

**MACON COUNTY BOARD OF COMMISSIONERS
MARCH 15, 2011 – 6 P.M.
CONTINUED SESSION
MINUTES**

CALL TO ORDER: Chairman McClellan convened the meeting at 6 p.m. in the Commissioners' Boardroom on the third floor of the Courthouse as recessed from the March 8th meeting. 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 welcomed everyone and asked Commissioners Beale and Koppers to provide a report on their recent trip, along with the County Manager, to the National Association of Counties (NACo) conference in Washington, D.C.

INVOCATION: Commissioner Beale gave the invocation.

PLEDGE OF ALLEGIANCE: The pledge to the flag was recited.

PUBLIC COMMENT: **John Binkley** asked the board to consider a change to the existing definition of "Motor Sports Activities" as contained in the county's High Impact Ordinance. Mr. Binkley said the existing definition leaves a large loophole and provided proposed language for the board's consideration, and requested that the board move quickly to make the change. The existing definition reads as follows: "The use of any parcel by a business or establishment for the operation, for more than two hours during any eight hour period, of more than three motor propelled conveyances powered by internal combustion engines including but not limited to automobiles, motorcycles and All Terrain Vehicles." The proposed change offered by Mr. Binkley reads as follows: "The use of any parcel, by a business or establishment, to provide a place for the operation of motor propelled conveyances powered by internal combustion engines including but not limited to automobiles, motorcycles, and all terrain vehicles, for sporting, racing, recreational or similar purposes." He stated that it was an unfair characterization to use the proposed motocross track in the Clarks Chapel area as a wedge issue to pit locals versus newcomers, and noted that, as a property rights matter, with rights come responsibilities. (NOTE: See discussion held later in the meeting.)

ADJUSTMENTS TO AND APPROVAL OF THE AGENDA: Chairman McClellan asked that Item 9A under old business be tabled, and that an update on the new Iotla Elementary School be added as Item 9B. A closed session for an item involving attorney/client privilege was added as Item 13. The Finance Director asked that three additional budget revisions be added to the consent agenda under Item 11B. Item 11F, lease renewal for dental clinic, was removed from the consent agenda and placed as Item 9C under old business. Upon motion by Commissioner Corbin, seconded by Commissioner Koppers, the board voted unanimously to approve the agenda as adjusted.

COOPERATIVE EXTENSION: Extension Director Alan Durden presented the Program Impact Report for 2010. The report notes that “The Cooperative Extension Staff of the Macon County Center directed programming in 2010 to three priority issues: Creating healthy families and safe living environments, protection and preservation of land, water and natural resources, and increasing educational achievement and life skills acquisition.” Mr. Durden noted that extension staff conducted more than 300 educational programs during the year that involved over 7,000 citizens. He also introduced a new extension agent, Rebecca Craig.

MACON COUNTY YOUTH COUNCIL/CHEROKEE FOUNDATION GRANT: Kathy Kuhlman with Macon County 4-H introduced three members of the youth council, Jacquelyn Bruun, Damien Heather and Savannah Bruun, who made brief presentations to the board. The youth council requested permission from the board to use a portion of the property near the Cooperative Extension Service building to construct an archery range at no cost to the county. Upon a motion by Commissioner Beale, seconded by Commissioner Corbin, the board voted unanimously to give the County Manager the authority to proceed with the concept.

WEBSTER ENTERPRISES – GENE ROBINSON: Mr. Robinson introduced several members of the board of Webster Enterprises, a Jackson County-based private non-profit program that provides training for individuals with disabilities. Mr. Robinson provided a brief history of the organization as well as some statistics on the program’s participants, of which 17 workers and 1 staff member are from Macon County. He requested \$20,000 from the county in the upcoming fiscal year to help fund the second phase of a capital improvements/revitalization project. He also pointed out the need for a board member to represent Macon County. Following discussion, and upon a motion by Commissioner Beale, seconded by Commissioner Koppers, the board voted unanimously to provide Webster Enterprises \$10,000 from the current year contingency fund and \$10,000 from the Fiscal Year 2011-2012 budget.

IOTLA ELEMENTARY SCHOOL: The County Manager explained that a subsurface drainfield, in lieu of a surface drain system, was being considered for the new school due to maintenance issues. The change has the support of both state officials and the Eastern Band of Cherokee Indians, and the County Manager requested authorization to proceed with a revised application to the state as well as to make the necessary modifications to an interlocal agreement with the school system. Upon a motion by Commissioner Corbin, seconded by Commissioner Haven, the board unanimously granted the request.

LEASE RENEWAL FOR DENTAL CLINIC: Upon a motion by Commissioner Beale, seconded by Commissioner Koppers, the board voted unanimously to authorize Chairman McClellan and the County Manager to execute a one-year lease with Dr. David Silverstein for office space for a dental clinic at a cost of \$750 per month, per **Attachment #1**.

SOIL EROSION AND SEDIMENTATION ORDINANCE: Planning, Permitting and Development Director Jack Morgan explained the proposed changes to the soil erosion and sedimentation ordinance, which came about as a result of more stringent state requirements. The board agreed to hold a public hearing on the proposed revisions at its April 12th regular meeting.

HIGH IMPACT ORDINANCE AND PLANNING BOARD PRIORITIES: Following a lengthy discussion, the board reached a consensus that the priorities of the planning board, as outlined at the February 10, 2011 joint meeting, would remain unchanged and that Commission Koppers would share that message with the members. No action was taken.

Chairman McClellan declared a recess at 7:45 p.m.

Chairman McClellan called the meeting back to order at 7:57 p.m.

FHS GYM: Terry Bell explained that work on the gym is near completion. However, there is not enough funding to replace the windows in the dressing rooms, which Bell said could be done for \$10,400 if school system staff did the work. This would also include funding for external lights at all four corners of the gym and window air conditioning units in the dressing rooms. Bell estimated a total need of \$12,000 to complete the work, noting that \$4,000 remained in the project. Upon a motion by Commissioner Beale, seconded by Commissioner Corbin, the board voted unanimously to allocate \$8,000 from contingency to finish the work.

NANTAHALA SCHOOL: David Curtis explained that there was a moisture problem in the gym at Nantahala School due to the lack of a vapor barrier. He noted that he had obtained a bid of \$11,300 to fix the problem, but said he could do it for \$2,000. The board briefly discussed liabilities of the architect and/or contractor as it related to the problem. Upon a motion by Commissioner Corbin, seconded by Commissioner Koppers, the board voted unanimously to use money from the school project contingency fund to correct the problem, pointing out that this would finish the Nantahala project. The board also expressed its appreciation to Mr. Curtis.

ACTIVITY BUS: School Superintendent Dan Brigman presented a request from the Board of Education to obtain funding to replace two activity buses at a cost of \$87,602 per bus. Following lengthy discussion, and upon a motion by Commissioner Koppers, seconded by Commissioner Corbin, the board voted unanimously to appropriate \$22,602 for one bus – contingent upon a resolution from the Board of Education transferring \$65,000 from the Nantahala School Project – plus an additional \$5,000 to place a deposit on a second bus in order to hold it and purchase it from the Fiscal Year 2011-2012 budget.

LITTLE TENNESSEE RIVER CARTOOGECWAYE CREEK SEWER PROJECT: Mike Warsak with McGill Associates presented a change order in the amount of \$170,631.15, with the additional costs primarily resulting from unstable soil conditions

that caused sections of pipe to sink after it was installed. The board members expressed concerns that this would leave only about \$30,000 remaining in the project's contingency fund with the understanding that there would likely be additional soil problems elsewhere along the route, as the project is only two-thirds complete. Following lengthy discussion, and upon a motion by Commissioner Koppers, seconded by Commissioner Corbin, the board voted 4-1 to approve Change Order Number 7 in the amount noted above, with Commissioner Haven opposing, per **Attachment #2**.

PINE GROVE COMMUNITY BUILDING: Upon a motion by Commissioner Beale, seconded by Commissioner Haven, the board voted unanimously to follow the County Manager's recommendation to accept the Pine Grove Community Building back from the Macon County Preservation Society and in turn give the community a lease for use of the building.

CONSENT AGENDA: Upon a motion by Commissioner Corbin, seconded by Commissioner Beale, the following items on the consent agenda were unanimously approved: **Minutes** – Approved the minutes from the February 8th and February 10th meetings. **Budget revisions** – Approved the following budget revisions: revision #102, appropriating \$1,860 in Solid Waste from funds received from an insurance settlement; revision #103, appropriating \$4,790 in the Sheriff's Department from funds received from an insurance settlement; revision #104, awarding \$1,450 in the Health Department for additional money from the state for family planning; revision #105, allocating \$30,000 in the Department of Social Services for additional crisis program funds; revision #106, allocating \$7,936 from contingency for the Macon County School Supplement; revision #117, appropriating \$8,700 in additional Animal Control fees and fines collected to fund expenditures in the program; revision #118, (1) transferring \$40,856 to bring the contingency fund to \$200,000 and (2) to transfer \$120,669 from contingency to the construction account on the Little Tennessee River Cartoogechaye Creek Sewer Project to cover Change Order Number 7; revision #119, to appropriate \$25,000 of fund balance within the enterprise fund of Solid Waste for the required corrective action plan. **(Revisions with corresponding numbers attached.)** **Tax releases** – Approved tax releases in the amount of \$1,375.37. (A computer printout of releases is on file in the Tax Department and the County Manager's office.) **Resolution** – Supporting the federal funding of the Southwestern NC Resource Conservation & Development (RC&D) Area, per **Attachment #3**. **Housing Grant Application** – Authorization for the Housing Department to seek \$75,000 in North Carolina Housing Finance Agency grant funds for the Urgent Repair Program 2011 cycle.

APPOINTMENTS: **Nursing/Adult Care Home Community Advisory Committee** – Appointment was delayed. **Community Funding Pool** – Appointment was delayed. **Town Board of Adjustment** – Appointment was delayed. Upon a motion by Commissioner Corbin, seconded by Commissioner Beale, the board voted unanimously to make the following appointments: **Industrial Facilities and Pollution Control Financing Authority** – Reappointed Ed Shatley and Beverly Mason. Terms are for three years and will expire March 15, 2014. **Library Board** – Reappointed Don Kowal and Janis Lynch. Terms are for three years and will expire March 15, 2014.

Franklin/Nantahala TDC – Accepted the Town of Franklin’s recommendation to appoint Summer Woodard to fill the unexpired term of Mike Decker, which ends September 15, 2012. **Board of Equalization and Review** -- Reappointed Rich Bankston, Bill Martin, Bill Mason, Jr. and Dwight Vinson to serve for 2011 per N.C.G.S. 105-322.

CLOSED SESSION – Upon motion by Commissioner Corbin, seconded by Commissioner Koppers, the board voted unanimously to go into closed session at 9:45 p.m. in order to preserve the attorney/client privilege. The county attorney provided the board with an update regarding a legal matter, and the board took no action. At 10:16 p.m., upon a motion by Commissioner Corbin, seconded by Commissioner Beale, the board voted unanimously to come out of closed session.

RECESS: The meeting was recessed until 5 p.m. on Tuesday, March 22, 2011 at the Macon Bank Corporate Center to meet jointly with the Macon County Board of Education.

Jack Horton, County Manager
Clerk to the Board

Brian McClellan
Board Chairman