

MACON COUNTY BOARD OF COMMISSIONERS  
FEBRUARY 5, 2007  
MINUTES

Chairman Leatherman convened the regular 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. Mark Bishop from Windy Gap Baptist Church gave the invocation and Chairman Leatherman welcomed everyone present.

ADDITIONS/ADJUSTMENTS TO AGENDA: Upon motion by Commissioner Simpson and seconded by Commissioner Davis the Board unanimously voted to add attorney /client discussion to closed session. Upon motion by Commissioner Simpson and seconded by Commissioner Beale the Board unanimously voted to add the uncollected tax report to agenda item #11.

PUBLIC SESSION: Rich Robb expressed concerns that as his property tax appraisals have increased periodically since 1999 the fire tax rate has remained the same and questioned how the fire tax is set. Chairman Leatherman gave a brief response and referred Mr. Robb to the Emergency Management Director and the County Attorney to explain the process. Jimmy Goodman stated he did not feel the current structure of voting districts is fair in that people in District I and III can only run every four years but if you live in District II you have the option of running every two years. Mr. Goodman suggested a restructure of the districts with at-large positions. Peggy Patterson advised the Board that she had been named as the N.C. Business Person of the Year and appointed to the Congressional Business Advisory Committee in Washington, D.C. She asked the Board to contact her on issues they would like to see addressed by the Advisory Committee. Charlie Cowie stated the Board is the legislative body to approve the budget issued by staff and he had confidence that the Board would maintain the budget by adjusting the millage rate by the increase of reappraisals. He encouraged the Board to help people so they can afford to keep their land. Mary Ann Widenhouse stated she has been an Otto resident for four years and appreciates all the hard work and the services in the area of mental health. She listed several areas of concerns in mental health services and stated there are gaps in the service. Commissioner Beale advised Mrs. Widenhouse he is the liaison to the Area Mental Health Board and invited her to come talk with him. Jan Meinder representing the Macon County Humane Society stated the Society had presented a proposal to the Board a year ago. She requested the document be reviewed and get the focus back on protection of the animals.

CDBG PUBLIC HEARING: Chairman Leatherman recessed the regular meeting at 6:30 p.m. to convene the public hearing as noticed on closeout of the County's 2004 Community Development Block Grant #04-C-1234 and recognized Housing Director Rick Norton. Mr. Norton reported that all grant activities have been successfully completed and the hearing is required to close out the grant. Chairman Leatherman opened the floor for public comment. No one wished to speak. The hearing was adjourned and the meeting reconvened in regular session.

PUBLIC SESSION (Continued): Narrell Kirkland stated her reappraisal notice came in the mail and after being quite upset she spoke with her real estate broker and her insurance company to find her appraisal was on the money. She asked that the Board hold the budget revenue neutral. Norm Roberts addressed the upcoming public hearings on the budget stating he understood the proposed budget was being presented by May 1st which would give two months to review the multi-million dollar budget and commended the Board because historically there has only been seven days with a holiday involved for the public to review the budget.

MINUTES: Upon motion by Commissioner McClellan and seconded by Commissioner Davis the Board unanimously voted to approve the minutes of the January 8th meeting and the January 27th retreat as submitted.

HEALTH DEPARTMENT: Update on septic permits - Chairman Leatherman stated the update provided by the Health Director and Environmental Health Supervisor did not address issues as requested at the previous meeting. Commissioner Davis, liaison to the Health Board and member of the Environmental Health Committee, made a motion to remand the item back to the Health Board with a request they discuss the matter at the Health Board retreat scheduled for February 17th. The motion was seconded by Commissioner McCllelan and all favored.

Food and Lodging Resolution - Upon motion by Commissioner Davis and seconded by Commissioner Simpson the Board unanimously voted to adopt a resolution, at the request of the Board of Health, requesting the General Assembly enact legislation empowering local governments to enact and collect fees providing food and lodging support and inspections from such enterprises within their boundaries. (Attachment #1)

COOPERATIVE EXTENSION: Ken McCaskill, Cooperative Extension Director, explained the Extension Office operates under the structure of a cooperative relationship between local, state and federal governments established in a Memorandum of Understanding (MOU). He added that the NCACC and Cooperative Extension have made some revisions to the MOU and summarized those changes. Mr. McCaskill stated Macon County is currently a lock-in/send-in participant and recommended continuing the current arrangement with the new MOU. Upon motion by Commissioner Simpson and seconded by Commissioner Beale the Board unanimously voted to accept the recommendation and MOU as presented by Mr. McCaskill. (A copy of the executed MOU will be on file at the Cooperative Extension Office and the County Manager's Office.)

SOLID WASTE: Solid Waste Director Chris Stahl reported bids for converting the former bale facility to a treatment and processing facility had been received and recommended awarding the bid to the low bidder, Koster Construction, at \$103,597.20. Commissioner Simpson made a motion to accept the recommendation as presented to award the bid to Koster Construction at \$103,597.20. The motion was seconded by Commissioner Davis and after a lengthy discussion passed unanimously.

ADDITION TO AGENDA: Upon motion by Commissioner Simpson and seconded by Commissioner McCllelan the Board unanimously voted to add to agenda item #9 change of the board meeting date.

LEGAL: Financial signatures resolution - Upon motion by Commissioner Simpson and seconded by Commissioner Davis the Board unanimously voted to adopt a resolution per attachment #2 designating co-signers on county checks and drafts pursuant to the requirements of NCGS 159-25. Legal defense of officials, etc. resolution - Commissioner Beale made a motion to adopt a resolution establishing a uniform policy for defense of county employees, officers and officials against civil and criminal claims which arise out of performance of their official duties, as provided by NCGS 153A-97 and 160A-167 per attachment #3. The motion was seconded by Commissioner Simpson and all favored. Sheriff Holland was questioned about hiring an attorney and he introduced Attorney Brian Welch who he recently hired as an administrative officer instead of filling a position vacated when a captain retired.

Criminal history check - Upon motion by Commissioner McCllelan and seconded by Commissioner Davis the Board unanimously voted to adopt an ordinance requiring a criminal history background check of applicants for Macon County Government positions per attachment #4. Magistrates - Commissioner Davis and the County Attorney updated the Board on performance of magistrates in setting bonds etc. as discussed at the January meeting. They will continue to work on a resolution to forward to the County's legislative delegation with recommendations concerning more training and education for magistrates and greater access to criminal histories. No action was necessary.

Meeting date - The Board noted their regular meeting date is the same as the Town of Franklin and they have had concerns expressed to them about the conflict. Upon motion by Commissioner Beale and seconded by Commissioner Simpson the Board unanimously voted to adopt a resolution fixing the time of their regular monthly meeting each month at 6 p.m. on the seconded Monday of

each month at the Commissioners' Board Room on the third floor of the Macon County Courthouse beginning with the regularly scheduled April, 2007 meeting. (Attachment #5)

APPOINTMENTS: Southwestern Child Development - Commissioner Davis made a motion to accept the recommendation to appoint MPP Director Chuck Sutton to replace Teresa Mallonee on the Southwestern Child Development Commission. The motion was seconded by Commissioner Simpson and all favored. The term has no expiration date.

TAX DEPARTMENT: Refunds - After a lengthy discussion Commissioner Davis made a motion to deny refund requests from Mary Wallace (account #44987 - \$33.54) and Oscar Adams (account #184 - \$233.88). The motion was seconded by Commissioner Simpson and then withdrawn. Commissioner Davis made a motion to refer the item to the Tax Administrator and County Attorney to report back to the Board. The motion was seconded by Commissioner McCllelan and all favored. It was noted when refunds are on the agenda the Board wants someone from the Tax Office present. Releases - Upon motion by Commissioner Davis and seconded by Commissioner McCllelan tax releases in the amount of \$1,400.56 were unanimously approved as submitted. (A print-out of releases is on file in the Tax Office and the County Manager's Office.) Uncollected tax report - Pursuant to NCGS §105-369(a) the Tax Collector submitted the attached uncollected tax report showing the amount due on 2006 real property taxes as of January 31, 2007 as \$1,233,204.24. Commissioner Simpson made a motion to accept the report as submitted and authorize advertisement of unpaid taxes as authorized by law. The motion was seconded by Commissioner Davis and all favored. (Attachment #6)

FINANCE: The following budget revisions were unanimously approved:  
revision #84, upon motion by Commissioner Simpson and seconded by Commissioner Beale, appropriating \$2999 new monies for Safe and Drug Free Community Program in the Health Department;  
revision #85, upon motion by Commissioner Davis and seconded by Commissioner Simpson, appropriating \$400 increase in state funds for Asthma Grant;  
revision #86, upon motion by Commissioner Davis and seconded by Commissioner Simpson, appropriating \$1,188 controlled substance tax funds in the Sheriff's Department;  
revision #87, upon motion by Commissioner Beale and seconded by Commissioner McCllelan, appropriating \$8,551 increase in state funding for Health Promotions; and  
revision #88, upon motion by Commissioner Simpson and seconded by Commissioner Davis appropriating \$194,728 for the dental health program. (Note: revisions with corresponding numbers are attached)

CLOSED SESSION: Upon motion by Commissioner Simpson and seconded by Commissioner McCllelan the Board unanimously voted to go into closed session to discuss property acquisition, personnel and for attorney/client privilege. During closed session acquisition of certain properties was discussed and Commissioner McCllelan was asked to continue working with the owners on the matter. A personnel issue was discussed with no action necessary at this time. The County Manager, Finance Officer and Deputy Clerk were excused during the attorney/client discussions. No action was taken and the Board returned to regular session.

RECESS: The meeting was recessed until 6 p.m. on February 12, 2007, at Shoney's Restaurant with a note the annual DOT secondary roads hearing/meeting would be held at 3 p.m. on February 12th as noticed.

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Sam K. Greenwood, County Manager  
Clerk to the Board

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Charles D. Leatherman  
Board Chairman

