “junk science.”
- 3) **Don Swanson** told the board that Mr. Drummond “speaks for me” and urged the board to pass the proposed amendment.
- 4) **Narelle Kirkland**, saying it behooves us not to build in places that are risky, asked the board for very clear regulations for prospective buyers.
- 5) **David Culpepper** told the board that while he loves maps, the slope hazard maps shouldn’t be used and are “bunk.”
- 6) **Kathy Tinsley** said the county was extremely fortunate to have the maps as a tool, adding that you don’t throw information away nor do you want it to be hidden.
- 7) **Michelle Masta**, saying she pays taxes on \$10 million worth of real estate in the county, asked the board to remove the maps.
- 8) **James Burch** said that real estate controls the county and that if someone were to build above him, it would wash him out.

With no other speakers, Chairman Corbin closed the public hearing at 8:08 p.m.

PUBLIC COMMENT: **Lloyd Cox** with Ambassador Automotive read from a prepared statement, and stated that in his opinion, calls for the towing of wrecked vehicles were being steered to Nathan’s Paint & Body, and also in his opinion, Sheriff Robert Holland was endorsing that business on his Facebook page. He asked the board to restore a fair rotation-based practice based on the state Highway Patrol model, noting he had made a similar presentation to the Town of Franklin. **Walter Hunter** with Franklin Body Shop, who also read from a prepared statement, said he was speaking due to the “unfairness in the way towing calls have been assigned under the pretense of the owner’s request.” He said the Highway Patrol system was effective and impartial and that he was concerned that tow calls were going out via cell phone instead of through the dispatch office. While acknowledging that the board had limited authority over the situation, he asked the board to help level the playing field. **William Dewey Gunnin** expressed a desire to know more about the county’s economic development efforts, and was told the EDC director’s monthly reports were public record and accessible via the county’s website. **Sabra Scott** spoke in regard to the towing situation, saying the rotation system should work. At this point, Commissioner

Beale said that Sherriff Holland would like to speak to the towing issue. **Sheriff Holland** told the board that he was not going to hide the fact that mistakes had been made, that his officers had made errors and he would take full responsibility for that. Sheriff Holland said a new form and a new procedure would be instituted, and that he would meet with the new Franklin police chief, Commissioner Tate, David Key and Todd Seagle to come up with a new protocol. However, the sheriff said he would not tolerate what he termed “vicious lies” and said that the photos of a vehicle accident that were posted on his Facebook page were not an endorsement of Nathan’s Paint & Body. **Austin Brooks** said he was speaking on behalf of Bill McLarney and offered some general comments on the need for planning, and that with growth comes the need for regulation and that the planning board was trying to get ahead of the curve. **James Burch** offered additional comments regarding real estate. **Bruce Oliver** told the board about his experiences stemming from building a home in the Diamond Falls subdivision with regard to amenities that he said were promised but never fulfilled or at best delayed. County Planner **Derek Roland** offered a brief overview of the minimum standards for subdivisions and commented on the county’s working relationship with the owners of Diamond Falls. **Jimmy Goodman** again urged the board to adopt term limits for the planning board, and to get politics out of the process. **Lonnie Crews** spoke to how Commissioner Haven had assisted him after Mr. Crews moved to Franklin and said term limits should be applied to any form of government. **L.C. Jones** addressed some of the comments made regarding Diamond Falls subdivision, stating that some of the accusations being made were false. Chairman Corbin closed the public comment session at 9:24 p.m.

Chairman Corbin declared a recess at 9:24 p.m.

Chairman Corbin called the meeting back to order at 9:43 p.m.

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

- To add consideration of documents related to the VIPER tower lease as Item 9A, per the County Manager and County Attorney.
- To consider Items 10A, 10B, 12A, 13A and 13B and to delay the remaining items on the agenda until a recessed meeting on February 28th.
- To remove Item 11E from the Consent Agenda, but to consider the remaining items under that heading.

REPORTS/PRESENTATIONS: Commissioner Beale updated the board on the status of Local Management Entities (LMEs) statewide, noting that county commissioners will continue to have representation on the LMEs such as the Smoky Mountain Center. The County Manager informed the board that he would be making a presentation to a joint legislative committee on local government debt on February 20th in Raleigh.

NCHP TELECOMMUNICATIONS TOWER: The County Attorney explained that there had been changes to the descriptions in the documents previously approved by the board regarding a telecommunications (VIPER) tower for the North Carolina Highway Patrol (NCHP) to be erected on county property off Addington Bridge Road. The County Attorney explained that the changes were needed and resulted in better agreements between the county and the NCHP, and asked that the board approve the revised documents and authorize the chairman to sign them. Upon a motion by Commissioner Tate, seconded by Commissioner Koppers, the board voted unanimously to approve the Ground Lease Agreement (Attachment 1), Memorandum of Lease (Attachment 2) and the Sublease Agreement (Attachment 3), all of which are hereby made a part of these minutes.

CONSIDERATION OF AMENDMENTS TO THE PLANNING BOARD ORDINANCE: Commissioner Tate offered a number of comments on the planning process and the planning board, saying he wanted the board to be effective and to be able to reach legitimate compromise on issues. He then made a motion to approve the amendments to the planning board ordinance as presented, and Commissioner Koppers seconded the motion in order to have discussion. Chairman Corbin started by saying that this issue had become “real elevated” and carried a lot of emotion. Commissioner Koppers said he had no problem with term limits, but that they should be “universal” for all boards, and that a three-year “hiatus” was too long and should be one year. He also said he was seeking a mechanism to deal with situations where no one applied to serve on a board. He suggested that those currently serving on a board should get the opportunity to have one more term, and said he would present an amendment to the motion later. Commissioner Haven suggested that any project given to the planning board should be spelled out in writing and signed by the commissioners and to track communications between the two boards. He also said he was ready to start term limits tomorrow. Commissioner Beale commented on the wonderful job done by the planning board, and said if the amendment is worded properly, it would give everyone a fair shot. He also requested to hear the amendments to the motion. Commissioner Koppers asked to

amend Commissioner Tate's motion to reduce the required time off of the planning board from three years to one year, and while allowing an individual to serve two, three-year terms, he asked that the current terms of the members be considered their first term, making them eligible for reappointment to another term. Commissioner Tate agreed to the amended motion, which was seconded by Commissioner Koppers. The County Attorney asked the board for time to revise the amendments as presented to reflect the motion, and the request was granted.

CONSENT AGENDA: While waiting for the revised planning board ordinance amendments, the board agreed to consider the consent agenda, and upon a motion by Commissioner Beale, seconded by Commissioner Koppers, the following items on the consent agenda were unanimously approved: **Minutes** – Approved the minutes from the January 10th and January 14th meetings. **Budget amendments** – Approved the following budget amendments: **#126** for the Health Department, to establish a new budget for the TRU Sustainability Project and to allocate \$12,647 in new funds awarded from the state; **#127** for the Sheriff's Department, to allocate \$4,588 in drug forfeiture money for vehicles and \$1,488 in drug forfeiture money for operating supplies; **#128** for the Department of Social Services, to allocate \$5,425 for NC SR CIT; **#129** to appropriate \$25,000 from contingency for the county's portion of the Highlands Rec Park generator installation; **#130** for the Department of Social Services, to allocate additional CIP funds of \$78,374 and LIEAP funds of \$19,110 for energy assistance; **#131** for the Transit Department, to add ARRA revenue and expense line items of \$28,000 each for the anticipated purchase of bus stop shelters; **#132** for the Transit Department, to reduce revenue to the actual anticipated amount, to reduce vehicle expense to match the grant expense amounts and to reduce the fund balance allocation by \$24,783 to offset the line item reductions; **#133** for the Transit Department, to create a new budget organization for the federal 5310 grant in order to track expenses separately for reporting purposes at a total of \$162,744. (Revisions with corresponding numbers attached.) **Tax releases** – Approved tax releases in the amount of \$17,907.41. (A computer printout of releases is on file in the Tax Department and the County Manager's office.) **Tax refund** – Approved a refund of \$398.71 to Bruce Johnson as recommended and denied a refund of \$414.13 to Melonie Conner Downs, also as recommended by the tax administrator. **Ordinance amendment** – Approved an amendment to the ordinance concerning the procedures for disposing of personal property valued at \$5,000 or less for any items or groups of items (**Attachment 4**). No public hearing on the ordinance amendment was required.

CONSIDERATION OF REVISION TO APPOINTMENT PROCEDURE:

The County Manager explained the need to revise the county's procedure, as advertising openings is time consuming, costly and slows down the process. Instead, he recommended that the board amend the policy to state that "Vacancies will be posted on the county's website." This led to a discussion regarding universal term limits for all advisory boards. Following discussion, and upon a motion by Commissioner Koppers, seconded by Commissioner Tate, the board voted 4-1, with Commissioner Haven opposing, to revise the appointment policy as recommended.

CONSIDERATION OF AMENDMENTS TO THE PLANNING BOARD

ORDINANCE: The County Attorney had completed the revisions to the proposed planning board ordinance and presented and reviewed those changes with the board, reading the revisions into the record. Upon a motion by Commissioner Tate, seconded by Commissioner Koppers, the board voted 4-1, with Commissioner Haven opposing, to amend the planning board ordinance as revised (Attachment 5), a copy of which is hereby made a part of these minutes.

CONSIDERATION OF AMENDMENT TO THE SUBDIVISION

ORDINANCE: The County Manager explained that the purpose of the amendment was to delete the language in the ordinance regarding the "slope hazard designation as indicated on the Macon Count Slope Hazard Maps." While the maps could be placed on the county's website for information, he said there were questions as to the accuracy of the maps for positively identifying whether a specific parcel was in a slope hazard area. In effect, he said the maps are not detailed enough to be used for regulatory purposes. Commissioner Haven made a motion to approve the amendment as presented, and it was seconded by Commissioner Tate, who also recommended that the maps be made available but not required. Commissioner Koppers called the maps a great resource and also suggested they be kept where they can be referred to, and Commissioner Beale noted that each county that has these maps struggles with the scale of them. The board voted unanimously to approve the amendment as presented (Attachment 6), a copy of which is hereby made a part of these minutes.

Prior to the closed session, Chairman Corbin announced that the board would recess this meeting until February 28th at 6 p.m.

CLOSED SESSION: At 11:03 p.m., and upon a motion by Commissioner Koppers, seconded by Commissioner Beale, the board voted unanimously to go into closed session to discuss land acquisition under

G.S. 143-318.11(5), and, per the County Attorney, more specifically to discuss the possible acquisition of the so-called “co-op property” off NC 28 North for contemplation of a possible childcare operation; and to preserve the attorney/client privilege under G.S. 143-318-11(3). At 12:01 a.m., and upon a motion by Commissioner Tate, seconded by Commissioner Koppers, the board voted unanimously to come out of closed session. No action was taken.

RECESS: At 12:01 a.m., and upon a motion by Commissioner Tate, seconded by Commissioner Koppers, the board voted to recess the meeting until Tuesday, February 28, 2012 at 6 p.m. in the commissioners’ boardroom on the third floor of the Macon County Courthouse at 5 West Main Street in Franklin.

Jack Horton, County Manager
Clerk to the Board

Kevin Corbin
Board Chairman