

MACON COUNTY BOARD OF COMMISSIONERS
JUNE 14, 2011
MINUTES

Vice-chairman Koppers convened the meeting at 6 p.m. All Board Members (except Chairman McClellan), the County Manager, Deputy Clerk, Finance Director, County Attorney, members of the news media and interested citizens were present.

ANNOUNCEMENTS: Vice-chairman Koppers explained that Chairman McClellan was en route. Commissioner Beale noted that the North Carolina Association of County Commissioners would be holding a board meeting in Asheville June 17th and 18th. Commissioner Corbin congratulated Commissioner Beale and his wife, Cissy, on their 31st wedding anniversary.

INVOCATION: Commissioner Corbin gave the invocation.

PLEDGE TO THE FLAG: The pledge to the flag was recited.

PUBLIC ROAD HEARING: Vice-chairman Koppers explained that, due to some notification details, the public hearing on public road names scheduled for 6:10 p.m. would be delayed until a later date.

PUBLIC COMMENT: **Norm Roberts** commended the board for its work in putting together the proposed budget. **Narelle Kirkland** informed the board of a personal project regarding the building of a structure from which to view the mountains. **Ron Winecoff** asked the board to table the steep slope ordinance indefinitely, and cited a number of statistics regarding the condition of the local real estate market. **Lamar Sprinkle** also spoke in opposition to the steep slope ordinance, stating that it would “be a disaster if you put this in place,” and asked the commission to stop the planning board from doing any further work on the ordinance. **(Note: Chairman McClellan joined the meeting at 6:20 p.m.)** **F.P. “Bodie” Bodenheimer** also spoke about steep slope regulations, particularly an experience he had in Watauga County where he said an ordinance significantly devalued a piece of commercial property, and he asked the board not to “price this community out of competition.” **Richie Jones**, noting that he was speaking to the board for the first time since his retirement as county attorney, said enactment of steep slope regulations would cost the citizens of the county, reduce land values and would be a serious erosion of private property rights. **Beverly Mason** said that while she is an advocate for planning, the steep slope ordinance is not what we need at this time. **Donald Holland** told

the board that while the steep slope regulations were not before the commissioners for consideration at this time, “more restrictions is not the answer.” **Don Swanson** told the board he was pleased with its work on the budget as well as the amendments to the comprehensive plan. **Charlie Cowie** urged the board to set the steep slope regulations on the back burner and to get manufacturing “cranked back up” in the county. **Vic Drummond** said that he was prepared to speak about Senate Bill 517, but had learned the board would not consider a resolution regarding that bill at this meeting, and would save the board time and not discuss it.

Chairman McClellan declared a recess at 6:55 p.m.

Chairman McClellan called the meeting back to order at 7:12 p.m.

FIREFIGHTERS WEEK: Chairman McClellan shared a letter that he had received from state Rep. Charles Graham regarding House Resolution 715, which encourages the observation of Firefighters Week in North Carolina. Chairman McClellan read the resolution for the record, noting that it specifically asks that the week to be observed contain September 11, and he also requested that recognition of the county’s firefighters be placed on the board’s September regular meeting agenda.

ADJUSTMENTS TO AND APPROVAL OF THE AGENDA: Upon motion by Commissioner Beale, seconded by Commissioner Corbin, the board voted unanimously to approve the agenda as adjusted, as follows:

- To add an additional budget revision to the consent agenda.
- To add the preservation of the attorney/client privilege as Item 14C as one of the reasons for the closed session.
- To add the following items under New Business: (10E) easements for stream restoration work, (10F) a canoe rental agreement and (10G) the generator for the Town of Highlands.
- To remove Item 10C (Resolution opposing Senate Bill 517) from the agenda.
- To move Item 13 (Discussion regarding proposed FY 2011-12 budget) to follow the closed session.

COMPREHENSIVE PLAN: Chairman McClellan began by explaining that he wished to make it clear that the board would be voting on the “Elements of the Plan,” as contained in pages 63-132 of the Macon County Comprehensive Plan, as amended June 14, 2011. That section would constitute “the plan,” while the remaining sections would be preserved in the county manager’s office as background documentation. Noting that the board would be considering the recommendations

contained in the plan, as well as the opening statement prepared by Commissioner Corbin, Chairman McClellan opened the floor for discussion. Commissioner Koppers requested that the final plan include the mission statement as contained in pages 6-7 of the draft plan, and the board agreed by consensus to include that statement. Chairman McClellan noted that if someone requested the entire plan – the draft plan as amended – it would be provided to them, and the board also agreed to this by consensus. The County Attorney presented a “Resolution of the Macon County Board of County Commissioners Adopting Comprehensive Plan for Macon County” for the board’s consideration, explaining that it would cover the mission statement and pages 63-131 (not 132) of the draft plan. Chairman McClellan read the resolution for the record. Upon a motion by Commissioner Koppers, seconded by Commissioner Corbin, the board voted unanimously to adopt the resolution as presented (Attachment 1) and the comprehensive plan as Exhibit A to be attached to that resolution (Attachment 2). Members of the board thanked the county’s Planning, Permitting and Development Department staff and the county’s planning board and its subcommittees for their efforts.

RESOLUTION SUPPORTING A REQUEST FOR AN ADJUSTED NEED DETERMINATION TO DEVELOP AN END STAGE RENAL DISEASE TREATMENT CENTER IN MACON COUNTY: Chairman McClellan noted that the resolution supporting a dialysis center for the county was non-binding, and that a private company would build the facility following the issuance of a certificate of need by the state. The County Manager said that the resolution would go to the State Health Coordinating Council, adding there is enough need for a center here. Commissioner Beale asked the board’s permission to present the resolution to the North Carolina Association of County Commissioners Health and Human Services Steering Committee at an upcoming meeting in Asheville. Chairman McClellan read the resolution into the record. Upon a motion by Commissioner Beale, seconded by Commissioner Haven, the board voted unanimously to adopt the resolution. (Attachment 3)

APPROVAL OF NEW PUBLIC AND PRIVATE ROAD NAMES: Due to the delay in the public hearing on this matter, this item was removed from the agenda.

HEALTH CENTER BILLING AND COLLECTION POLICIES AND FEE SCHEDULES: The County Manager explained that the board was required to adopt these policies and schedules each year, and Tammy Keezer and Tonya Harding with the health center were present to answer questions and explain minor changes that had been made in the

documents. Upon the recommendation of the County Attorney, and upon a motion by Commissioner Corbin, seconded by Commissioner Kuppers, the board voted unanimously to approve the Macon County Public Health Center Billing and Collection Policies and Fee Schedules for FY 11-12, with the following changes:

- In the policy on Page 2 under Rationale, the first bullet point was amended to read as follows: “Fees **may** (not shall) be based on a plan recommended by the Health Director.”
- In the policy on Page 4 under Account Collections and Bad Debt, for both the second and third paragraphs under that section, the following phrase was added to the end of the last sentence in each paragraph – “**subject to approval by the board of county commissioners.**”

RIVERBEND/SWISS COLONY WATER IMPROVEMENTS: Upon a motion by Commissioner Kuppers, seconded by Commissioner Corbin, the board voted unanimously to approve Amendment #1 to the Capital Project Ordinance for the Riverbend Water System Extension (Attachment 4). The County Manager explained that the amendment included an additional \$486,718 in state funding for the project, with the understanding that the acquisition of any additional rights-of-way/easements would be the responsibility of the Town of Franklin. Upon a motion by Commissioner Corbin, seconded by Commissioner Kuppers, the board voted unanimously to approve a revised engineering agreement for the project with McGill Associates, which covers \$35,000 in additional engineering design and \$25,000 in additional construction administration (Attachment 5).

EASEMENTS FOR STREAM RESTORATION WORK: The County Manager and Commissioner Beale explained that there were two possible stream bank restoration/stabilization projects – one at Fox Ridge on the Cullasaja River and the other at Mountain View School on Porter Creek – where erosion problems could be solved using a Clean Water Management Trust Fund (CWMTF) grant. The County Manager noted that both projects would require permanent conservation easements including a minimum 30-foot-wide streamside setback. Upon a motion by Commissioner Beale, seconded by Commissioner Haven, the board voted unanimously to authorize the County Manager and the County Attorney to prepare the easements.

CANOE RENTAL AGREEMENT: The County Manager said that the county had been approached regarding a possible agreement to allow canoe rentals at a site along the Little Tennessee River Greenway. He added that the proposed site, near the Tasse Shelter, was unavailable at

this time due to construction on a sewer line. The County Attorney provided the board with a draft agreement and special use authorization for Arbor in the Yard/Highlands Canoe Rentals and covered several points in the agreement, but explained there was no action needed at this time.

HIGHLANDS GENERATOR: Chairman McClellan told the board that the generator that the county had recently donated to the Town of Highlands for use at the Highlands Parks and Recreation Center would cost approximately \$50,000 in order to make it operational. The generator would allow the center to be used as an emergency shelter, and there is currently not a Red Cross approved shelter in the Highlands area. Upon a motion by Commissioner Beale, seconded by Commissioner Haven, the board voted unanimously to match the expense on a dollar-for-dollar basis, not to exceed \$25,000, and to take the funds from contingency.

CONSENT AGENDA: Upon a motion by Commissioner Beale, seconded by Commissioner Koppers, the following items on the consent agenda were unanimously approved: **Minutes** – Approved the minutes from the May 10th, May 13th, May 17th, May 31st, June 2nd and the June 7th meetings. **Budget revisions** – Approved the following budget revisions: a grant project ordinance to appropriate \$400,000 in Supplemental Community Development Block Grant (CDBG) funds for scattered site housing; revision #201 for the sheriff's department to appropriate \$190 in precious metal permits from additional registrations. (Revisions with corresponding numbers attached.) **Tax releases** – Approved tax releases in the amount of \$3,661.29. (A computer printout of releases is on file in the Tax Department and the County Manager's office.) **Franklin Fireworks** – Approved the Franklin Area Chamber of Commerce to conduct an Independence Day fireworks display at the Macon County Veterans Memorial Park on Monday, July 4. **Authorization to contract regarding recycling of fluorescent bulbs** – Authorized the County Manager to utilize State Contract 926B to enter into an agreement with one of two approved vendors for the recycling of spent fluorescent bulbs as required under Session Law 2010-180.

APPOINTMENTS: Health Board – It was noted that the terms of Dr. David Farley and Dr. David Silverstein expire in June of 2011. Upon a motion by Commissioner Corbin, seconded by Commissioner Beale, the board voted unanimously to reappoint both for terms of three years each.

CLOSED SESSION: Upon a motion by Commissioner Corbin, seconded by Commissioner Koppers, the board voted unanimously to go into closed session at 8:31 p.m. to discuss personnel. However, during the closed session, the County Attorney advised the board that general

personnel issues cannot be discussed in closed session, and the board returned to open session at 8:35 p.m.

DISCUSSION REGARDING PROPOSED FY 2011-12 BUDGET:

Chairman McClellan explained that the board needed to address a budget issue that concerned a number of people in the room, as there were several sheriff's deputies present during the entire meeting. Commissioner Beale, as the board's liaison to the department, noted that Sheriff Holland had proposed pay increases for most of his staff, and that many of those increases were well above the 3 percent cost-of-living increase that was included for all county employees in the proposed budget. Within that budget, Commissioner Beale stated that the board could not meet the sheriff's recommendations, but said the board was proposing a 5 percent increase for the deputies. Commissioner Beale also suggested that the board authorize a countywide pay study, to be completed within six months, after which departmental salaries would be reviewed. Sheriff Holland told the board that he was disappointed with the decision, explaining that deputies in neighboring counties were making \$6,000 to \$8,000 more per year, making the pay for Macon's deputies unfair and disheartening. Chairman McClellan told the deputies that Sheriff Holland "has gone to bat for you guys in a major way," and voiced his approval for the salary study. Commissioner Kupperts said that within the current budget constraints, the 5 percent raise is the best we can do, with Commissioner Haven echoing that sentiment. The board then considered adoption of the budget, with the Finance Director presenting a list of changes to the manager's recommended budget that came out of the budget work sessions. Those changes totaled \$69,304, bringing the proposed budget to \$42,504,626. The Finance Director noted that the fund balance would continue to be about 30 percent of the budget, or roughly \$14 million. Upon a motion by Commissioner Kupperts, seconded by Commissioner Corbin, the board voted unanimously to approve the budget ordinance for Fiscal Year 2011/2012 (Attachment 6).

CLOSED SESSION: Upon a motion by Commissioner Kupperts, seconded by Commissioner Beale, the board voted to go into closed session at 9:14 p.m. for the purpose of discussing property acquisition and to preserve the attorney/client privilege. No action was taken, and the board returned to open session at 9:51 p.m.

RECESS: Upon a motion by Commissioner Kupperts, seconded by Commissioner Beale, at 9:53 p.m. the board agreed to recess until Tuesday, June 21, 2011 at 8 a.m. in the commission boardroom on the third floor of the Macon County Courthouse, with the understanding that – following that meeting – the board would recess again until July 5,

2011 at 11:30 a.m., again in the commission boardroom on the third floor of the Macon County Courthouse.

Jack Horton, County Manager
Clerk to the Board

Brian McClellan
Board Chairman