

MACON COUNTY BOARD OF COMMISSIONERS
FEBRUARY 11, 2008
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. Chairman Leatherman welcomed everyone present and Rev. Davis Hopper from Coweeta Baptist Church gave the invocation.

ADJUSTMENTS/ADDITIONS: Upon motion by Commissioner Beale and seconded by Commissioner Simpson the Board unanimously voted to add schools to the agenda. Chairman Leatherman advised schools would be added as Item #7 because, due to forest fires, the USFS would not be making their presentation. Also added as Item #18 was presentation of information on a Senior Services forum.

MINUTES: The minutes of the January 14th meeting and January 27th work session were approved as submitted with the following change: on the January 27th meeting the time the work session convened was changed from 6 p.m. to 2 p.m. Motion for approval was by Commissioner Beale, seconded by Commissioner Simpson and all favored.

PUBLIC SESSION: Guy Gooder invited the Board to an organizational meeting of the Citizens for Community Schools and Quality Education on February 26th, expressed concerns that a feasibility study had not been done on the proposed closings and consolidation of county schools and expressed opposition to consolidation. Allan Allman stated he was not against clean water but the volume of ordinances the County is considering concerns him and, in his opinion, private property is being regulated into oblivion. Mr. Allman added he feels the Watershed Ordinance is over regulation of private citizens. Hank Ross expressed appreciation to the Board and Macon County for support of the Pine Street Park project stating the park is nearing finalization and again expressed appreciation for the grant(s) from the County. Don Swanson stated he understood the Board would be considering putting the county in debt for \$24 million for construction of schools and otherwise. Mr. Swanson suggested using fund balance excess over twenty-five percent to establish a sinking fund to pay off this newly acquired debt for the next three years so taxes would not need to be increased.

PUBLIC HEARINGS: The meeting recessed to reconvene in Courtroom A to accommodate the large number present.

Flood Damage Prevention Ordinance - Chairman Leatherman recessed the regular meeting and convened the public hearing on the amended Flood Damage Prevention Ordinance as noticed. County Planner Stacy Guffey explained changes made to the proposed ordinance.

Concerns were expressed that the title was not appropriate because the ordinance does not prevent floods or damage and that limiting the size of RV's to 400 feet might not cover some higher end RV's that can be 45 by 10 feet with pull outs resulting in more square footage. The following individuals addressed the Board:

Greg Boyer, attorney for Noha requested the Board to not add more regulation than is required, expressed concerns that no one will be able to build near the creeks and that there are many State, Federal and International regulations that could be argued that prohibits use of property.

Jodie Cook from the Upper Cullasaja Watershed Association and member of the Macon County Watershed Association stated the proposed ordinance will provide extra flood protection and reduce insurance rates. Ms. Cook defined and discussed "free board" as defined by FEMA.

Susan Erwin stated she was a property owner on the river and was in favor of the

Flood Ordinance. She stated years ago her father built in the flood plain and his house has flooded several times which is an example that people need to be protected. She added that it is time to pass the ordinance and encouraged the Board to do so.

Jenny Sanders from the Little Tennessee Watershed Association reiterated what Ms. Erwin said and voiced support of the ordinance. She stated the amendments/changes as proposed work inside FEMA regulations, would protect the citizens of Macon County, provide public safety and protect down-stream property owners. Ms. Sanders urged passage of the amended ordinance.

Ben Uttley spoke in favor of the ordinance, commended the members of the Watershed Committee and reminded the Board some of the initial concerns voiced when the RV park at Parker Meadows was proposed were protecting the town's water supply, protection of well water supply and developments in the flood plain. Mr. Uttley strongly encouraged passage of the ordinance.

Bob Wright stated the Macon County Watershed Council had met more than nineteen times since 2005 and strongly urged acceptance of the proposed ordinance. Mr. Wright added that the adoption of the ordinance would improve public safety, has nothing that prohibits building in the flood plain, makes it safer for people down stream, closed some of FEMA's loop holes, works with flood insurance programs, and reduces actual taxpayers expense, i.e. emergency management, cleanups. Mr. Wright stated the ordinance only affects about three percent of the County and recommended adoption.

Paul Carlson from the Land Trust for the Little Tennessee River, Cowee resident and land owner along the river stated the mission of the Land Trust is to protect the heritage of the county along the river and named properties the Land Trust had been able to purchase along the river. Mr. Carlson stated all tracts of property along the river will be impacted by adoption of the ordinance and encouraged adoption of the proposed ordinance. He expressed appreciation to the Board for addressing the issue and to the Watershed Council for their time.

No one else wished to speak and Chairman Leatherman recessed the hearing.

Watershed Protection Ordinance - Chairman Leatherman convened the public hearing on the proposed amendments to the Watershed Protection Ordinance and recognized Building Codes Administrator Jack Morgan who outlined the proposed changes and stated the changes had been reviewed and recommended by the Watershed Council. The following individuals addressed the Board:

Greg Boyer registered to speak but had left the meeting.

Bob Wright expressed support for the changes and urged passing.

Allan Allman stated how required buffers will limit use of his property due to proximity to streams, etc. and with property selling in Burningtown at \$100,000 an acre that is a great loss of property value.

No one else wished to speak and the hearing was adjourned.

PUBLIC HEARING ON ORDINANCE IMPOSING A MORATORIUM ON THE ISSUANCE OF PERMITS FOR CONSTRUCTION OF RV PARKS IN THE FLOOD PLAIN AND WATERSHED AREAS:

Chairman Leatherman opened the public hearing on repeal of the Ordinance Imposing a Moratorium on the Issuance of Permits for Construction of Recreational Vehicle Parks in the Designated Flood Plain and Watershed Areas in the County of Macon. No one wished to speak and the hearing was adjourned.

Commissioner Davis suggested delaying any action on the proposed ordinances until the March meeting in order to clarify the definitions in question. Chairman Leatherman requested delay of a motion until completion of the public hearings.

PUBLIC HEARING ON FINANCING AGREEMENT: Chairman Leatherman opened the public hearing on consideration of the County entering into an installment financing agreement pursuant to Section 160A-20 of the General Statutes of North Carolina in the amount of \$1,000,000 for the purpose of providing funds, together with any other available funds, to pay the costs of constructing a solid waste transfer station in the Highlands area and purchase of equipment for operations of that station with payments to be made from the Macon County Solid Waste Enterprise Fund. No one wished to speak and the hearing was adjourned to convene in regular session.

ORDINANCES: After discussion Commissioner Beale made a motion to adopt the proposed amendments to the Flood Damage Prevention Ordinance of Macon County to be titled the Flood Ordinance of Macon County with the following changes per attachment #1: the definition of fill changed under Article 2, eliminated all references to tethering, changed definition of Regulatory Flood Protection Elevation under Article 2 from 3 feet to 2 feet, reserved the option to revisit square footage of RV's when appropriate and added "commercial" to the definition for Vehicle and Mobile Equipment Storage Facility under Article 2. The motion was seconded by Commissioner McClellan and passed four to one with Commissioner Simpson opposing.

WATERSHED PROTECTION ORDINANCE: Commissioner Davis made a motion to adopt the amended Watershed Protection Ordinance of Macon County as presented with the option of clarifying the square footage of recreation vehicle limitations, to be effective upon adoption. The motion was seconded by Commissioner Beale and passed four to one with Commissioner Simpson opposing.
(See attachment #2)

SCHOOLS: School Superintendent Dan Brigman gave a brief history of the decision to build the proposed 5/6 school stating Macon Middle School is in distress with overcrowding which should be relieved by 33% with construction of the 5/6 school. Mr. Brigman stated another area of need is construction of a soccer field at the Highlands School, requested \$268,500 funding for the project noting the Board of Education supports prioritizing the project. Mr. Brigman added there is a request for a new roof and bathroom updates at Highlands Schools and he should have estimates on that project soon. He also expressed appreciation to Commissioners Beale and Davis for their service on the Schools Facilities Committee. After a brief discussion Commissioner Beale made a motion to fund the \$268,500 as requested from general fund with reimbursement being made from the first financing school improvement package. The motion was seconded by Commissioner Davis and all favored.

SCC EXPANSION: Dr. Cecil Groves and Dr. Connie Haire presented updates on the SCC expansion and upon motion by Commissioner Simpson, seconded by Commissioner Beale, the Board unanimously voted to approve the concept of the SCC/Early College expansion, The County attorney explained procedures for obtaining an architect if services are under \$30,000. The architectural design for the expansion is projected to be less than \$30,000 and Commissioner Simpson made a motion to adopt a resolution exempting the project from the provisions of NCGS 143-64.31.

HIGHLANDS TRANSFER STATION: County Manager Horton reported the Highlands Town Board had reviewed and approved the draft interlocal agreement for their participation in the Highlands Transfer Station and advised the draft needs to be finalized. Upon motion by Commissioner Davis, seconded by Commissioner McClellan, the Board unanimously voted to authorize using the information in the draft agreement in a final document and authorize execution of the final product. (See attachment #3.)

FIRE DISTRICT MAPS: Emergency Management Director Warren Cabe presented fire district maps for approval stating the maps are converted to a digital format, include a substation for Mountain Valley Fire Department, have been approved and confirmed by the Macon County Fire and Rescue Commission and the Department of Insurance will physically inspect the districts on April 1st but have

already tentatively given their approval. Upon motion by Commissioner McClellan, seconded by Commissioner Simpson, the Board unanimously voted to approve the maps as submitted. (Attachment #4)

LEASE (former New Bridge Facility): Commissioner Davis made a motion to approve a lease agreement with the State of North Carolina for the former New Bridge Facility to be utilized as a place to provide care, instructions, training and hands-on experience and supervision for troubled juveniles per attachment #5 and authorize execution of the lease. The motion was seconded by Commissioner Simpson and all favored.

LIBRARY: Librarian Karen Wallace and Board of Trustees Chairman Randolph Bulgin gave an update on problems at the library and made a request for appropriation of \$7500 for canopies. Mr. Bulgin explained the canopies were not in the original design but the architect has developed specifications to ensure continuity with the existing building. He explained the purpose of the canopies is to provide cover for all exterior doors to help protect the interiors immediately inside the doors. Upon motion by Commissioner Simpson, seconded by Commissioner Beale, the Board unanimously voted to fund the \$7500 as requested.

HEALTH DEPARTMENT: Health Director Jim Bruckner presented the following information and recommendations on implementation of the new private drinking water well rules (15A NCAC 02C.0107 - Well Construction Standards) : These rules are being put in place to regulate the installation of PDWW. The program serves primarily homeowners, realtors, developers and installation contractors during the permit application and permitting process. Staffing Requirements: Mr. Bruckner explained the Health Department is not adequately staffed to coordinate and/or implement this new program. Currently in Macon County it is estimated that some 500 wells are constructed annually. After meeting with the owners of the local well construction companies, other counties that have already adopted and implemented the new PDWW rules, and taking into account the number of PDWW constructed in Macon County annually it will take two additional Registered Sanitarians to effectively implement this program. Many of the surrounding county Health Directors started out with too few staff and are suffering the consequences. The owners of the local drilling companies at the December meeting substantiated that fact. What the drilling companies want is to not be stuck on a site waiting to grout a well because Environmental Health Staff are not available to observe the grouting process and collect the appropriate water samples in order to permit the well. Cost for the Program: This new program will cost approximately \$89,629.00 to start-up (this figure includes salary, benefits, general operating, computers, vehicles, and required training costs). There are currently no revenues to cover these initial costs. Once implemented the program should cost approximately \$181,332.00 annually to operate; however, these costs will be covered by permitting fees. Permitting Fee: The proposed fee for the PDWW Program is \$375.00. The fee for the PDWW Program was determined based on the actual cost of operating the PDWW Program. After discussion including local well drillers from Crane Brothers, Commissioner Davis made a motion to accept the recommendation as presented and authorize two new positions. The motion was seconded by Commissioner McClellan and passed three to two with Commissioners Beale and Simpson opposing.

HOUSING: Weatherization grant - Upon motion by Commissioner Simpson, seconded by Commissioner Davis the Board unanimously voted to authorize applying for Weatherization funding for 2008-09 funding cycle and to allow the Chairman and County Manager to sign the grant application and any other documentation necessary to secure the grant.

Appointment - Commissioner Davis made a motion to accept the recommendation to appoint Health Director Jim Bruckner to serve on the Macon County Housing Advisory Board to fill the vacancy left by the retirement of former Health Director Ken Ring. The motion was seconded by Commissioner McClellan and all favored.

OCCUPANCY TAX: Mike Grubermann presented the following recommendations on behalf of the Occupancy Tax Study Committee:

Control of expenditures of the Occupancy Tax shall be through a Tourism Development Commission in Franklin, Highlands and Nantahala and shall be used to promote travel and tourism in accordance with Chapter 969, Senate Bill 948.

Separate contracts shall be executed between Macon County and a Tourism Development Commission in Franklin, Highlands and Nantahala to provide tourism promotion services in Franklin, Highlands and Nantahala, respectively.

Each Tourism Development Commission in Franklin, Highlands and Nantahala shall receive the occupancy tax generated within its designated area less the historically collected 5% withheld for administrative overhead by Macon County.

Representatives of the Tourism Development Commissions of Franklin and Highlands and Nantahala shall meet regularly and work cooperatively for the promotion of all areas of Macon County.

The Tourism Development Commissions of Franklin, Highlands and Nantahala shall submit annually to the County Commissioners their respective plans of work, budgets and financial audits.

The Tourism Development Commission in Franklin, Highlands and Nantahala shall be appointed by the Macon County Board of Commissioners and be composed of the following: The Chamber of Commerce Executive Director(non-voting); a Chamber of Commerce Board Member (voting); a County Commissioner from the TDC district; a Town representative; a small accommodations representative (10 rooms or fewer); a large accommodations representative (more than 10 rooms); and two tourist driven businesses. A total of 7 voting members.

The Tourism Development Commissions in Franklin, Highlands and Nantahala shall become effective July 1, 2008.

Upon motion by Commissioner Simpson, seconded by Commissioner McClellan, the Board unanimously voted to accept the recommendations as presented with final details and legalities being worked out.

RULES OF PROCEDURES: Commissioner McClellan made a motion to adopt the Rules of Procedures for the Board as presented adding approval of the agenda in Item #11. The motion was seconded by Commissioner Davis and all favored. (Attachment #6)

APPOINTMENTS: Watershed Review Board - Commissioner McClellan made a motion to appoint Robert E. Smith to the Watershed Review Board as an at-large representative. The motion was seconded by Commissioner Simpson and all favored. Term will expire January 1, 2011.

Community Funding Pool - Commissioner Davis made a motion to reappoint Hammond Raders, Mary Ann Sloan, Jennifer Jones and Cindy Reed to the Community Funding Pool. It was noted this would require a term limit waiver for Ms. Sloan.

The motion was seconded by Commissioner Simpson and all favored. Terms will expire March 1, 2011.

Industrial Financing Authority - Upon motion by Commissioner Beale, seconded by Commissioner McClellan, the Board unanimously voted to reappoint Ed Shatley and Beverly Mason to the Industrial Financing Authority with terms to expire February 28, 2011.

Library Board of Trustees - Commissioner Simpson made a motion to accept the recommendation to appoint Ivanova Ryan and Janis Lynch to the Library Board of Trustees with terms to expire February 28, 2011. The motion was seconded by Commissioner Davis and all favored. It was noted the current members, Elena Carlson and Vic Greene, did not wish to be considered for reappointment.

Health Board - Commissioner Davis made a motion to appoint Russell Stevenson to the Health Board representing engineers replacing David Hourdequin who has moved out of the County. The motion was seconded by Commissioner McClellan

and all favored. Term will expire June 30, 2008.

Western RC&D - Upon motion by Commissioner Simpson, seconded by Commissioner Beale, the Board unanimously voted to designate the Soil Conservation Supervisor as a representative to permanently fill one of Macon County's two positions on the Western RC&D Council.

TAX DEPARTMENT: Releases - Upon motion by Commissioner Davis and seconded by Commissioner Beale the Board unanimously approved tax releases in the amount of \$1,985.47 as presented. (A printout of release is on file in the Tax Department 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, 2008 as \$1,407,529.77. Commissioner Davis 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 Simpson and all favored. (Attachment #7)

SENIOR SERVICES FORUM: Upon motion by Commissioner Davis, seconded by Commissioner Simpson, the board unanimously voted to support and promote the Senior Friendly Community Planning Forum to be held on Thursday, March 27th at the Community Facilities Building.

FINANCE: Financing/Highlands Transfer Station - Upon motion by Commissioner Davis, seconded by Commissioner McClellan the Board unanimously voted to adopt a resolution authorizing the filing of an application for approval of financing for the Highlands Transfer Station per attachment #8.

Reimbursement resolution - Upon motion by Commissioner Simpson, seconded by Commissioner Beale, the Board unanimously voted to adopt the attached reimbursement resolution as pertains to the Highlands Transfer Station. (Attachment #9.)

Budget revisions - Commissioner Davis made a motion to hear budget revisions and approve with one motion if appropriate. The motion was seconded by Commissioner Beale and all favored. The Finance Director presented the following budget revisions:

revision #87, appropriating \$1,130 in the Sheriff's Department for controlled substance tax funds received from the state;

revision #88, appropriating \$6,172 in Federal forfeiture funds;

revision #89, budgeting \$11,251 in additional DSS crisis Program funds;

revision #90, appropriating \$1,000 Teens Against Tobacco Use in the Health Department;

revision #91, appropriating \$500 new monies for Healthy Carolinians;

revision #92, appropriating \$7,865 balance of Emergency Management Grant from the State;

revision #93, adjusting the Highlands Recreation Operating Budget; and

revision #94, increasing expenditures and revenues for vaccines in the Health Department by \$26,000. The motion for approval was made by Commissioner Davis, seconded by Commissioner Beale and all favored. (Note: revisions with corresponding numbers are attached.)

REPEAL OF MORATORIUM: Upon motion by Commissioner Beale, seconded by Commissioner Simpson, the Board unanimously voted to repeal the Moratorium on the Issuance of Permits for Construction of Recreational Vehicle Parks in the Designated Flood Plain and Watershed Areas in the County of Macon.

CLOSED SESSION: Upon motion by Commissioner Beale and seconded by Commissioner Simpson the Board voted to go into closed session to discuss a legal matter pursuant to NCGS§143-318.11(a)(3). During closed session the above referenced was discussed with no action being taken. The Board returned to regular session and recessed until noon on Monday, February 18, 2008.

C. Jack Horton, County Manager
Clerk to the Board

Charles D. Leatherman
Board Chairman

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