

MACON COUNTY BOARD OF COMMISSIONERS
MAY 12, 2008
MINUTES

CALL TO ORDER: 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 stated when he was elected chairman he had to learn as he went; therefore, the next few months the Board Members would alternate chairing meetings. Chairman Leatherman then passed the gavel to Vice-Chairman Beale explaining he would be chairing the meeting.

ANNOUNCEMENTS: There were no announcements.

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was recited.

INVOCATION: Rev. Eddie Truell from Holly Springs Baptist Church gave the invocation.

PUBLIC COMMENT PERIOD: Jack Acord reiterated concerns about dirt bikes being ridden near his house on Highway 441 just south of the Welcome Center. Mr. Acord added that his sister-in-law also lives near the spot and has a serious health concern because she has COPD and lung problems. Mr. Acord distributed a hand-out on COPD and asked the Board to consider health problems of nearby residents.

Sheriff Robert Holland stated he had been involved in a meeting of community residents and, as discussed at the April meeting, suggested putting mufflers on the bikes and the response was they already have mufflers. Sheriff Holland added other solutions discussed were limiting of time for riding which wasn't a viable solution and the only other solution would be to ask the kids not to ride.

The Sheriff and Code Enforcement Officer Jack Morgan both visited the site and find no violations of the law. Jenny Sanders and John Sill registered to speak. Comments were related to agenda item 10B (Flood Ordinance appeal) so comments were delayed until handling of that item. Candy Durm stated her son has permission from Mr. Vanderwoude, the property owner, to ride on the lot and she has never been contacted about the problem. She explained the kids riding are 14 years old and she is not aware of any riders from other counties or states riding there as rumored. Mr. Durm added the kids are obeying the law but some one has thrown nails on the site which creates a danger for the kids. Commissioner Davis volunteered to try to facilitate a solution with the boys' parents and the property owner.

Narrelle Kirkland expressed appreciation to Chairman Leatherman for his years of service to the County. She stated she had attended the NCDOT annual meeting and listened to their planned improvements and expressed concern that improvements at Dry Falls have not been done, noting that this is an economic factor to the county. She suggested a letter to the Secretary of Agriculture and Interior urging that the project be completed. Bob Litten presented the annual report and update on the Veteran's Memorial project stating he feels they have done an outstanding job saving money and expressed appreciation to the Board, the County Manager, County Finance Officer and County Attorney for their help.

ADJUSTMENTS AND APPROVAL OF AGENDA: Upon motion by Commissioner McClellan, seconded by Chairman Leatherman, the Board unanimously voted to add as item 11(J) to the consent agenda a subordination agreement for Angela and Brian Moore and to approve the agenda.

REPORTS/PRESENTATIONS: Budget: County Manager Jack Horton presented the proposed FY 2008/09 budget and message per attachment #1. Mr. Horton

highlighted areas of the budget and expressed appreciation to Finance Officer Evelyn Southard for contribution in the budget process. He noted the budget calendar called for the public hearing on the budget for June 2nd.

HEARINGS/MEETING DATES: After discussion Chairman Leatherman made a motion to schedule continuation meetings to work on the budget for May 20th and 29th and to change the regular June meeting from June 9th to June 16th. All to convene at 6 p.m. The motion was seconded by Commissioner Simpson and all favored. Upon motion by Commissioner Simpson, seconded by Commissioner McClellan, the Board unanimously voted to schedule the public hearing on the proposed Subdivision Ordinance for June 2nd at 6 p.m. and the public hearing on the proposed FY 2008/09 budget for June 9th at 6 p.m.

RESPONSE TO EDITORIAL: Chairman Leatherman read a letter from Commissioner Davis written to Colin Gooder, Editor of the Macon County News, in response to Mr. Gooder's editorial "Money Talks in Macon County". (See attachment #2)

OLD BUSINESS:

OTTO FIRE DEPARTMENT: The County Attorney gave an update on resolution to the reversionary clause problem in the transfer of property to Otto Fire Department stating it seemed a long term lease of fifty years would be acceptable and she had requested verbiage from the Fire Department's attorney. She reported options of a sale had also been suggested and further information should be received later in the week. The item was continued until the May 20th meeting.

SUBDIVISION ORDINANCE: County Planner Stacey Guffey reported changes suggested and examples recommended at the joint meeting of the Commissioners and Planning Board had been incorporated into the proposed ordinance and the public hearing needed to be scheduled. Upon motion by Chairman Leatherman, seconded by Commissioner McClellan, the Board unanimously voted to schedule the public hearing for June 2nd at 6 p.m. in the Board Room.

NEW BUSINESS:

BLUE PRINCE PERMITTING SOFTWARE: Ed Carroll from Builder Radius presented information on Blue Prince software which will expedite the issuance of permits for buildings, planning and environmental health.

Andy Muncey, County Computer Network Administrator, stated the integrations with current technology would benefit the County. County Manager Horton requested authorization to formalize an agreement/contract with Builder Radius this fiscal year and approval of the necessary budget amendment in order to meet the projected timetable for the project. Upon motion by Commissioner Davis, seconded by Commissioner McClellan, the Board unanimously voted to approve the contract and budget amendment (attachment #3) as requested and authorize the County Manager to execute the contract.

FLOOD ORDINANCE APPEAL: Acting Chairman Beale opened the public hearing for appeal by Mr. Joe Noah for an exception to Article 5A(17) of the Macon County Flood Ordinance. Mr. Noah presented his appeal per information entered into the record and on file in the County Manager's Office. The floor was opened for comments. Little Tennessee Watershed Association Executive Director Jenny Sanders and Macon County Watershed Committee Member John Sill both spoke advocating denial of the exception. (Letters from both organizations are on file as part of the record.)

When asked for his comments on the issue, Jack Morgan, Flood Plain Manager, suggested enforcing the Ordinance as written adding that the time to say no to exceptions is now and if granted this will set a precedent. Upon consideration of the factors listed in Art. IV, §E, 4 (a)-(k), and the purposes of this ordinance, the appeal board concluded that Appellant had not shown good and sufficient cause to allow exceptions to the requirements of the Ordinance, and the decision of the Flood Plain Administrator to deny the fill permit was

affirmed upon motion by Commissioner Davis, seconded by Chairman Leatherman, and all favored. (See attachment #4)

CONSENT AGENDA: Upon motion by Commissioner Davis and seconded by Commissioner Simpson the Board unanimously approved the following items on the consent agenda:

Minutes - Approved the minutes from the April 10th, 14th and 28th meetings and/or public hearings with a correction on page 4 of the April 14th minutes, under consent agenda, under August meeting changed meeting was changed from August 4th to August 11th to read meeting was changed from August 11th to August 4th.

Fire Works - Approved request from Franklin Chamber of Commerce for authorization of a fireworks display in the Recreation Park and from the Highlands Chamber of Commerce for a display at the Highlands Recreation Park/Civic Center on July 4th.

Sheriff's Department/Grant - Adopted a resolution accepting a grant from the Governor's Highway Safety Project in the amount of \$62,250 per attachment #5 County's Section 125 Plan - Adopted County's Section 125 Cafeteria Plan Master Document to be effective July 1, 2008.

Secondary Roads Resolution - Adopted a resolution opposing the transfer of Secondary Road Program funding to the Primary Road Program or any other program that will reduce funding for secondary construction, improvements and maintenance.

Financing Resolution - Adopted a resolution authorizing the filing of an application for approval of a financing agreement authorized by NCGS 160A-20 for construction and renovations of public schools and construction of community college classroom building for early college programs per attachment #6.

Budget Revisions -

revision #142, amending DSS budget by \$350 to pay for volunteer luncheon;
revision #143, transferring \$8,760 from Solid Waste contingency to cover cost to issue debt;

revision #144, appropriating \$7,286 in the Sheriff's Department for insurance settlement;

revision #145, appropriating \$2,643 in the Health Department for insurance settlement;

revision #146, appropriating \$4,431 controlled substance tax funds;

revision #147, appropriating \$2,227 additional state monies for General Aid to county;

revision #148, appropriating \$1,500 additional state monies for General Aid to county;

revision #149, appropriating \$500 from WCU in the Health Department; and

revision #150, appropriating \$27,000 Special Children Adoption funds.

(Note: revisions with corresponding numbers attached.)

Tax Releases - Approved tax releases in the amount of \$1,155.83.

(A computer print-out of releases is on file in the Tax Office and the County Manager's Office.)

Subordination Agreement - Approved a subordination agreement for Brian and Angela Moore whose residence was part of the hurricane repair program.

CLOSED SESSION: Chairman Leatherman made a motion to go into closed session to consult with the County Attorney concerning the handling of a potential claim and also judicial actions entitled: Estell V. Nelson, 08 CVS 217 and Griffin V. Nelson, 08 CVS 218. The motion was seconded by Commissioner McClelland and all favored. During closed session the above referenced was discussed with no action being taken. The Board returned to regular session.

MOUNTAIN LANDSCAPE INITIATIVE/COWEE MINI-CHARETTE: A request from the Cowee Community Development Organization (CCDO) and the Land Trust for the Little Tennessee (LTLT) for \$5,000 match to organize and support a "mini-charette" in conjunction with the main Mountain Landscapes Initiative "charette" was presented. It was noted CCDO is contributing \$2,000 and LTLT, \$3,000. Chairman Leatherman made a motion to fund the request.

The motion was seconded by Acting Chairman Beale and failed three to two with Commissioners Davis, McClellan and Simpson opposing.

RECESS: The meeting was recessed until 6 p.m. on May 20th.

C. Jack Horton, County Manager
Clerk to the Board

Charles D. Leatherman
Board Chairman

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