

MACON COUNTY BOARD OF COMMISSIONERS
NOVEMBER 10, 2008
MINUTES

CALL TO ORDER: Chairman Leatherman called the meeting to order and welcomed everyone present. All Board Members, the County Manager, Deputy Clerk, County Finance Director, County Attorney, members of the news media and interested citizens were present. Chairman Leatherman announced, in honor of Veterans' Day, he was changing the order of the agenda.

ANNOUNCEMENTS: Chairman Leatherman announced the meeting would be continued to November 17th at 6 p.m.

INVOCATION, VETERANS' DAY HONOR AND PLEDGE OF ALLEGIANCE: County Manager Horton read a poem "Anyway" and gave the invocation. The Marine Color Guard posted the colors, the White sisters sang the Star Spangled Banner, General F.P. Bodenheimer made comments and lead the pledge to the flag, Chairman Leatherman read a poem he wrote in honor of veterans, the American Legion Post 108 and VFW Post 7339 were recognized and Chairman Leatherman announced Sharon and Phil Drake have donated \$25,000 to the Veterans' Memorial Park monument project. The veterans received a standing ovation.

Chairman Leatherman recognized commissioner-elect Bobby Kupperts and then passed the gavel to Commissioner Simpson who chaired the remainder of the meeting.

PUBLIC COMMENT PERIOD: Narrell Kirkland commented on the recent election and expressed appreciation to the Board for the convenience of one-stop voting. She also commented on the state of the economy and asked that departments be asked to hold the line at budget time. John Greist stated the projected date for opening of the animal shelter and effective date of the Animal Control Ordinance was April, 2009. He questioned why the animal control division couldn't be gearing up and begin answering some calls before then.

ADJUSTMENTS TO AND APPROVAL OF THE AGENDA: Upon motion by Commissioner Davis, seconded by Commissioner McClellan, the Board unanimously voted to approve the agenda with the following addition: an update on recent legislative goals committee meetings by Commissioner Davis as item #10C.

REPORTS AND PRESENTATIONS:

PLANNING BOARD/JUNKYARD AND FACILITIES ORDINANCE: Planning Board Chairman Lewis Penland presented a proposed Junkyard and Facilities Ordinance on behalf of the Planning Board. Mr. Penland reviewed the proposed ordinance and then answered questions from the Board. The general consensus was the ordinance was presented for comments to take back to the Planning Board, that the proposal is a good draft and a good start. A work session with the Planning Board and the Board of Commissioners will be held in early January.

SMOKY MOUNTAIN CENTER: Shelley Lackey and Doug Trantham presented information on mental health issues stating mental health has been under extreme stress but good things are beginning to happen. They reported along with Commissioner Beale, the County Manager and the Macon County Task Force they were requesting support in investigating the possibility of the seven western counties (Region A) developing a 160-A Government service delivery system for mental health services. After discussion Commissioner Beale made a motion to forward the attached letter of support for the initiative. (Attachment #1) The motion was seconded by Commissioner Davis and all favored.

EROSION CONTROL ORDINANCE: Commissioner Beale presented a proposed change to the County's Erosion Control Ordinance §153.16(B) by adding "except that no permit is required for any addition or alteration to a single family residence when the only land disturbance activity is for pier or foundation wall footings". Upon motion by Chairman Leatherman, seconded by Commissioner Beale,

the Board unanimously voted to approve the amendment as presented.
(Attachment #2)

OLD BUSINESS:

TAX - GROSS TAX RECEIPTS ON HEAVY EQUIPMENT: Tax Supervisor Richard Lightner explained legislation and a proposed resolution imposing a gross tax receipts on heavy equipment in lieu of property tax. Mr. Lightner stated he did not anticipate the resolution applying to but one or two businesses in the County. Upon motion by Chairman Leatherman, seconded by Commissioner Beale the Board unanimously voted to adopt the resolution. (Attachment #3)

ANIMAL SHELTER PLANS AND SITE: Architect Tom Ritter presented the final plans for site work and the building for the animal shelter. Mr. Ritter reported the building plans had been changed after the last discussion to 156 feet by 30 feet with fifteen healthy dual dog runs, five isolated dog runs, fourteen healthy cat runs, nine isolation runs, one large outdoor run, and eight solar tubes. Mr. Ritter added he had prepared a couple of alternates in the bid. After discussion Commissioner McClellan made a motion to authorize procedure with site preparation, accept the final building plans as presented and authorize advertisement for bids. The motion was seconded by Commissioner Davis and all favored.

DUKE INTERVENTION: Discussion continued from the October meeting on the Duke intervention. The County Manager informed the Board that negotiations were continuing with Duke on the Nantahala Recreation Park and he believes they may grant a forty year lease. He also informed the Board that since the last meeting Jackson County's petition for redress of the dam removal permit has been denied. Chairman Leatherman gave an update on the County's decision to intervene. Commissioner Davis made a motion to formally withdraw from the intervention. The motion was seconded by Chairman Leatherman and all favored.

HIGHLANDS RECREATION AGREEMENT: The Recreation Agreement with the County and Town for FY 08/09 was presented with a note that the only change was the addition of the Pine Street Park as Town-owned property. The thirty day termination notice in Item 3 of the agreement was discussed and the Board felt a ninety day notice would be fairer to both parties. Commissioner McClellan made a motion to approve the agreement as presented with the change from a thirty day termination notice to a ninety day notice subject to agreement by Town of Highlands. The motion was seconded by Commissioner Davis and all favored. (Attachment #4)

NEW BUSINESS:

SOLID WASTE ORDINANCE: The County Manager and County Attorney requested consideration of amending the County's Solid Waste Ordinance to clarify that the enforcement mechanisms apply to franchises or long term contracts pursuant to SL 1991-1013. Chairman Leatherman made a motion to amend the ordinance as requested. The motion was seconded by Commissioner McClellan and all favored. (Attachment #5)

SECURE RURAL SCHOOLS FUNDING: The County Manager explained the Secure Rural Schools Funding and upon motion by Commissioner Beale, seconded by Chairman Leatherman, the Board unanimously voted to adopt the attached resolution selecting the County's Secure Rural Schools Safety Net Formula Payment. (Attachment #6)

LEGISLATIVE GOALS UPDATE: Commissioner Davis gave an update on two recent legislative goals committee meetings he and the County Attorney had attended. He added the legislative goals conference will be held in January and designation of a voting delegate should be on the December agenda.

CONSENT AGENDA:

The following items on the consent agenda were unanimously approved upon a

motion by Commissioner Davis and seconded by Chairman Leatherman:

Minutes - Approved the minutes of the October 13th and 21st meetings.

Budget Revisions - Approved budget

revision #56, budgeting \$14,922 additional DSS energy assistance funds;
revision #57, appropriating \$48,000 Health State Aid to Counties;
revision #58, appropriate \$3,930 donations to the Sheriff's Department;
revision #59, appropriating \$1,434 for the DARE program;
revision #60, appropriating \$1,140 controlled substance tax funds in the Sheriff's Department. (Note: Budget revisions with corresponding numbers attached.)

Health - Approved with budget revision #57 was a new Health Educator position with the understanding if funding is discontinued the position will be eliminated.

Community Funding Pool - Approved recommendations of the Community Funding Pool for FY 08/09 per attachment #7.

Tax releases - Approved tax releases in the amount of \$1,594.73. (A print-out of releases is on file in the Tax Office and County Manager's Office.)

APPOINTMENTS:

Planning Board - Upon motion by Commissioner Beale, seconded by Chairman Leatherman, the Board unanimously voted to accept the request of the Town of Franklin to appoint Mike Grubermann to replace Mike Decker as the Town's representative on the Planning Board.

Juvenile Crime Prevention Council (JCPC) - Commissioner Davis made a motion to appoint Brian Vogel, Marci Holland and Patricia Clark to the JCPC as county commissioner appointees replacing Crystal Altman, Rita Easterwood and Ashley Cunningham who have either moved from the area or resigned. The motion was seconded by Commissioner Beale and all favored.

CLOSED SESSION: Upon motion by Commissioner McClellan, seconded by Commissioner Davis, the Board unanimously voted to go into closed session to discuss personnel and property. During closed session property acquisition was discussed with no action being taken. The Deputy Clerk, Finance Officer and County Attorney were excused. A personnel issue was discussed. Commissioner Davis made a motion to authorize payment to cover pay back requirements from the Local Government Retirement System to cover retirement for Finance Director Evelyn Southard due to her coming out of the retirement system and returning to work full-time as finance director for Macon County. The motion was seconded by Commissioner McClellan and all favored. The Board returned to regular session.

BUDGET REVISION: Upon motion by Commissioner Davis and seconded by Commissioner McClellan the Board unanimously approved budget revision #54. (Attached)

RECESS: The meeting was recessed until 6 p.m. on November 17th.

C. Jack Horton, County Manager
Clerk to the Board

Charles D. Leatherman
Board Chairman

