

Macon County



MACON COUNTY BOARD OF COMMISSIONERS MAY 12, 2020 AGENDA

1. Call to order and welcome by Chairman Tate
2. Announcements
3. Moment of Silence
4. Pledge of Allegiance
5. Public Hearing(s) – **6:00 p.m.** Rural Division Building Reuse Grant for “SECU Hospice House”

Note: The board may consider action on a resolution regarding this item immediately following the close of the public hearing.

6. Public Comment Period (via telephone)
 - (A) Statement from Nantahala Hiking Club regarding Forest Advisory Committee Report – Mary Stone, President, Nantahala Hiking Club
7. Additions to agenda
8. Adjustments to and approval of the agenda
9. Reports/Presentations
 - (A) Presentation of the recommended Fiscal Year 2020-21 budget – County Manager Derek Roland
 - (B) Update on 2020 Census participation rates – Debbie D. Reese, Partnership Specialist, U.S. Census Bureau
 - (C) Macon County Forest Advisory Committee report – Jim Gray
 - (D) Juvenile Crime Prevention Council (JCPC) County Funding Plan for 2020-21 – Lorraine Williams, Transitional Consultant, NC Department of Public Safety
 - (E) Update on county response to COVID-19
 - (1) Kathy McGaha, Public Health Director
 - (2) Warren Cabe, Emergency Management Director
 - (3) Sheriff Robert Holland

(4) Derek Roland, County Manager

10. Old Business

- (A) Recommendation regarding new tax software – Tax Administrator Abby Braswell
- (B) Settlement and refunds of two cases stemming from the Property Tax Commission – Tax Administrator Abby Braswell
- (C) Update on transfer of former National Guard Armory facility to Southwestern Community College – County Manager Derek Roland

11. New Business

- (A) Unmet Needs Committee Update – Emergency Management Director Warren Cabe
- (B) Release of security deposit to CCJS, LLC (Chris Cook) regarding Bear Pen Cove Subdivision – Planning, Permitting and Development Director Jack Morgan
- (C) Request for fireworks permit from Nantahala Volunteer Fire and Rescue – Jennifer Moore
- (D) Revised letter of permission to Mainspring – County Attorney Chester Jones
- (E) Revised offer to purchase/contract with Reed Estate – County Attorney Chester Jones
- (F) Discussion regarding underground storage tanks at Macon County School Bus Garage – County Manager Derek Roland
- (G) Approval of Transit Department application for CARES Act grant funds
- (H) Scheduling of budget work sessions

12. Consent Agenda – Attachment #12

All items below are considered routine and will be enacted by one motion. No separate discussion will be held except on request of a member of the Board of Commissioners.

- (A) Minutes of the March 10, 2020 regular meeting, the March 17, 2020 emergency meeting and the March 26, 2020 special meeting
- (B) Budget Amendments #242-251
- (C) Tax Releases – None for April 2020
- (D) Monthly ad valorem tax collection report (no action necessary)

13. Appointments

14. Closed session

15. Recess

MACON COUNTY BOARD OF COMMISSIONERS

AGENDA ITEM

MEETING DATE: May 12, 2020

DEPARTMENT/AGENCY: Emergency Services

SUBJECT MATTER: NC HealthCare Foundation COVID-19 Fill the Gap Response Fund Grant opportunity

COMMENTS/RECOMMENDATION:

EMS would like to request funding from the NC HealthCare Foundation through a grant process intended to bolster frontline workers during the COVID-19 crisis. Equipment would be requested through a grant with no match required. This is a short turnaround grant process and more details will be available/presented along with actual requested items and amount requested at the May 12 BOCC meeting.

Attachments _____ Yes No

Agenda Item

MACON COUNTY BOARD OF COMMISSIONERS

AGENDA ITEM

CATEGORY – PUBLIC HEARINGS

MEETING DATE: May 12, 2020

A public hearing is scheduled for 6 p.m. concerning the making of appropriations or expenditures pursuant to state statute for economic development purposes, namely for the county's matching portion for a North Carolina Department of Commerce "Rural Division Building Reuse" grant in connection with a project entitled "SECU Hospice House."

Macon County Economic Development Director Tommy Jenkins will make a presentation to the board on behalf of Hospice House Foundation of WNC, Inc.

The county's matching portion of the grant is approximately \$3,500.

A copy of the Notice of Public Hearing, which appeared in The Franklin Press on Wednesday, April 29, 2020, is attached.

Also attached is a resolution prepared by the county attorney concerning this matter, which the board may consider immediately following the close of the public hearing.

NOTICE OF PUBLIC HEARING

Please take notice that the Macon County Board of Commissioners will conduct a public hearing on Tuesday, May 12, 2020, at 6:00 o'clock, p.m., in the Commissioners Board Room located on the third floor of the Macon County Courthouse, located at 5 West Main Street, Franklin, NC 28734, concerning the making of appropriations or expenditures pursuant to N.C. Gen. Stat. § 158-7.1, for economic development purposes. Macon County will consider making appropriations or expenditures in the approximate sum of \$3,500.00 as its matching portion for a North Carolina Department of Commerce "Rural Division Building Reuse" grant. The grant is in connection with a project named "SECU Hospice House". Macon County anticipates such grant will result in 7 new jobs in Macon County, North Carolina, over a two year period and with average annual earnings of \$50,000.00 each. Macon County anticipates that Hospice House Foundation of WNC, Inc., a North Carolina Non-Profit Corporation, will make total capital investment in Macon County, North Carolina, in the amount of approximately \$3,250,000.00, consisting of approximately \$3,000,000.00 in real property and \$250,000.00 in personal property. Public comment upon the same shall be received at this public hearing. The public is invited to attend this public hearing.

This the 24th day of April, 2020.

Macon County Board of
Commissioners

**RESOLUTION CONCERNING RURAL BUILDING REUSE AND INFRASTRUCTURE
APPLICATION TO THE NORTH CAROLINA DEPARTMENT OF COMMERCE BY
MACON COUNTY FOR PROJECT TITLED “SECU HOSPICE HOUSE”**

THAT WHEREAS, the Rural Economic Development Division of the North Carolina Department of Commerce, as authorized under N.C. Gen. Stat. § 143B-472.127, provides grants and loans to local government units to support economic development activity that will lead to the creation of new, full time jobs; and

WHEREAS, one of the funding categories of the Rural Building Reuse program is for the renovation, expansion or construction of health care facilities that will lead to the direct creation of new, full time jobs; and

WHEREAS, Hospice House Foundation of WNC, Inc., a North Carolina Non-Profit Corporation, and Hospice of Henderson County (d/b/a Four Seasons Compassion for Life), a North Carolina Non-Profit Corporation, desire to build and operate the SECU Hospice House in Franklin, Macon County, North Carolina, which is a health care facility; and

WHEREAS, Hospice House Foundation of WNC, Inc., a North Carolina Non-Profit Corporation, and Hospice of Henderson County (d/b/a Four Seasons Compassion for Life), a North Carolina Non-Profit Corporation, desire Macon County to make application to the Rural Economic Development Division of the North Carolina Department of Commerce for a \$70,000.00 grant under the Rural Building Reuse program in order to aid and assist in the renovation, expansion or construction of health care facilities (SECU Hospice House in Franklin, Macon County, North Carolina) that will lead to the direct creation of new, full time jobs; and

WHEREAS, Macon County is fully in support of making such an application submission to the North Carolina Department of Commerce Rural Building Reuse program in order to assist Hospice House Foundation of WNC, Inc., a North Carolina Non-Profit Corporation, and Hospice of Henderson County (d/b/a Four Seasons Compassion for Life), a North Carolina Non-Profit Corporation, in the renovation, expansion or construction of health care facilities that will lead to the direct creation of new, full time jobs at the SECU Hospice House in Franklin, Macon County, North Carolina; and

WHEREAS, the purposes of the Project, SECU Hospice House, are to:

- A. For Hospice House Foundation of WNC, Inc., a North Carolina Non-Profit Corporation, to own renovate, expand and construct a health care facility known as SECU Hospice House in Franklin, Macon County, North Carolina, to be used for hospice services;
- B. For Hospice House Foundation of WNC, Inc., to lease the same to Hospice

of Henderson County (d/b/a Four Seasons Compassion for Life), a North Carolina Non-Profit Corporation, so that it may operate SECU Hospice House to provide hospice Services in Franklin, Macon County, North Carolina;

- C. That SECU Hospice House will serve the six far-western counties of North Carolina, including Tier 1 and Tier 2 counties of Macon, Jackson, Cherokee, Clay, Graham, and Swain;
- D. That Macon County anticipates that Hospice House Foundation of WNC, Inc., a North Carolina Non-Profit Corporation, will make total capital investment in Macon County, North Carolina, in the amount of approximately \$3,250,000.00, consisting of approximately \$3,000,000.00 in real property and \$250,000.00 in personal property; and
- E. That Macon County anticipates such grant will result in 7 new jobs in Macon County, North Carolina, over a two year period and with average annual earnings of \$50,000.00 each;

WHEREAS, Macon County will make and commits to make as its support for Project SECU Hospice House appropriations or expenditures in the cash sum of \$3,500.00 as its matching portion for a North Carolina Department of Commerce “Rural Division Building Reuse” for a \$70,000.00 grant; and

WHEREAS, Macon County has duly advertised and duly held a public hearing in connection with this economic development project; and

WHEREAS, Macon County has determined that making the \$3,500.00 appropriation as referenced hereinabove will increase the population of Macon County, taxable property, employment, and/or business prospects in Macon County, North Carolina.

NOW THEREFORE, upon Motion of Commissioner _____, seconded by Commissioner _____, and duly approved, be it hereby resolved by the Macon County Board of County Commissioners as follows:

RESOLVED, that Macon County does hereby support, authorize, and ratify the making of an application to be submitted on behalf of Macon County unto the North Carolina Department of Commerce seeking a \$70,000.00 Grant from the North Carolina Department of Commerce, Rural Economic Development Division, from its Building Reuse Program in order to assist Hospice House Foundation of WNC, Inc., a North Carolina Non-Profit Corporation, and Hospice of Henderson County (d/b/a Four Seasons Compassion for Life), a North Carolina Non-Profit Corporation in the renovation, expansion or construction of health care facilities that will lead to the direct creation of new, full time jobs at the SECU Hospice House in Franklin, Macon County, North Carolina; and

RESOLVED, the purposes of the Project, SECU Hospice House, are to:

- A. For Hospice House Foundation of WNC, Inc., a North Carolina Non-Profit Corporation to own, renovate, expand, and construct a health care facility known as SECU Hospice House in Franklin, Macon County, North Carolina, to be used for hospice services;
- B. For Hospice House Foundation of WNC, Inc., to lease the same to Hospice of Henderson County (d/b/a Four Seasons Compassion for Life), a North Carolina Non-Profit Corporation, so that it may operate SECU Hospice House to provide hospice Services in Franklin, Macon County, NC;
- C. That SECU Hospice House will serve the six far-western counties of North Carolina, including Tier 1 and Tier 2 counties of Macon, Jackson, Cherokee, Clay, Graham, and Swain;
- D. That Macon County anticipates that Hospice House Foundation of WNC, Inc., a North Carolina Non-Profit Corporation, will make total capital investment in Macon County, North Carolina, in the amount of approximately \$3,250,000.00, consisting of approximately \$3,000,000.00 in real property and \$250,000.00 in personal property; and
- E. That Macon County anticipates such grant will result in 7 new jobs in Macon County, North Carolina, over a two year period and with average annual earnings of \$50,000.00 each.

RESOLVED, that Macon County is in full support of the project SECU Hospice House; and

RESOLVED, that Macon County does hereby make its commitment to provide a cash match of five percent (5%) of the Grant request amount set forth hereinabove (total amount of cash match is \$3,500.00) toward the renovation, expansion or construction of health care facilities project;

RESOLVED, that James Tate, the Chairman of the Macon County Commissioners, with the help and assistance of the Macon County Manager and the Macon County Attorney, is hereby authorized and directed to complete, execute, and deliver on behalf of Macon County, North Carolina, an application seeking a Grant from the North Carolina Department of Commerce, Rural Economic Development Division, Building Reuse Program in order to assist Hospice House Foundation of WNC, Inc., a North Carolina Non-Profit Corporation, and Hospice of Henderson County (d/b/a Four Seasons Compassion for Life), a North Carolina Non-Profit Corporation, in the renovation, expansion or construction of health care facilities that will lead to the direct creation of new, full time jobs at the SECU Hospice House in Franklin, Macon County, North Carolina, as aforesaid; and

RESOLVED, that James Tate, the Chairman of the Macon County Commissioners, is hereby authorized and directed to complete, make, execute, and deliver the certifications which are required by the North Carolina Department of Commerce in connection such Grant Application to the North Carolina Department of Commerce, Rural Economic Development Division, from its Building Reuse Program in order to assist Hospice House Foundation of WNC, Inc., a North Carolina Non-Profit Corporation, and Hospice of Henderson County (d/b/a Four Seasons Compassion for Life), a North Carolina Non-Profit Corporation, in the renovation, expansion or construction of health care facilities that will lead to the direct creation of new, full time jobs at the SECU Hospice House in Franklin, Macon County, North Carolina, as aforesaid; and

RESOLVED, Macon County has determined that making the \$3,500.00 appropriation for a cash match on the Grant as referenced hereinabove will increase the population of Macon County, taxable property, employment, and/or business prospects in Macon County, North Carolina.

Adopted at the May 12, 2020, Regular Meeting of the Macon County Board of Commissioners

James Tate, Chairman of the Macon County Board
County Commissioners

ATTEST:

Clerk to the Board

(County Seal)

MACON COUNTY BOARD OF COMMISSIONERS

AGENDA ITEM

CATEGORY – REPORTS/PRESENTATIONS

MEETING DATE: MAY 12, 2020

9A. County Manager Derek Roland will present his recommended budget for the upcoming fiscal year. A copy of the budget, as well as the manager's budget message, will be available at the meeting. In keeping with the budget schedule, the board will need to formally set a public hearing on the proposed budget for its next regular meeting to be held on Tuesday, June 9, 2020 at 6 p.m. in the boardroom. The proposed budget and the manager's message will be made available to the public in both print and electronic formats following the meeting. Agenda time has been included for discussion of budget work session dates and times later in the meeting, or at the chairman's discretion.

9B. Debbie D. Reese, a Partnership Specialist with the U.S. Census Bureau, will participate via telephone and will update the board on Census response rates for Macon County. A copy of her PowerPoint presentation is attached, as well as an Excel spreadsheet that provides some in-depth response data for certain tracts within the county.

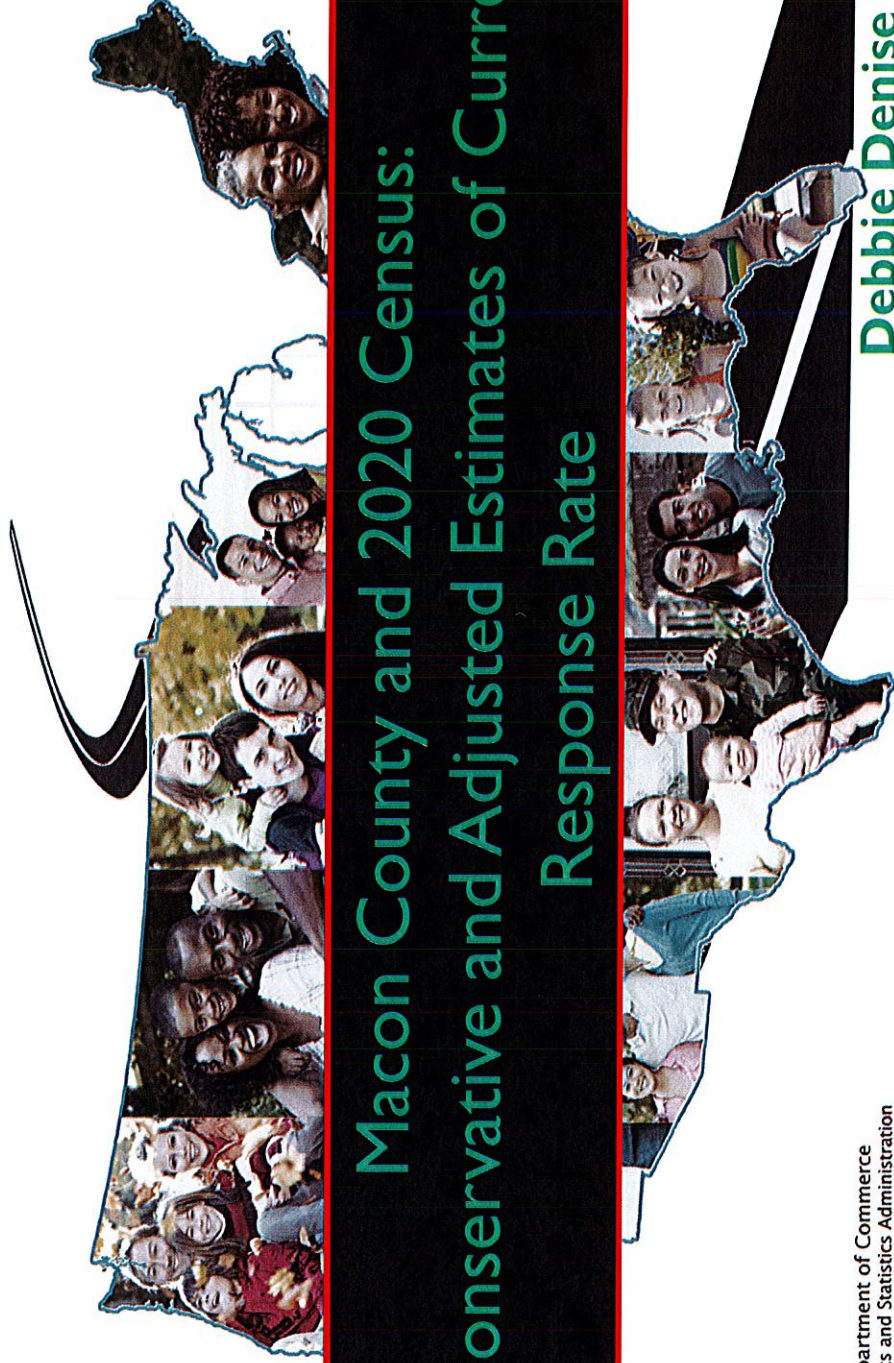
9C. Please find attached a copy of the "Recommendations and Comments Macon County Forest Advisory Committee Regarding the 2020 Draft Management Plans for Nantahala National Forest Lands within Macon County, NC." The 12-page report was submitted by Jim Gray, the chair of the committee. In his email transmitting the report, Mr. Gray wrote, "The Committee was created by the Commission at the February, 2020 meeting and I was named to form and chair the committee. The Report has been completed and a majority of the Committee has approved it – with one member voting NO. Please put the Report on the May Commission agenda for, hopefully, acceptance and further action at the May or June Commission meeting. The objective of the Report is to make recommendations to the Commission regarding the Nantahala/Pisgah Draft Management Plan now under consideration and ultimately for the Commission to present the recommendations to the US Forest Service as Macon County's comments/recommendations/requests to the Draft Management Plan."

9D: Please see the attached email from Lorraine Williams, a Program Consultant with the North Carolina Department of Public Safety's Division of Juvenile Justice and Community Programs. She works with the county's Juvenile Crime Prevention Council (JCPC), and is seeking approval of a trio of items, including a county funding plan for 2020-21, a JCPC certification that the chairman would need to sign, plus a revised funding plan for 2019-20. Attached are copies of the documents, including the county funding plan for 20-21 and the revised 19-20 plan, that Ms. Williams provided. The certification form is forthcoming.

9E: The board will receive an update on the county's COVID-19 response from the following individuals:

- Kathy McGaha regarding Public Health
- Warren Cabe regarding Emergency Management
- Sheriff Robert Holland regarding law enforcement issues
- Derek Roland regarding overall county administration

May 4, 2020



Macon County and 2020 Census: Conservative and Adjusted Estimates of Current Response Rate

U.S. Department of Commerce
Economics and Statistics Administration
U.S. CENSUS BUREAU
[census.gov](https://www.census.gov)

Debbie Denise Reese, PhD,
Partnership Specialist

United States
Census
2020

2020 Self-Response Rate Calculation Used By the Online Mapper

online, mail, and phone self-response

Divided by

TEA mailed invitation to self-respond and TEA
update leave

- TEA = Type of Enumeration Area
- Numerator = All unduplicated online, mail, and phone responses
- Denominator
 - Nonresponse follow-up not included
 - Does not adjust for vacant units or undeliverable addresses
 - Does not adjust for update-leave delayed due to pandemic

Let's posit the following tale....



Dale is a middle school student in a school of 1000 students. Dale's parents want to host a birthday party for Dale.

- 1000 students
- 100 invited
- 90 attend



They tell Dale to invite
everyone Dale likes,
but 1000 is too many.
So Dale invites just
100 BEST friends. 90
attend the party.

- 1000 students
- 100 invited
- 90 attend

Is this a good
response rate?

- 1000 students
- 100 invited
- 90 attend

Did Dale have a good
response rate to the
party?

What do you think and
why?

- 1000 students
- 100 invited
- 90 attend
- CENSUS
- PARENTS

Is this a good response rate?

*The Census says NO.

90 attendees/ 1000 students = 9%

*Dale's parents say YES.

90 attendees/ 100 students = 90%

- 1000 students
- 100 invited
- 90 attend
- CENSUS
90/1000 = 9%
- PARENTS
90/100 = 90%

Let's apply Dale's tale
to actual tract data in
Macon County, NC.

- There are 2177 housing units. *ROAM*
- Only 746 are occupied. *ROAM*
- 272 housing units have responded. *CALCULATED Estimate*
- The response rate map reports 13% response rate!

Response Rate Map



GEO_ID	9705.01	Online Reported Cumulative self response rate overall (5/4/2020)
		13.4%

2010 final self-response rate (inverse of Low Response Score: **86.2%** and adjusted for vacant housing unit)

2010-2017 Data

Tract 9705.01 * Low Response Score 13.8 * N=1492						
Population 65+	Total housing units	Total occupied housing units	Renter Occupied	Vacant housing units	Households w/ computer	% < poverty
43%	2177	746	25%	66%	79%	9%

Response Rate Map

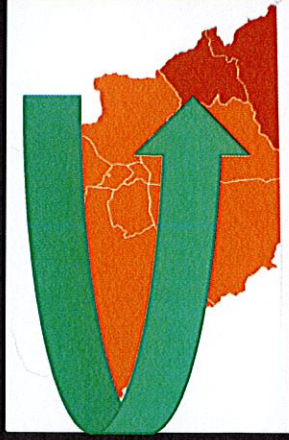


GEO_ID	9705.01	Online reported cumulative self response rate overall (5/4/2020)
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2010-2017 Data

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Population 65+	Total housing units	Total occupied housing units	Renter Occupied	Vacant housing units	Households w/ computer	% < poverty
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Response Rate Map



GEO_ID	Cumulative self response rate overall
9705.01	13.4%

2010-2017 Data

Tract 9705.01 * Low Response Score 13.8 * N=1492						
Population 65+	Total housing units	Total occupied housing units	Renter Occupied	Vacant housing units	Households w/ computer	% < poverty
43%	2177	746	25%	66%	79%	9%

1. Multiply total housing units by 13.4%

$$2177 * 13.4\% = 291.7 *$$

This means about 292 housing units responded.

2. Divide number of housing units that responding by total occupied units.

$$291.7/746 = 39\% *$$

This means the response rate was likely closer to 39% when adjusted for vacant housing units.

GEO_ID	9705.01	Online, alternative response rate overall	Adjustment for unoccupied housing	Final Adjusted, Estimated response rate, 5/4/2020
	9705.01	13.4%	39%	50%

2010 final self-response rate (inverse of Low Response Score): **86.2%**

Tract 9705.01 * Low Response Score 13.8 * N=1492

Population 65+	Total housing units	Total occupied housing units	Renter Occupied	Vacant housing units	Households w/ computer	% < poverty
43%	2177	746	25%	66%	79%	9%

2020 Census: Type of Enumeration Area (TEA) Viewer



Information

Conducted in 2010.

Housing Unit Percent Total	Type of Enumeration Area
95.45%	Self-Response
4.52%	Update Leave
0.01%	Update Enumerate
0.02%	Remote Alaska

Self-Response is designed to occur in areas where the majority of housing units have mail delivered to the physical location of the housing unit. Self-Response is the primary enumeration methodology for the 2020 Census. **Update Leave (UL)** is designed to occur in areas where the majority of housing units either do not have mail delivered to the physical location of the housing unit, or the mail delivery information for the housing unit cannot be verified. **Update**

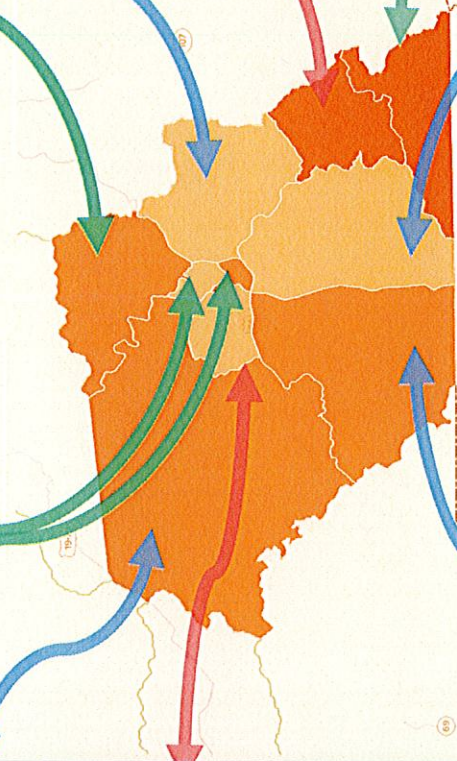
Planned update-leave resume: June 13-July 9

Macon County – 5/4/2020

31%: Conservative estimate. Online response mapper, ranked 93rd in state
55%: Less conservative estimate. Adjusted for unoccupied/update-leave; adjusts rank to between 20th and 19th place in state

Self-Response by Census Tract

This map features self-response rates from households that responded to the 2020 Census online, by mail, or by phone. Rates can be viewed in [rankings here](#).



National: 56.6%
North Carolina: 52.1%
Macon County Adjusted Estimate: 55%

For questions, email responsestatemap@census.gov
 Responses received as of 4/17/2020.
 Click here for technical details

Shape
 your future
**Census
 2020**
 START HERE >

TRACT 970301 (2020: 9703.03 & 9703.04)
 40% - Conservative estimate, average of online response mapper tracts .03 and .04.
 55% - Less conservative estimate, Adjusted for unoccupied and update-leave.

TRACT 970200
 30.6% - Conservative estimate. Online response mapper.
 65% - Less conservative estimate, Adjusted for unoccupied and update-leave.

TRACT 970302
 44% - Conservative estimate. Online response mapper.
 57% - Less conservative estimate, Adjusted for unoccupied and update-leave.

TRACT 970501
 13.4% - Conservative estimate. Online response mapper.
 50% - Less conservative estimate, Adjusted for unoccupied and update-leave.

TRACT 970700
 34.6% - Conservative estimate. Online response mapper.
 46% - Less conservative estimate, Adjusted for unoccupied and update-leave.

TRACT 970100
 32.8% - Conservative estimate. Online response mapper.
 57% - Less conservative estimate, Adjusted for unoccupied and update-leave.

TRACT 970400
 38.4% - Conservative estimate. Online response mapper.
 60% - Less conservative estimate, Adjusted for unoccupied and update-leave.

TRACT 970501
 13.4% - Conservative estimate. Online response mapper.
 50% - Less conservative estimate, Adjusted for unoccupied and update-leave.

TRACT 970502
 10.9% - Conservative estimate. Online response mapper.
 53% - Less conservative estimate, Adjusted for unoccupied and update-leave.

TRACT 970600
 36.1% - Conservative estimate. Online response mapper.
 53% - Less conservative estimate, Adjusted for unoccupied and update-leave.



**It has *never* been
easier to respond
to the census
on *your own*...**



Online



By phone



Or by mail

**...all without having to meet
a census taker.**

**Respond today at
2020Census.gov
844-330-2020**

Shape
your future
START HERE >

United States
**Census
2020**



Macon! it count!



Your leadership and
your voice can help
your county.

Shape | **United States[®]**
Census
2020
your future
START HERE >

We want to remind everyone that the US Census Bureau has kicked off the 2020 Census, so now is the perfect time to complete the census for your household while most of us are at home.

You can respond to the 2020 Census **TODAY** either online or by phone, all without having to meet with a census taker.

1.844.330.2020 | my2020census.gov

Your leadership and
your voice can help
your county.

◆ Raise your trusted
voice!

Shape your future
START HERE >

United States®
Census
2020

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1.844.330.2020 | my2020census.gov

Your leadership and
your voice can help
your county.

- ◆ Raise your trusted
voice!
- ◆ What **WILL** you do
to increase the 2020
Census self-response
rate in Macon
County?

Shape your future
START HERE >

United States®
**Census
2020**

We want to remind everyone that the US Census Bureau has kicked off the 2020 Census, so now is the perfect time to complete the census for your household while most of us are at home.

You can respond to the 2020 Census **TODAY** either online or by phone, all without having to meet with a census taker.

1.844.330.2020 | my2020census.gov

Your leadership and your voice can help your county.

- ◆ Raise your trusted voice!
- ◆ What WILL you do to increase the 2020 Census self-response rate in Macon County?

Census
2020

We want to remind everyone that the US Census Bureau has kicked off the 2020 Census, so now it's time for you to complete the Census for your household. While you can respond to the 2020 Census TOZA, you can also respond by phone call, without having to meet with a census taker at home.

You can respond to the 2020 Census TOZA by phone call, without having to meet with a census taker at home.

1.844.330.2020 my2020census

Your leadership and
your voice can help
your county.

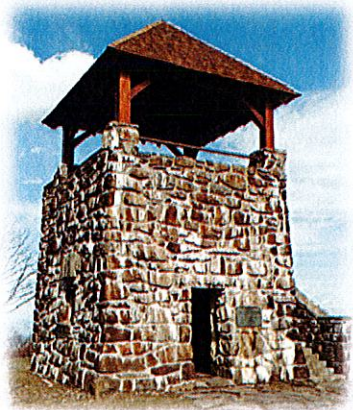
- ◆ Raise your trusted
voice!
- ◆ What WILL you do
to increase the 2020
Census self-response
rate in Macon
County?

Will

you help?

Recommendations and Comments
Macon County Forest Advisory Committee
Regarding the 2020 Draft Management Plan for
Nantahala National Forest Lands
Within Macon County, NC

May 04, 2020



Prepared by the Macon County Forest Advisory Committee:

Jim Gray
Jeff Johnson
Jack Morgan
Wesley Hall
David Jones
Mary Stone

Introduction: The Macon County Forest Advisory Committee (FAC) was formed by resolution of the Macon County Commission at the February 11, 2020 regularly scheduled Commission meeting. Macon resident Jim Gray was named to form and lead the FAC. Since 46% of the lands within Macon County lie within the Nantahala National Forest, it is of vital importance that the citizens of Macon County have a voice in how that land is managed into the future. The purpose of the FAC is to advise the county on the best actions to take to represent the citizens of Macon County in filing comments, objections and/or requests with the US Forest Service (USFS) regarding the 2020 Draft Management Plan (Plan) for the Nantahala National Forest (Forest) lands lying within Macon County.

Note: It should be noted that this document has been prepared while the United States has been experiencing the 2020 Covid-19 pandemic and the state of North Carolina has implemented “social distancing” rules. The Committee was able to meet twice before the social distancing rules were put in place. Once the rules were in place it was not possible to meet and all communications have been by telephone or email. We have done the best job we could under those circumstances.

Prior Action by Macon County Regarding the Revised Management Plan:

July 8, 2014 - Resolution passed opposing additional lands designated as recommended wilderness in Macon County.

Macon County Forest Advisory Committee Members:

Jim Gray – Chair
Jeff Johnson – Timberframe Home Builder
Jack Morgan – Macon County Planning & Permitting Director
Wesley Hall – Macon County GIS Mapping
David Jones – Timber Industry
Mary Stone – Nantahala Hiking Club

The proposed Plan is formed around 4 themes that guided its development:

- Connecting People to the Land
- Sustaining Healthy Ecosystems
- Providing Clean and Abundant Water
- Partnering With Others

The proposed Plan classifies National Forest lands as:

- Interface – access to the Forest, concentrated recreation, most flexibility in management
- Matrix – flexibility for active management, healthy forests and wildlife habitat
- Backcountry – Remote and shaped by natural processes. Least flexibility for active management

- Recommended Wilderness – Managed for its wild character to be untouched by man, public interaction minimized, no active management.
- Inventoried Roadless Areas – National Forest lands prohibiting road building and timber harvesting by rule. Managed similar to Recommended Wilderness. Inventoried Roadless Area classifications are carried forward from previous classifications.
- Old Growth Network – large trees for the site and species, accumulation of large standing and fallen dead trees, multiple canopy layers & other attributes.
- Other lands – Special interest areas, ecological interest areas, administrative facilities, etc.

The proposed Plan, as released, contains 4 alternatives to be considered:

- Alternative A – no change from current plan
- Alternative B – provides more flexibility for managing vegetation patterns, wildlife habitats, recreation and access. Most recommended wilderness. The least amount of Old growth and it can be added at the local level project by project.
- Alternative C – provides more certainty defined in the Plan and less project level flexibility for managing vegetation patterns, wildlife habitats, recreation and access. Provides less recommended wilderness, most land classified as Backcountry and most old growth. Designated Old growth is fixed.
- Alternative D – moderates between Alternative B & C in terms of restrictions versus project flexibility for vegetation management, wildlife habitats, recreation and access. Provides the most land classified as Matrix. Old Growth can be added at the local level project by project.

GENERAL RECOMMENDATIONS: The FAC has evaluated the 4 alternatives and chosen Alternative B, with **significant recommended modifications**, as the best alternative for Macon County.

The FAC recommends that the County adopt these recommendations by resolution and that they be filed with the USFS prior to the deadline for comments.

The FAC also recommends that the County file a request to be a part of any objection hearings/processes that may arise from Macon County's recommendations or any objections that may arise from the Plan that the USFS presents subsequent to the 2020 Draft Plan. This request for standing in any objection process covers only lands within Macon County, lands bordering Macon County or waters flowing into/out of Macon County. The FAC recommends that the request filed with the USFS stipulate that Macon County may be represented in any proposed Plan objection process by persons designated by the county, which may include but not be limited to, elected officials, employees of the county, legal counsel, persons designated by the county and members of the FAC.

APPALACHIAN TRAIL STATEMENT: Macon County is extremely fortunate to host approximately 47 miles of the Appalachian Trail (AT). The town of Franklin is recognized as an Appalachian Trail community and that is an extremely valuable asset that must be maintained. The FAC fully supports maintaining the standards of the Appalachian Trail through our county. The proposed plan greatly expands the AT management corridor area. The expansion takes in high elevation areas previously managed for forest restoration and wildlife habitat where they could not be seen from the AT. **The FAC supports proposed Plan direction that allows vegetation management for wildlife habitat and forest restoration within the Appalachian Trail corridor where it cannot be seen from the trail. This has been the historic practice for projects that fall within the AT corridor.**

RECOMMENDED WILDERNESS - GENERAL COMMENTS & RECOMMENDATIONS:

All recommended wilderness areas in Macon County contain a statement to the effect “*Recommendation of the area for wilderness designation is supported by wilderness advocacy groups and individuals*”. The effect of the USFS basing a major portion of their Recommended Wilderness decision on the advocacy of groups who oppose forest management activities which may include (timber cutting, wildlife habitat, forest restoration, controlled burns, trail building, road building, etc.) is that other groups, who have had use of these areas for many decades, suddenly have those rights/uses taken away in favor of groups who advocate for a much restricted use of the Forest. Some support more wilderness to increase tourism. However, once designated as wilderness, the USFS limits group size and sometimes daily use to keep visitor interactions low in popular wilderness areas and to keep it wild and untrammled by man.

We request the USFS give very strong consideration to the following points regarding “recommended wilderness”:

- Consider all users of the Forest and to give priority to traditional users of specific areas.
- Consider areas for Recommended Wilderness only if the location meets ALL the definitions to be classified as Recommended Wilderness.
- Consider that 23.6% of Forest lands are already in a protected status. See Table 1.
- Consider the Plan theme “Connecting People to the Land”. Does the recommendation by the USFS add to Connecting People to the Land or does it subtract from connecting more people to the land?
- If an area is already in a status where active management is not allowed, do not change the status to a more restricted status – i.e. Inventoried Roadless to Recommended Wilderness. See following paragraph on Inventoried Roadless Areas to Recommended Wilderness.

Inventoried Roadless Areas to Recommended Wilderness Commitment:

On February 10, 2020, Nantahala/Pisgah Forest Supervisor Allen Nicholas and Forest Service Collaboration Specialist Alice Cohen made a presentation to Macon County leadership regarding the Plan. Attending that meeting from Macon County were Chairman Jim Tate, County Manager Derek Roland, Planning & Permitting Director Jack Morgan and observer Jim Gray; also attending was Acting Nantahala District Ranger Chris Ham. A key part of the presentation was a packet of documents including one titled “*Nantahala and Pisgah Forest Plan Revision Reader’s Guide*”. The section of the *Reader’s Guide* titled “*What will the proposed plan do?*”, page 3, the ninth bullet point states “Continue to manage existing administrative and Congressionally designated areas which will not be changed during revision. *These areas include: National Scenic & Historic Trails, such as the Appalachian Trail and the Trail of Tears Congressionally designated Wilderness Wilderness Study Areas Experimental Forests Wild & Scenic Rivers Research Natural Areas Inventoried Roadless Areas* (emphasis added) *Cradle of Forestry Historic Site*”

(NOTE: It is important to note that being classified as Inventoried Roadless Areas (IRA) does not always mean that the entire area is roadless. IRA means it meets a minimum amount of internal and boundary roads and qualifies to be inventoried as roadless. For example, Overflow (Blue Valley) has an open and gated road right down the middle and state road 106 borders the IRA.)

Despite the commitment in the “Readers Guide”, the following Recommended Wilderness Areas, wholly or partially within Macon County, contain existing IRA in one or more alternatives:

	<u>Total Acres</u>	<u>IRA Acres</u>
Barkers Creek, Extension D	1556	971.7
Overflow Creek (Blue Valley)	3901	3376.8
Southern Nantahala Ext. Area – Trail Ridge	4298	1783
Wesser Bald	6642	4060
Tusquitee Bald	29,156	13,645.8
Chunky Gal (Ext. B)	7785	3983.4

We request the USFS to honor the commitment made in the document “*Nantahala and Pisgah Forest Plan Revision Reader’s Guide*” and in the February 10, 2020 meeting and not move any of the Inventoried Roadless Areas within Macon County to Recommended Wilderness Status.

Table 1. Nantahala and Pisgah National Forests legally protected lands (acres) prior to the proposed Plan recommendations:

Total Forest land area	1,040,000
Congressionally Designated Wilderness	66,388
Congressionally Designated Wilderness Study Areas	26,816
Inventoried Roadless Areas	152,488
Total Protected Lands	245,692
% Forest Currently in Protected Status	23.6%

Note: Table 1 is provided only to indicate the amount of the forest already under restriction from active management. It cannot be concluded that the remainder of the Forest is available for restoration, timber harvest, creation of wildlife habitat, etc. due to other factors. The Proposed Land Management Plan, Appendix B: Timber Calculations, page B-2, Table 1, Alternative B states that 297,389 acres (28.6%) “are not suited for timber production because timber production is not compatible with the desired conditions and objectives established by the plan”.

DETAILED RECOMMENDATIONS/COMMENTS:

**SOUTHERN NANTAHALA WILDERNESS EXTENSION – TRAIL RIDGE,
ALTERNATIVE B & D, MACON COUNTY**

Alternative B consists of 2,092 acres, including 1,310 acres of Inventoried Roadless Area. Alternative D consists of 1,660 acres, including 1,125 acres of Inventoried Roadless Area. A major factor in the Forest Service’s decision to list these alternatives as Recommended Wilderness is support from wilderness advocacy groups. However, in satisfying the request from one group, the USFS would deprive other groups from enjoying the uses of the Forest they have enjoyed for many, many decades.

RECOMMENDATION 1: The area north and west of the intersection of the Nantahala River and Hemp Patch Branch (the “pinch point” where the existing Wilderness Area comes closest to FSR67) has an Inventoried Roadless Area (IRA) on the North and South ends with an area that is not roadless in the middle. It is strongly recommended that the entire area be managed as Backcountry, as in the current plan, along with the IRA limitations. This designation will allow traditional and hugely popular use of the area from Standing Indian and Kimsey Creek campgrounds as well from other access points and will allow what limited forest restoration that is permitted in the middle section of the Backcountry area. Prescribed burns have been conducted 3 – 4 times in the last 20 years in the Big Indian drainage and conditions for wildlife and generally preferred forest conditions are progressing. Continued improvements would not be possible if this area were reclassified as Recommended Wilderness. We request the USFS to honor the

commitment made in the February 10, 2020 meeting to not change the status of IRA areas to Recommended Wilderness.

RECOMMENDATION: Retain the IRA classification/limitations and manage the area as **BACKCOUNTRY**.

RECOMMENDATION 2: The area west of Scream Ridge in the Yellow Patch/Scream Ridge area is presently an IRA. We request the USFS honor the commitment made in the February 10, 2020 meeting to not change the status of IRA areas to Recommended Wilderness. The Yellow Patch area east of Scream Ridge has 2 gated system roads that are maintained as linear wildlife openings. In addition, there are several wildlife openings that have been maintained for decades. There are a number of regenerated stands that range from 15-35 years old. The area is actively used by grouse, deer and turkey hunters. The gated roads provide key access that provides a link and buffer between the heavily used open road FSR67 (to Standing Indian and Coweeta) and the rough and rugged Southern Nantahala Wilderness. There are no opportunities for active management for game species to the west, south and east due to its proximity to the Southern Nantahala Wilderness and Coweeta Hydrological Laboratory. Therefore, it is a very important area needed to maintain grouse populations that are huntable in the southern-most tip of its range.

RECOMMENDATION: It is strongly recommended that this area be classified as **MATRIX**.

SOUTHERN NANTAHALA EXTENSION – BARKERS CREEK, MACON COUNTY:

Barkers Creek/Falls Branch drainages are IRAs isolated by steep terrain and ridges to the West, North and East. Roading access is feasible from the south but private land prevents public access. These drainages have large mature timber growing on the better soils and has not received any active management for 60-90 years. It adjoins the Southern Nantahala Wilderness, is highly remote with challenging access and has had decades of passive management.

RECOMMENDATION: We request the USFS to honor the commitment made in the February 10, 2020 meeting to not change the status of IRA areas to Recommended Wilderness. Manage the area as **IRA/BACKCOUNTRY**.

OVERFLOW CREEK (BLUE VALLEY), MACON COUNTY:

Overflow Creek, better known by most locals as Blue Valley, should have a recommendation to Congress to release it as a Wilderness Study Area. It's conditions and small size makes it an inappropriate wilderness addition under the Wilderness Act. It has USFS Road 79, an open road, down the middle of it with decades long use for fishing, camping and hunting that is tied to the culture of many Macon county residents and tourists. The area borders State Highway 106, a well-traveled truck route from US 441 to Highlands and Cashiers. One can sometimes hear the truck jake brakes from FS road 79. Blue Valley has intensive private development to its west and North East borders which greatly complicates wilderness management. Glenn Falls, a highly visited recreation site and trail, borders to the North East and is located only 5-10 minutes from the Town of Highlands. As a Back-Country area, hopefully some prescribed burning

might be started to improve the ecosystem health and prevent the total takeover of white pine which is occurring in some sections as well as allowing the USFS to maintain existing open and closed roads, wildlife openings and primitive camp sites. A change in the permitted uses of Blue Valley would truly be a tremendous loss to the historic culture of many Macon County families.

RECOMMENDATION: It is strongly recommended that this area be **released as Recommended Wilderness** and be classified as **BACKCOUNTRY**.

ELLICOTT ROCK, MACON COUNTY

The Ellicott Rock extension would be an insignificant addition to an otherwise solid compact and excellent wilderness to manage. The extension to the west towards private land would complicate Forest management and prevent easy to accomplish prescribed burning on the proposed extension. Prior to National Forest ownership private landowners had a timber harvest on 2 areas which are now around 25 years old. National Forest lands around and east of Highlands have an extremely low percentage of the forest that can be managed for active management compared to the rest of the National Forest in Macon county. Factors for this are the terrain, existing abundance of other hands-off management areas and the scattered National Forest ownership pattern. Due to the proposed extension's relatively gentle and hidden terrain, elevation and history, it is vitally important for this area to receive active management for ecosystem restoration, wildlife improvement and access for hunters.

RECOMMENDATION: Strongly recommend that the Ellicott Rock Extension be transitioned into the **MATRIX** management classification.

WESSER BALD, MACON & SWAIN COUNTIES

The Wesser area has extensive steep and rugged terrain with difficult and limited access. Most of it is not suitable for active management. Even prescribed burning would be difficult due the octopus shaped land ownership pattern with adjoining land owners and development up every drainage. Common sense says this would not make a good wilderness. During the 2016 fall fires probably 100-150 homes were evacuated for days. The area identified under the current plan for back country management should remain in the back-country management area. As back country there is a greater likely hood that the Table Mountain pine stands in the interior of Wesser will be sustained over time. Management of the Appalachian Trail will be less complicated under a Backcountry designation than a Recommended Wilderness designation, due to the constraints that would be imposed by the Recommended Wilderness designation. The Wesser Bald area already has 4060 acres classified as Inventoried Roadless Area which prevents active management of the area. We request the USFS to honor the commitment made in the February 10, 2020 meeting to not change the status of IRA areas to Recommended Wilderness.

RECOMMENDATION: We recommend the Wesser Bald area to be classified as **BACKCOUNTRY**.

CHUNKY GAL, MACON & CLAY COUNTIES: - The Chunky Gal area has USFS roads, recent timber harvests, and maintained wildlife fields that are enjoyed by the recreating public. The northern boundary's shape and configuration confine recreation users to a relatively small area surrounded by a state highway. There is not much solitude in the northern area due to the sights and sounds of the adjacent highway and highly developed communities to the west. The southwest portion of the area, adjacent to the Southern Nantahala Wilderness (Sharptop Ridge Inventoried Roadless Area), and the Chunky Gal Inventoried Roadless Area, have a higher degree of wilderness characteristics compared to the northern portion outside the IRA. However, due to existing evidence of past management activities and the need to continue habitat management **Chunky Gal should not be recommended for Wilderness.**

Tusquitee Bald, Macon & Clay Counties: The upper portion of this proposed wilderness that is in Macon County is steep and inaccessible, however it is important to consider the whole proposal. The lower portions under consideration in Macon County have road access with past forest restoration and habitat management. The Tusquitee Bald area, most of which is in Clay County is currently managed for dispersed recreation, scenery, wildlife, and timber. The area is heavily used by hikers, backpackers, horseback riders, hunters, and anglers. It has two long distance hiking trails, Rim Trail and Chunky Gal Trail. Locals often use existing USFS roads in the area for hiking, hunting, horseback riding, and mountain biking.

A portion of the area has been actively managed for timber and wildlife. Spread out across the landscape are over 280 acres of timber harvests ranging from 0-20 years old and almost 770 acres which are 21-40 years old. There are approximately 26 acres of maintained wildlife fields in the area and about 15 miles of low maintenance level USFS roads, many of which have culverts and one with a bridge.

Parts of this area should be managed as **MATRIX** and part as **BACK COUNTRY** rather than wilderness.

AGREEMENT AND THANK YOU FOR CLASSIFICATIONS: We thank the USFS and are in agreement with the classifications of Matrix and Interface of the following areas in Macon County: Siler Bald, Cowee Bald/Big Laurel, Trimont Ridge, Harrison Cove (FSR 713), Boardtree (FSR 388) and numerous other smaller areas. Matrix and Interface classifications are extremely important for development of wildlife habitat and forest restoration. These are popular areas for hunters, hikers, foragers, birdwatchers, mountain bikers, timber production and others.

RECOMMENDATIONS INDEPENDENT OF SPECIFIC ALTERNATIVES: Macon County has been a stakeholder with the National Forest since it came to the county around 1916. Because of that longstanding relationship, Macon County desires the National Forest to be managed efficiently, effectively and at the County level when

possible. Therefore, we have the following specific recommendations independent of a particular alternative.

WILDLIFE:

Data from the NC Wildlife Resources Commission (NCWRC) documents that numerous species of wildlife have declined under the present Forest management plan (white-tailed deer, ruffed grouse, golden winged warbler, cerulean warbler, Appalachian rabbit, etc.). This decline is recognized as being caused by loss of necessary habitat for the particular species. – primarily loss of young forest. Especially critical is loss of young forest at high altitude. Many species need the thick cover and food sources provided by the regrowth that occurs after a timber harvest or major event that results in multiple acre sized patches of new forest growth. The cutting of timber in our mountain forests is one of the few human industrial activities that greatly benefits wildlife – by creating the needed habitat while the forest regenerates itself. The NCWRC documents a steady decline in ruffed grouse populations –attributed to habitat loss. It is also well documented that ruffed grouse populations are being negatively impacted by West Nile Virus (WNV), a mosquito borne virus. The Pennsylvania Game Commission has documented that the most successful outcomes for ruffed grouse populations occurs when ideal habitat is located above 2500 feet elevation. This gives ruffed grouse the habitat they need above most of the WNV carrying mosquitoes that inhabit the lower (wetter) elevations. The same high-altitude habitat that benefits ruffed grouse is critical nesting habitat for golden winged warblers.

NCWRC data for white-tailed deer shows that the mountain counties (whose primary public land is National Forest) contains the lowest count of antlered deer in the state – due to loss of compatible habitat. At one time, deer hunting was a major tourist draw for Macon County in the late Fall. As less and less mountain habitat was available to deer, the herd declined, hunting success declined and the hunting tourists went elsewhere. Georgia, Tennessee, South Carolina and other states are now the beneficiaries of hunting tourist dollars that once came here.

In addition, the elk herd in our mountains will be steadily expanding over the years. We have already had some elk show up in Macon County. Creation of elk desirable habitat in the Forest is critical to provide the food sources elk need. Failure to create the habitat will result in elk grazing on roadsides (with potential catastrophic results when car collisions occur) and damage to farm crops.

- **Recommendation:** The FAC feels that the Plan made a major omission when Wildlife was not a major section within the Draft Plan. Even though the Plan is a “land management plan” and not a “wildlife management plan”; healthy, abundant wildlife populations have major ramifications to many parts of the Plan. “Wildlife” has major links to 3 of the 4 themes of the Plan: Connecting People to the Land, Sustaining Healthy Ecosystems, Partnering With Others. The FAC recommends that the County request the USFS to give much greater priority to wildlife in the final Plan, with strong consideration of the issues we have raised here,

OLD GROWTH:

Considering that the majority of the national forest will become Old Growth (OG), the FAC recommends that the 202,980 acres shown in Alternative B be set aside for future old growth. The FAC also recommends that all OG should be designated in the Plan rather than continuing to see projects delayed as the USFS debates OG designations in the future.

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TRAILS:

The recreating public needs more trail connectors to create loop trails through Local, State and Private Partnership with the Forest Service.

The FAC recommends that officially named trails (such as the Bartram Trail) continue to be managed as desirable assets to the county and that their unique character be maintained.

The FAC recommends that decisions for trail construction and reconstruction be made at the local ranger district level.

PARTNERING WITH OTHERS:

The FAC recommends that Macon County collaborate with Clay County, Swain County and Graham County on adjoining Wilderness area recommendations.

ECONOMY:

The FAC recommends creating a bike trail system on the Nantahala Ranger district.

The FAC recommends the County work with the USFS to encourage and support capital investments where it improves sustainable recreation and promotes tourism at sites such as Whiteside Mountain, Nantahala River Put-in, Appletree Campground and Standing Indian Campground.

The FAC recommends that the County encourage the USFS to improve forest health and wildlife habitat through a sustainable timber management program.

Trull Forest Products, Franklin, reports that they were processing a high volume of locally cut timber in the early/mid 1990's (50-60 truckloads/week). Since that time they have transitioned mostly to timber acquired from Western and Coastal states (White Pine, Yellow Pine, Douglas Fir, Western Red Cedar, and Cypress) due to quality and sporadic supply of timber from the National Forest.

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Cook Lumber Co., Franklin, reports that historically they employed 10+ people on a full time basis. Now it's Mr. Cook and a secretary as the only employees. He sites the quality of the timber offered from national forest lands as a major factor. He reports that they drive past high quality national forest timber lands to get to the lower quality stand that is for sale.

ACCESS:

It should be noted that FAC members have heard former NC District 11 Congressman Meadows state numerous times that the most common complaint his office receives about the Nantahala and Pisgah National Forests is **Access** (i.e. – lack of access).

The FAC also wishes to emphasize that the Theme, “Connecting People to the Land”, is directly related to Access and therefore supports and recommends more access that is available to people of all ages and abilities while still maintaining the natural nature of the forest.

The FAC recommends that Macon County support a balance between gated roads and open roads to meet resource management objectives while increasing open road availability to forest users. Extend the length of time seasonal open roads are available for vehicle access when possible. ~~Most of these Seasonal roads are closed as soon as bear season is closed on January 1,~~ leaving small game hunters less access for ~~the~~ remainder of small game season. ~~(Bear season closes the end of December, small game season stays open until the end of February.)~~ This leaves two months of open hunting season with access roads closed ~~that are kept open for bear hunters during their season.~~ We understand the damage that can be caused by vehicle traffic on roads undergoing freeze/thaw cycles. However, we recommend the USFS work with the county and small game hunters to work out times when closed roads could be accessible. Decisions on road closures should remain at the ranger district level.

The FAC supports modest new road construction where permitted and needed to accomplish resource management objectives and access under all Alternatives. This recommendation is directly linked to the theme Connecting People to the Land.

The FAC recommends that forest road management, construction, maintenance and reconstruction decisions remain at the local ranger district level.

CONCLUSION:

The FAC appreciates the opportunity to provide input to the county on recommendations for the future management of the Forest. While we acknowledge that these recommendations may not meet the objectives and desires of some residents of Macon County, we feel that these recommendations strike a middle ground that recognizes the historic and continuing use of the Forest by many county residents and visitors, that it provides for a healthier forest than what has evolved under the Current USFS Management Plan and that it provides for the future as social changes occur over time.

We recommend that the County approve this report and that it be presented to the USFS as an official set of requests and recommendations from Macon County.

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Nantahala Hiking Club
Position Statement to Macon County Commission
Concerning
Actions Recommended by the Macon County Forest Advisory Committee
Regarding the 2020 Draft Management Plan For National Forest Lands

The document referenced above, Actions Recommended by the Macon County Forest Advisory Committee (FAC Recommendations) Regarding the 2020 Draft Management Plan For National Forest Lands (FS Plan), is to be presented to the Macon County Commission (Commission) by the Macon County Forest Advisory Committee (FAC).

The Introduction section of the document summarizes how the FAC was formed.

NHC Clarification: The Nantahala Hiking Club (NHC) was not initially represented in the FAC. On February 11 the Commission appointed Jim Gray to form a Macon County Forest Advisory Committee (FAC) to prepare a position statement for the County on the FS Plan. Mr. Gray appointed two members from the timber industry and two Macon County employees to the FAC. Consequently Mary Stone, NHC President, saw a newspaper announcement about the FAC and contacted the Commission office asking that the NHC be represented on the FAC. Mr. Gray agreed for Ms. Stone to join the FAC. At the March Commission meeting, Commissioner Beale asked that an outdoors recreation business representative be added to the FAC. Mr. Gray did not succeed in adding this representative. The FAC met twice afterwards before the COVID-19 situation halted public meetings including the USFS meeting planned for Macon County.

The Nantahala Hiking Club is an Appalachian Trail official club which has maintained more than 50 miles of the A.T. and side trails in Macon County for more than 50 years. These trails provide recreation and exercise yearly for thousands of local people and tourists with many different levels of ability. NHC has more than 150 enrolled members and contributes to the County and its citizens by leading recreational hikes open to all, providing outdoor education and hikes for school children, and holding monthly meetings at the MC Library open to all with as many as 50 people attending. The Town of Franklin became the first Appalachian Trail Community in 2010 and now together with NHC provides a month-long series of events in the spring that brings hundreds of people into the County. Macon County now has two major outdoor recreation stores and numerous other business catering to the outdoors community. Clearly all these activities result in increase revenue for the Town and County in addition to the dollar value of the thousands of hours that volunteers donate each year to the Forest Service.

NHC Objections to FAC formation: Discussion of the U. S. Forest Service Plan was added to the agenda for the February 11, 2020 County Commission meeting under New Business and the public at large and NHC did not know that the FAC would be formed at this meeting to present a statement for the County to pass a resolution about the FS Plan. NHC should have had the opportunity to be represented at this Commission meeting as an essential stakeholder.

NHC Request to the Commission: When the formation of an Advisory Committee is considered, organizations with a vested interest in the outcomes, NHC in this case, should have prior knowledge and be invited to participate. From the Minutes of this meeting and the FAC Recommendations it seems that only Mr. Gray was present at this meeting when the Committee

was formed and, thus, he may have been the only interested party with knowledge of the addition to the Agenda.

NHC Clarification of 2014 MC Resolution regarding FS Revised Management Plan: FAC Recommendations document states that the 2014 resolution opposed adding lands as Wilderness in Macon County. This Resolution was passed with questionable notice having been given to all citizens, including NHC members, and those Minutes indicate that only Mr. Gray was present at that meeting without representation of people who supported additional protection for Wilderness lands. The passage of this Resolution was publicly questioned by many citizens who felt they had been effectively silenced when the Commission issued the Resolution. To redress their exclusion, a coalition of 13 business and outdoors organizations representing 1,600 people asked the Commission on January 12, 2016 to support the USFS recommendation for Wilderness in the Draft Plan at that time by simply allowing the process to continue. The Commission declined action on this sensible and just request.

NHC Request to the Commission regarding FAC Recommendations: NHC requests that the present document be considered an initial draft and revised to include wider opinions from a more diverse group of FAC Committee members as requested below.

FAC Advisory Committee Composition Request: NHC appreciates that Mr. Gray has communicated with its president and with the Regional Director of the ATC Southern Region Office. NHC requests that representatives from local outdoor businesses and the Town of Franklin ATC Community Committee be added to the FAC Committee to have views and opinions from these other interests integrated in the final Actions to be presented to the Commission. Since the Actions also recommend that Macon County be represented in any 2020 Plan objection process by persons designated by the Commission, the FAC must include people who support Wilderness so that the views presented to the USFS are truly inclusive of different points of views, democratic, and fair to all citizens of Macon County.

NHC's response and requests below are submitted under the headings used in the FAC Recommendations plan.

Overview of FS 2020 Plan in Actions document: Generally this overview is an accurate summary of the complex FS 2020 Plan.

FAC General Recommendations: FAC chose Alternative B of the FS Plan with "significant recommended modifications" as the best alternative (of four in the Plan) for Macon County. FAC also recommends that the "County adopt these recommendations by resolution and that they be filed with the USFS prior to the ... deadline."

NHC Request to the Commission: NHC considers the Actions to have excluded the opinions and weight of active and involved FS land users and maintainers and of a sizable group of citizens who support Wilderness for many valid reasons. Therefore, we ask the Commission to delay action in accepting the present FAC Recommendations until other members are added to the FAC and meetings are held including these members so that the final Actions more fairly encompass the views of a variety of industry, recreation, outdoors and nature stakeholders.

FAC Recommended Wilderness, General Comment & Recommendations: This section contains a biased summation of the FS Plan's intent that "Recommendation of the area for wilderness designation is supported by wilderness advocacy groups and individuals." The paragraph says that the FS Plan's support of advocacy groups who oppose forest management activities will result in the rights/uses of other groups who have used these areas to be taken away. This statement is totally unsupported by the fact that Wilderness advocates have tried to actively cooperate with other stakeholders even if they have routinely been excluded from participation. The paragraph also states: "Some support more wilderness to increase tourism." Another mischaracterization. Wilderness advocates support such designation for many reasons, one of the main ones being that Wilderness has inherent value in and of itself for humans and for the Earth. In this tragic time of a pandemic, it is well to remember that many drugs that heal us today come from Nature. As we diminish the planetary gene pool by leaving no land untrammled, we may be jeopardizing our future in combating disease.

NHC Request to the Commission: Based on above explanation, NHC requests that the revised Actions document include an unbiased statement of the positions of Wilderness advocates and the implications of maintaining and/or expanding Wilderness designations.

FAC General Recommendations: This section asks that the Forest Service strongly consider some points regarding "recommended wilderness." *Note: This document is being presented to the Commission, not the Forest Service.*

1. Consider equally all users of the Forest and give priority to traditional users in specific areas.
2. Consider areas for Recommended Wilderness only if the location meets ALL the definitions to be classified as Recommended Wilderness.
3. Consider the Plan theme "Connecting People to the Land." Does the Plan's recommendation add or subtract from connecting more people to the land?

NHC Positions and Requests to the Commission:

1. NHC agrees that all Forest users, including Wilderness stakeholders, should be treated equally. Areas presently under consideration for Wilderness designation should be strongly supported for permanent Wilderness designation as they have traditionally been used as such. Only 4 percent of USFS land in Macon County is designated as Wilderness so any addition will still be insignificant in number of total acreage. Any addition, though, will preserve the right of Wilderness users and advocates. **NHC requests** that the Commission support a plan that treats all stakeholders fairly and equally.
2. NHC largely agrees with this point emphasizing that many areas that would meet the definitions are not included to be classified as Recommended Wilderness. NHC also points out that, because of the size of forests in the East, it is at times impossible to meet ALL definitions for Recommended Wilderness and, thus, the possible designation of Wilderness is prohibited by the requirements and any inclusion of Wilderness areas that have most of the characteristics is precluded. **NHC requests** that this explanation be included in the revised Actions document.
3. The underlying thought to this point seems to be that Wilderness designation by itself subtracts from connecting people to the land. Wilderness designation does not inhibit people from entering these locations; it mostly requires a different set of skills and abilities from its users. That is also the case for many other uses of the Forest. A grouse hunter needs to own guns, have the skills to use them, know grouse habitats and behaviors, and have many other abilities that many people do not have. Because of this specialized niche, grouse hunters benefit from more open grasslands but people who love old growth trees or the solitude of Wilderness would

have less connection to the Forest if the expansion of grasslands resulted in destruction of Wilderness. **NHC requests** that this explanation be included in the revised Actions document.

The present Actions plan available when this Position Statement was presented to NHC's Board analyzes various areas of the Nantahala National Forest described in the FS Plan and makes specific and detailed recommendations for each mostly advocating for less Wilderness protection. It continues with topics of Old Growth – no comments; Trails – questions and suggest construction of trail connectors; Partnering with Others – suggest joining other counties, not other organizations that may have different points of view; Economy – suggest creating bike trail system and support of capital investments, both of which NHC would support once details are specified; and Access – no comments. From the blank spaces, it is clear that the Actions document is a work in progress and not a final statement from the Forest Advisory Committee.

NHC requests that the document prepared by the FAC be considered an initial draft and that it be revised to include opinions from a more diverse group of Macon County residents. NHC asks that the Commission delay the action of accepting the present FAC Recommendations and allow other groups and persons concerned about recreation, tourism, the environment and future of the USFS lands to participate in the plan.

Although the FS Plan is not asking for support of a specific alternative at this time, NHC thinks Alternative B of the Plan is the more balanced alternative for all forest uses and would support it with some modifications. The FAC plan at this time largely opposes Wilderness designation for USFS lands in MC. Wilderness designation provides the highest level of protection for the land. Wilderness has inherent value of itself for humans and for the total environment.

As the COVID-19 pandemic led the USFS to extend the deadline for input on the plan and public meetings have been curtailed, **NHC respectfully requests** that the Macon County Commission review the detailed position statement being submitted by the Nantahala Hiking Club and not only consider and accept the report prepared by the present Forest Advisory Committee. Macon County citizens deserve a County resolution about the USFS 2020 Draft Management Plan For National Forest Lands that is fair and inclusive to all Macon County citizens and stakeholders.

Respectfully submitted,
Nantahala Hiking Club

Mike Decker

From: Williams, Lorraine <lorraine.williams@ncdps.gov>
Sent: Tuesday, May 05, 2020 4:25 PM
To: Derek Roland; mdecker@maconnc.org
Cc: Lori Hall; Gentry, Lindsey
Subject: FW: [External] Re: Commissioner's Meeting and JCPC Business
Attachments: County Funding Plan Macon 2020-21.xls; 19 - 20 Macon County Funding Plan With Expansion-Discretionary Funding (v.004 10.23.2019).xls

Hello Mr. Roland and Mr. Decker,

I am a Program Consultant with the DPS Division of Juvenile Justice and Community Programs. I have been working with the JCPCs in Macon County for the past six months.

I reached out to Ms. Hall with several items that need to be approved by the County Commissioners this time of year and also checked in with Mr. Shields, since he serves on the JCPC, to find out if the Commissioners planned to meet on May 12th.

Here are the items that will need to be signed by the Commissioners and/or, the County Finance Officer:

- County Funding Plan for 2020-21 (Finance Officer or Chair of Commissioners)
- JCPC Certification (Chair of the Commissioners)
- REVISED County Funding Plan for 2019-20 that includes an additional \$2,800 in Discretionary Funds awarded from DPS funds only , no county match involved. ((Finance Officer or Chair of Commissioners)

I have attached the County Funding Plan for 2020-21 which needs to be approved by the Commissioners along with the JCPC Certification. Pat Clark, the JCPC Admin for Macon County, is working on the Certification but has run into a few technology delays with the current situation of working remotely. She will have the Certification completed by tomorrow and will acquire the JCPC Chair's signature before bringing it to you or emailing it as an attachment, whichever would work best? Please let me know if this would work as I understand today is the deadline for requesting items be placed on the agenda.

The goal of DPS Community Programs is to have the County Plans and JCPC Certifications approved, signed and forwarded on to the Western Area Office by May 15, 2020. All of us understand these are challenging times for completing needed business amidst the Covid-19 state of emergency. And each county's process is different, so this will not work for every county.

Thank you for letting me know if there is room for these items on the agenda for May 12th.

Sincerely

Lorraine

Lorraine Williams, Transitional Consultant, Community Programs Western Area Office
NC Department of Public Safety, Division of Adult Corrections and Juvenile Justice
2090 US Highway 70, Swannanoa, NC 28778
Phone: 828-296-4747 Ext. 4661
Cell: 828-331-8012
Fax: 828-296-4750
Email: lorraine.williams@ncdps.gov

From: Gary Shields <Garymshields@yahoo.com>
Sent: Tuesday, May 5, 2020 1:44 PM
To: Williams, Lorraine <lorraine.williams@ncdps.gov>
Cc: Derek Roland <droland@maconnc.org>; mdecker@maconnc.org
Subject: [External] Re: Commissioner's Meeting and JCPC Business

CAUTION: External email. Do not click links or open attachments unless you verify. Send all suspicious email as an attachment to report.spam@nc.gov

Good to hear from you and that you are doing well. I have sent your request to Derek Roland, county manager, and Mike Decker, who makes out the agenda for our meeting that is still planned for May12. The meeting has limitations and Mr. Roland will advise you on how to proceed.

Sent from my iPad

On May 5, 2020, at 11:15 AM, Williams, Lorraine <lorraine.williams@ncdps.gov> wrote:

Good Morning, Mr. Shields:

I hope you are well and are enjoying the beautiful spring weather.

We met briefly at the Macon JCPC Meeting a few months ago. I appreciated hearing your insights into the needs of youth in the county and the need for mental health and support services at the schools. Thank you for sharing your perspective.

In these trying times of conducting business in new and unusual ways, the JCPCs are still working to move forward with their annual processes. The allocations committee met back on April 8th followed by the regular JCPC Meeting. Currently, Pat is completing the paperwork for the JCPC Certification and County Plan for Macon JCPC. I see the Commissioners were scheduled to meet on May 12, 2020 at 6 PM. I wanted to check in with you and see if the meeting is still scheduled and if Pat would be able to send the JCPC Certification and County Plan over for the meeting, if it is still taking place? She will reach out to Lindsey, as JCPC Chair, to get her signatures first, of course.

Please let me know if you think this would work for May's agenda if it is still taking place.

Sincerely,
Lorraine

Lorraine Williams, Transitional Consultant, Community Programs Western Area Office
NC Department of Public Safety, Division of Adult Corrections and Juvenile Justice
2090 US Highway 70, Swannanoa, NC 28778
Phone: 828-296-4747 Ext. 4661
Cell: 828-331-8012
Fax: 828-296-4750
Email: lorraine.williams@ncdps.gov

Email correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized state official.

Macon County

NC DPS - Community Programs - County Funding Plan

Available Funds: \$ 113,126 Local Match: \$ 31,416 Rate: 30%

DPS JCPC funds must be committed with a Program Agreement submitted in NC Allies and electronically signed by authorized officials.

#	Program Provider	DPS-JCPC Funding	LOCAL FUNDING			OTHER	OTHER	Total	% Non-DPS-JCPC Program Revenues
			County Cash Match	Local Cash Match	Local In-Kind	State/Federal	Funds		
1	JCPC Administration	\$2,275						\$2,275	
2	Pacesetters	\$11,309	\$3,393					\$14,702	23%
3	HIGHTS-Inside Out / CORE	\$43,351	\$13,005		\$7,476			\$63,832	32%
4	Mountain Mediation Services-Restorative Options	\$23,362	\$7,009		\$533			\$30,904	24%
5									
6									
7									
8									
9									
10									
11									
12									
13									
14									
15									
16									
17									
18									
TOTALS:		\$80,297	\$23,407		\$8,009			\$111,713	28%

The above plan was derived through a planning process by the Macon County
 Juvenile Crime Prevention Council and represents the County's Plan for use of these funds in FY 2020-21

Amount of Unallocated Funds \$32,829

Amount of funds reverted back to DPS _____

Discretionary Funds added _____

 Chairperson, Juvenile Crime Prevention Council (Date)

check type initial plan update final

 Chairperson, Board of County Commissioners (Date)
 or County Finance Officer

-----DPS Use Only-----	
Reviewed by _____ Area Consultant	_____ Date
Reviewed by _____ Program Assistant	_____ Date
Verified by _____ Designated State Office Staff	_____ Date

Macon County NC DPS - Community Programs - County Funding Plan

Available JCPC Funds: \$ 89,324
 Raise the Age Expansion Funds: \$ 16,852

Local Match: \$ 31,723 Rate: 30%

DPS JCPC funds must be committed with a Program Agreement submitted in NC Allies and electronically signed by authorized officials.

#	Program Provider	New 19-20 Total DPS Funds	Original 19-20 DPS Funds	DPS-RtA Expansion/ Discretionary Funding	LOCAL FUNDING			OTHER	OTHER	Total
					County Cash Match	Other Local Cash Match	Local In-Kind	State/ Federal	Funds	
1	JCPC Administration	\$2,275	\$2,275							\$2,275
2	Barium Springs Hawthorn Heights	\$32,829	\$32,829		\$9,849					\$42,678
3	Project Challenge	\$27,590	\$27,590		\$8,277					\$35,867
4	Pacesetters Adventure	\$11,309	\$11,309		\$3,393					\$14,702
5	HIGHTS-Compass Program	\$18,121	\$15,321	\$2,800	\$4,596		\$5,075			\$27,792
6	Mountain Mediation Services-Restorative Options	\$16,852		\$16,852			\$533			\$17,385
7										
8										
9										
10										
11										
12										
13										
14										
15										
16										
17										
18										
TOTALS:		\$108,976	\$89,324	\$19,652	\$26,115		\$5,608			\$140,699

The above plan was derived through a planning process by the _____ Macon County
 Juvenile Crime Prevention Council and represents the County's Plan for use of these funds in FY 19-20

Amount of Unallocated JCPC Funds _____
 Amount of Unallocated RtA Expansion Funds -\$2,800
 Amount of funds reverted back to DPS _____
 Discretionary Funds added \$2,800

Check type: Initial plan Update Final

 Chairperson, Juvenile Crime Prevention Council (Date)

 Chairperson, Board of County Commissioners (Date)
 or County Finance Officer

---DPS Use Only---	
Reviewed by _____ Area Consultant	_____ Date
Reviewed by _____ Program Assistant	_____ Date
Verified by _____ Designated State Office Staff	_____ Date

MACON COUNTY BOARD OF COMMISSIONERS

AGENDA ITEM

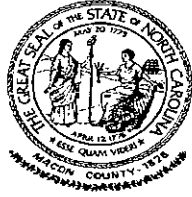
CATEGORY – OLD BUSINESS

MEETING DATE: May 12, 2020

10A. Please see the attached memorandum from Tax Administrator Abby Braswell regarding the recommended vendor for the department's automated Computer Assisted Mass Appraisal solution. The scoring sheet used by the review committee is also attached, and Mrs. Braswell can provide additional detail at the meeting.

10B. There is another memorandum, a copy of which is attached, from Mrs. Braswell, this one seeking board approval of two cases that have been settled following appeals to the Property Tax Commission, one in the amount of \$94.54 and the other for \$82.50. She can also provide additional information at the meeting if needed. Per Mrs. Braswell, with board approval, these cases can be closed.

10C. Mr. Roland will provide the board with an update on the transfer of the former National Guard Armory property to Southwestern Community College.



**MACON COUNTY TAX OFFICE
5 WEST MAIN STREET
FRANKLIN, NC 28734**

MEMORANDUM

To: Macon County Board of Commissioners
From: Abby Braswell
cc: Derek Roland, County Manager
Date: May 5, 2020
Re: Software RFP update and Recommendation of Software

The Macon County Tax office solicited an Request for Proposal(RFP) process for the purchase of a complete State of the Art automated Computer Assisted Mass Appraisal solution along with tax office suite of software including tax assessment, tax collections and land record software.

March 31, 2020 was the closing date for the RFP application process, with four proposals being submitted. These proposals were from BIS, Bi-Tek, DevNet and Tyler.

An appointed selection committee comprised of the tax administrator, the collections supervisor, the business personal property appraiser, the revaluation contract employee and the IT Director reviewed the submitted RFP's . This selection committee made their selection based on six factors . These factors are as follows- 1. Design and implementation plan, 2.Support 3.Experience 4.References 5.Company history, stability and financial resources, 6.Price. Committee member's scored each vendor based on all of the factors, awarding points for each relevant element. The vendor with the highest ranking score would be the choice for the Committee. After extensive research and consideration and based on the scoring factors the selection committee unanimously awarded the highest number of points to Bi-Tek. The selection committee feels the scoring was fair and that Bi-Tek's overall review indicates that this is the software that is the most efficient for use in all aspects of the taxation process, and which would provide the Macon County Tax Office staff with the best product.

Based on the scoring factors and research by the Committee regarding the RFP's, it is recommended that the Board of Commissioners consider approving the selection and award of the contract go to Bi-Tek for their proposed Macon County Tax Office Suite of Software.

Attached is a tabulation of the vendors and scores for each. If you have questions regarding this process, please let me know.

Your consideration of this request is greatly appreciated.

MACON COUNTY TAX OFFICE SUITE OF SOFTWARE

RFP- #01-4140p

Review Committee

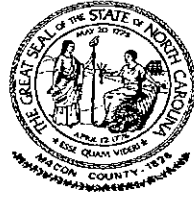
1. Kevin Ford, Contract Revaluation Specialist
2. Abby Braswell, Tax Office Administrator
3. Teresa McDowell, Tax Collection Supervisor
4. Delena Raby, Business/ Personal property Appraiser
5. Andy Muncey, IT Director

BIS	BI-TEK	DEV-NET	TYLER
63	88	64	54
74	94	75	69
93	95	72	84
68	88	50	40
66	76	60	69

Averages	72.8	88.2	64.2	63.2
RANK	2	1	3	4

Selection Criteria

1. Price: All inclusive costs detailed. 10 possible points.
2. Company history, stability, and financial resources. 10 possible points
3. References. References with similar implementation in the state of NC or nearby installations. 10 possible points.
4. Design & Implementation Plan: Quality of system design, Responses to scope of services and technical requirements, hardware specs and implementation plan. 30 possible points
5. Experience: company experience and expertise in installing CAMA System software. 15 possible points
6. Availability and degree of software support during and after installation. 25 possible points.



**MACON COUNTY TAX OFFICE
5 WEST MAIN STREET
FRANKLIN, NC 28734**

MEMORANDUM

TO: Mike Decker
FROM: Abby Braswell
cc: Macon County Board of Commissioners
Date: May 4, 2020
Re: Refund By Property Tax Commission

Two cases have been settled that were in appeal to the Property Tax Commission. There are two refunds that will need approval from the Board of Commissioners in order to be issued to the taxpayers.

Vincent Doran's refund of \$94.54
Chestnut Ridge's refund of \$ 82.50

With the approval from the Board of Commissioners these two cases will be settled and closed. Thank you for your consideration of this needed approval.

MACON COUNTY BOARD OF COMMISSIONERS

AGENDA ITEM

CATEGORY – NEW BUSINESS

MEETING DATE: May 12, 2020

11A. Emergency Management Director Warren Cabe is seeking discussion concerning the Unmet Needs Committee, which has been established as a working group through the Emergency Operations Center (EOC) process for COVID-19 and severe weather responses, utilizing unused Hurricane Ivan Recovery Funds to assist in recovery efforts for the Easter weekend severe weather that affected our area. Current funds were donated from a variety of sources in 2005-2006 for Hurricane Ivan recovery and the remainder were held to cover any remaining expenses when the recovery program ended after the ten (10) year limits were met on property requirements. The total amount available is \$34,153.65. A proposed application and funding criteria is attached. Applications will be processed and approved by the Unmet Needs Committee. A list of members is attached.

11B. Planning, Permitting and Development Director Jack Morgan is seeking authority from the board to release a security deposit to CCJS, LLC (Chris Cook) in the amount of \$7,875 stemming from the completion of pavement on an access road within the Bear Pen Cove Subdivision.

11C. Jennifer Moore with Nantahala Volunteer Fire and Rescue, Inc. has made the agency's annual request for a fireworks display permit. The event is planned for Saturday, June 27, 2020 with a "rain" date of Friday, July 3, 2020. A copy of the application is attached, and the insurance certificate will be forthcoming.

11D. Mr. Jones is requesting approval of a revised letter from the county to Mainspring Conservation Trust, Inc., extending temporary permission for the use of county property to construct a road that will be used in

conjunction with a stream bank restoration program on adjoining land owned by Mainspring. The revised letter, a copy of which is attached, extends the county's permission until November 1, 2020, and his request would include the board authorizing Mr. Roland to sign and send the letter.

11E. Mr. Jones is also requesting approval of a revised contract for the county to purchase property from the Reed Estate, located off of Buck Creek Road in Highlands. The board approved the contract at its March 10, 2020 meeting, but Mr. Jones said the Reed Estate was never presented with a signed contract, and a new one is needed due to various dates for things to take place under the terms of the contract. A copy of the revised agreement is attached, and Mr. Jones can provide additional details at the meeting.

11F. Mr. Roland will provide information regarding the closure of the underground storage tanks at the Macon County School Bus Garage at the meeting.

11G. Please see the attached memo from Transit Director Kim Angel regarding her intent to apply on behalf of the county for CARES Act funds through the North Carolina Department of Transportation (NCDOT). There is no resolution or public hearing requirement to apply for the funds, but she is seeking board approval to submit the grant application, which is due May 15th.

11H. If this particular item has not been addressed earlier in the meeting, time on the agenda has been allotted for the scheduling of dates and times for budget work sessions for the board, with the assumption that this meeting will be recessed until the first budget work session.

Macon County Severe Weather Relief Fund Application

I. IDENTIFYING INFORMATION

Applicant: _____ Date of Birth: _____ Date: _____

Verification of Identity: NC Driver's License
 NC State Income Tax Return Social Security# _____

Permanent Address: _____

Temporary Address: _____

Driving Directions to permanent address if not a street address: _____

Sub. Div./Mobile Home Park: _____
Home Telephone#: _____
Work Telephone#: _____
Alt. Telephone#: _____

Members of Household (Those living together on 4/12/2020):

NAME:	Age:	Date of Birth:	Relationship:	Income:
1.				
2.				
3.				
4.				
5.				
6.				

II. IMPACT OF STORM ON APPLICANT/HOUSEHOLD:

Request/impact of disaster on household. Describe fully the damage to your home and those needs that have not yet been met through other resources:

Check one that most closely describes the damage sustained by your household as a result of the storm:

A. Home/Household Goods (owned by applicant):

- 1. **No** flooding or physical damage to home from 04/12/2020 Storm.
- 2. Home flooded or affected by other storm related storm damage. Damage sustained, but family has been able to remain in or return to home. **Less** than 50% of belongings were lost.
- 3. Home flooded or affected by other storm related storm damage. Damage sustained, but family has been able to remain in or return home. **More** than 50% of belongings were lost.
- 4. Home flooded or affected by other storm related storm damage. Damage sustained, but family expected to have structure repaired and return to home. Family **lost most** belongings and household is **displaced** at this time.
- 5. Home flooded or affected by other storm related storm damage and considered a **total loss**. Family lost most belongings and household is displaced at this time.

B. Home/Household Goods (Rental):

- 1. No flooding or physical damage to home from storm.
- 2. Home flooded or affected by other storm related storm damage. Damage sustained, but family has been able to remain in or return to the rental unit. **Less** than 50% of belongings were lost.
- 3. Home sustained some flooding or affected by other storm related storm damage. Family has been able to remain in or return to the rental unit **More** than 50% of belongings were lost.
- 4. Home flooded or affected by other storm related storm damage. Family **lost most** belongings. Has **found another rental unit**.
- 5. Home flooded or affected by other storm related storm damage. Family lost most belongings and was displaced. Are in temporary quarters (with family, friends, or in a motel, etc.)

Check all assistance received from other sources:

- Food Stamp Replacement
- Red Cross Vouchers
- Employer Assistance Fund
- Care Net
- Other _____

III. CERTIFICATION OF INFORMATION:

- A. Civil Rights: No person shall, on the grounds of race, color national origin, age, sex, disability, handicap, political beliefs, or religion, be excluded from participation in, be denied the benefits or be otherwise subjected to discrimination under this program.
- B. I certify that damages were incurred on the dates of 4/12/2020 through 4/13/2020 as a result of severe weather in Macon County. The Information I stated above is true and accurate to the best of my beliefs. My losses are not covered by insurance and I have been unable to get assistance from other sources to meet my needs. No other person in my household has applied for assistance from Macon County Relief Fund and I have not received assistance previously from this source. I give the Department of Social Services permission to verify the level of devastation to my home and I understand that it is unlawful for me to make false statements and that I am subject to prosecution if I do.

Signed: _____

IV. DECISION/AUTHORIZATION OF APPLICATION

Disposition: Approved for Consideration Denied (if denied, check below)

Reason for Denial:

- Household sustained no damage or loss due to Storm.
 - Household sustained no damage or loss due to Storm that has not been addressed by other relief assistance efforts.
 - Household was a permanent resident of another county at the time of Storm.
 - Other:
-

Items/Amounts Approved of Consideration:

Category of Assistance	Amount	Vendor/Address
<u>Home Repairs</u>		
Relief Funds		
<u>Rent/Mortgage Assistance</u>		
Relief Funds		
Total Assistance:		

Supervisor's Signature: _____ Assistance#: _____

Please indicate the items listed below that affected you. If you mark any of the items listed, please explain.

Address of property/home that received the damage

Lost Power, resulting in loss of food. Estimated value: _____
(Refrigerator or Freezer contents or both)

Furniture had/have to be replaced.
(IE, Couch, Chair(s), Mattresses, Bedframe(s), Chest of Drawers, End tables, etc.)

Has it been replaced? If not, what remains to be replaced?

Major appliances had/ have to be replaced.
(IE, Washer, Dryer, Stove, Refrigerator, Microwave)

Has it been replaced? If not, what remains to be replaced?

Household appliances had/have to be replaced.
(IE, Toaster, TV, Satellite, Coffee Pot, Clock(s), VCR/DVD player, Stereo, Lamps, etc.)

Has it been replaced? If not, what remains to be replaced?

Clothing or Linen ruined, had/ have to be replaced. Please explain.

Has it been replaced? If not, what remains to be replaced?

Flooding of basement, if so how much? _____

Property Damage, if so please explain: (IE, Bank erosion, Retaining wall, etc.)

Has it been repaired? If not, what remains to be repaired?

Road/Bridge Damage, if so, please explain:

Has it been repaired? If not, what remains to be repaired?

Structure Damage to Home. If so, explain. Please Circle: **OWNER** or **RENTER**

Has it been repaired? If not, what remains to be repaired?

Damage to other structures on your property. If so, explain.

Has it been repaired? If not, what remains to be repaired?

Water Source Damage (Spring contaminated, Well needed to be repaired/replaced). If so, explain.

Has it been repaired? If not, what remains to be repaired?

Did you have to leave your home? IF so, for how long? _____

Other: Please explain anything not previously mentioned.

Was this your primary residence? **YES/NO** -or- Business? **YES/ NO**

Insurance: Did you receive assistance from insurance sources?

Insurance: Claim Denied? YES/NO Claim Paid: \$ _____

Did you receive any assistance from the following:

<input type="checkbox"/> Red Cross	<input type="checkbox"/> Salvation Army
<input type="checkbox"/> Macon Baptist Association	<input type="checkbox"/> Church Group (repairs)
<input type="checkbox"/> CareNet	<input type="checkbox"/> Other: _____

NAME: _____

Thank you for your time.

Severe Weather Recovery Funding

1. Total assistance cannot exceed \$1500 per household.
2. Primary residences will receive priority over secondary residences.
3. Priority will be for recovery expenses ineligible for insurance coverage or not covered by any other recovery programs.
4. Damages must have occurred during the period of April 11, 2020-April 13, 2020.

Priorities for Funding:

1. Emergency home repairs to primary residences currently unable to be occupied due to storm damage.
2. Rental assistance/mortgage assistance: Available for one time only and only for primary residences currently unable to be occupied due to storm damage. Payment will be made to the landlord or mortgage lender. Payment will be for the actual amount of one(1) month's rent/mortgage, not to exceed \$600.
3. Emergency access repairs-primary residences: Repairs to access roadways to primary residences including repairs to roads, bridges, or culverts. Priority will be for primary residences that are isolated due to damage.
4. Emergency home repairs to primary residences currently able to be occupied but were affected by storm damage.
5. Emergency home repairs to secondary residences currently unable to be occupied due to storm damage.
6. Emergency access repairs-secondary residences: Repairs to access roadways to secondary residences including repairs to roads, bridges, or culverts. Priority will be for residences that are isolated due to damage.

ORGANIZATION ASSIGNMENT LIST (ICS 203)

1. Incident Name: COVID-19 Pandemic/Severe Weather		2. Operational Period: Date From: 5/05/2020 Date To: 5/12/2020 Time From: 0800 Time To: 0800	
3. Incident Commander(s) and Command Staff:		7. Operations Section:	
IC/UCs	Cabe	Chief	
	McGaha	Deputy	
Deputy		Staging Area	
Safety Officer		Branch	
Public Info. Officer	Ritter/Hollifield	Branch Director	
Liaison Officer		Deputy	
4. Agency/Organization Representatives:		Division/Group	
Agency/Organization	Name	Division/Group	
Unmet Needs	P Betancourt / C Makinson-DSS	Division/Group	
	T Hogsed-CareNet	Division/Group	
	C Bredenkamp-Coop Ext	Division/Group	
	M Mathis-TOH	Branch	
	J Horton-TOF	Branch Director	
	T Jenkins-EDC	Deputy	
5. Planning Section:		Division/Group	
Chief		Division/Group	
Deputy		Division/Group	
Resources Unit		Division/Group	
Situation Unit		Division/Group	
Documentation Unit		Branch	
Demobilization Unit		Branch Director	
Technical Specialists		Deputy	
		Division/Group	
		Division/Group	
		Division/Group	
6. Logistics Section:		Division/Group	
Chief		Division/Group	
Deputy		Air Operations Branch	
Support Branch		Air Ops Branch Dir.	
Director			
Supply Unit			
Facilities Unit		8. Finance/Administration Section:	
Ground Support Unit		Chief	
Service Branch		Deputy	
Director		Time Unit	
Communications Unit		Procurement Unit	
Medical Unit		Comp/Claims Unit	
Food Unit		Cost Unit	
9. Prepared by: Name: Warren Cabe Position/Title: EM Signature: _____			
ICS 203	IAP Page _____	Date/Time: _____	

ICS 203

Organization Assignment List

Purpose. The Organization Assignment List (ICS 203) provides ICS personnel with information on the units that are currently activated and the names of personnel staffing each position/unit. It is used to complete the Incident Organization Chart (ICS 207) which is posted on the Incident Command Post display. An actual organization will be incident or event-specific. **Not all positions need to be filled.** Some blocks may contain more than one name. The size of the organization is dependent on the magnitude of the incident, and can be expanded or contracted as necessary.

Preparation. The Resources Unit prepares and maintains this list under the direction of the Planning Section Chief. Complete only the blocks for the positions that are being used for the incident. If a trainee is assigned to a position, indicate this with a "T" in parentheses behind the name (e.g., "A. Smith (T)").

Distribution. The ICS 203 is duplicated and attached to the Incident Objectives (ICS 202) and given to all recipients as part of the Incident Action Plan (IAP). All completed original forms must be given to the Documentation Unit.

Notes:

- The ICS 203 serves as part of the IAP.
- If needed, more than one name can be put in each block by inserting a slash.
- If additional pages are needed, use a blank ICS 203 and repaginate as needed.
- ICS allows for organizational flexibility, so the Intelligence/Investigations Function can be embedded in several different places within the organizational structure.

Block Number	Block Title	Instructions
1	Incident Name	Enter the name assigned to the incident.
2	Operational Period <ul style="list-style-type: none">• Date and Time From• Date and Time To	Enter the start date (month/day/year) and time (using the 24-hour clock) and end date and time for the operational period to which the form applies.
3	Incident Commander(s) and Command Staff <ul style="list-style-type: none">• IC/UCs• Deputy• Safety Officer• Public Information Officer• Liaison Officer	Enter the names of the Incident Commander(s) and Command Staff. Label Assistants to Command Staff as such (for example, "Assistant Safety Officer"). For all individuals, use at least the first initial and last name. For Unified Command, also include agency names.
4	Agency/Organization Representatives <ul style="list-style-type: none">• Agency/Organization• Name	Enter the agency/organization names and the names of their representatives. For all individuals, use at least the first initial and last name.
5	Planning Section <ul style="list-style-type: none">• Chief• Deputy• Resources Unit• Situation Unit• Documentation Unit• Demobilization Unit• Technical Specialists	Enter the name of the Planning Section Chief, Deputy, and Unit Leaders after each position title. List Technical Specialists with an indication of specialty. If there is a shift change during the specified operational period, list both names, separated by a slash. For all individuals, use at least the first initial and last name.

Block Number	Block Title	Instructions
6	Logistics Section <ul style="list-style-type: none"> • Chief • Deputy Support Branch <ul style="list-style-type: none"> • Director • Supply Unit • Facilities Unit • Ground Support Unit Service Branch <ul style="list-style-type: none"> • Director • Communications Unit • Medical Unit • Food Unit 	<p>Enter the name of the Logistics Section Chief, Deputy, Branch Directors, and Unit Leaders after each position title.</p> <p>If there is a shift change during the specified operational period, list both names, separated by a slash.</p> <p>For all individuals, use at least the first initial and last name.</p>
7	Operations Section <ul style="list-style-type: none"> • Chief • Deputy • Staging Area Branch <ul style="list-style-type: none"> • Branch Director • Deputy • Division/Group Air Operations Branch <ul style="list-style-type: none"> • Air Operations Branch Director 	<p>Enter the name of the Operations Section Chief, Deputy, Branch Director(s), Deputies, and personnel staffing each of the listed positions. For Divisions/Groups, enter the Division/Group identifier in the left column and the individual's name in the right column.</p> <p>Branches and Divisions/Groups may be named for functionality or by geography. For Divisions/Groups, indicate Division/Group Supervisor. Use an additional page if more than three Branches are activated.</p> <p>If there is a shift change during the specified operational period, list both names, separated by a slash.</p> <p>For all individuals, use at least the first initial and last name.</p>
8	Finance/Administration Section <ul style="list-style-type: none"> • Chief • Deputy • Time Unit • Procurement Unit • Compensation/Claims Unit • Cost Unit 	<p>Enter the name of the Finance/Administration Section Chief, Deputy, and Unit Leaders after each position title.</p> <p>If there is a shift change during the specified operational period, list both names, separated by a slash.</p> <p>For all individuals, use at least the first initial and last name.</p>
9	Prepared by <ul style="list-style-type: none"> • Name • Position/Title • Signature • Date/Time 	<p>Enter the name, ICS position, and signature of the person preparing the form. Enter date (month/day/year) and time prepared (24-hour clock).</p>

CCJS, LLC

290 Stonecreek Drive

Franklin, NC 28734

(828) 371-1768

April 24, 2020

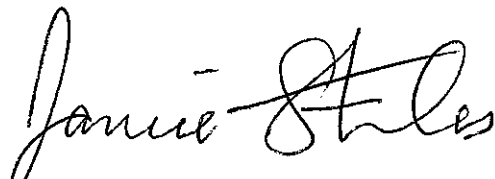
Jack Morgan,

Mr. Morgan on October 4, 2019 CCJS, LLC deposited a Security Guarantee in the amount \$7,875 with Macon County. This Security Guarantee was to be held by Macon County until such time as the portion Bear Pen Cove Rd, which exceeded the allowable grade for gravel roads, was paved.

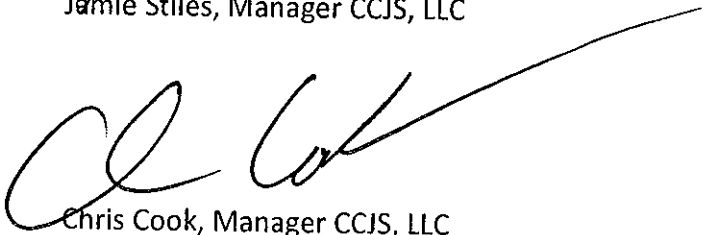
CCJS, LLC has completed the paving on Bear Pen Cove Rd, as required by the Bear Pen Cove Subdivision approval letter from Macon County Planning, Permitting and Development dated September 25, 2019.

As such CCJS, LLC is requesting that upon your recommendation The Macon County Board of Commissioners release the full amount of the Security Guarantee.

Thank You,



Jamie Stiles, Manager CCJS, LLC



Chris Cook, Manager CCJS, LLC

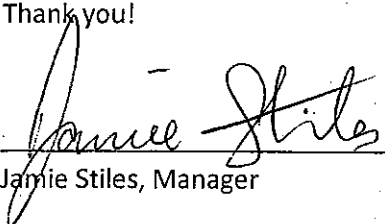
Macon County
Planning, Permitting, and Development
1834 Lakeside Drive
Franklin NC 28734

To whom it may concern:

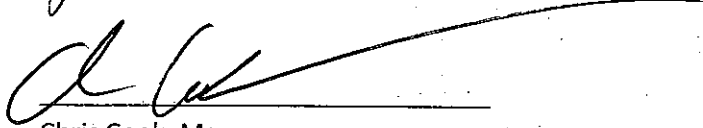
We have completed the required paving in the Bear Pen Cove subdivision. In addition, the cost has been paid in full.

As such, we request that the deposit for surety be released back to us.

Thank you!



Jamie Stiles, Manager



Chris Cook, Manager

MISCELLANEOUS PAYMENT RECPT#: 152773
MACON COUNTY
5 WEST MAIN STREET
FRANKLIN NC 28734

DATE: 10/04/19 TIME: 08:38
CLERK: twiggins DEPT: REGS/CODES
CUSTOMER#: 0

COMMENT:

CHG: SBONDS SURETY BONDS 7875.00

AMOUNT PAID: 7875.00

PAID BY: CHRIS COOK
PAYMENT METH: CHECK
REFERENCE: 200

AMT TENDERED: 7875.00
AMT APPLIED: 7875.00
CHANGE: .00

CCJS, LLC
290 STONECREEK DR
FRANKLIN, NC 28734

200

10-4-19

DATE

06-1254/531

CHECK ARMOR

Pay to the order of *Maura Court*
Seven Thousand eight hundred and 00/100

\$ 7875.00

DATE

0

VOID
IF COPIED

Nantahala

BANK & TRUST COMPANY
WWW.NANTAHALABANK.COM
NANTAHALA, NC

Pay to the order of *Penny*

[Signature]

⑆053112547⑆ 100718951 0200

STATE OF NORTH
CAROLINA COUNTY OF
MACON

**APPLICATION FOR PERMIT TO EXHIBIT, USE AND/OR
DISCHARGE PYROTECHNICS FOR CONCERT OR PUBLIC
EXHIBITION**

1. Display Operator/Applicant's full name and address: **William R. Bateman 191 Anderson Road, Andrews, NC 28901**

2. Has the Display Operator/Applicant been issued a display operator license under N.C. Gen.Stat. § 58-82A-3 and does the same remain in effect? **Yes**. Attach copy.

3. Place of proposed public exhibition: **Island on Nantahala Lake**

4. Will the exhibition be indoor? **No** If so, additional rules apply.

5. Will the proposed exhibition be in connection with concerts or public exhibitions, such as fairs, carnivals, shows of all descriptions and/or public celebrations? **No** . If so, which: 6. Will the proposed exhibition be used for any other purpose? **No** . If so, what? ____ .

7. Does the Display Operator/Applicant have insurance in the amount of at least five hundred thousand dollars (\$500,000) or the minimum amount required by the North Carolina Building Code pursuant to N.C. Gen. Stat. § 143-138(e), whichever is greater? **Yes** Attach full copy of the same.

8. The names of all Individual(s) who are to exhibit, use, handle or discharge pyrotechnics in connection with the concert or public exhibit: **William Bateman, Gary Frazier, Rick Trammel, Paul Earwood**

9. Have all persons identified in #8 above completed training and licensing required under Article 82A of Chapter 58 of the North Carolina General Statutes? **Yes**.

10. Will the display operator or proximate audience display operator, as required under Article 82A of Chapter 58 of the North Carolina General Statutes, be present at the concert or public exhibition? **Yes**.

11. Will the display operator or proximate audience display operator, as required under Article 82A of Chapter 58 of the North Carolina General Statutes, personally direct all aspects of

exhibiting, using, handling, or discharging the pyrotechnics? **Yes.**

12. Does Display Operator/Applicant have all necessary permissions from the property owner of the lands where the display will take place? **Yes**

I certify under penalty of perjury that the responses to the above are truthful all respects.

This the 5th day of May, 2020.

A handwritten signature in cursive script, reading "William R. Pateu", written in black ink.

Display Operator/Applicant

Holder's Full Name: William Ray Bateman
Business Name: Zambelli Fireworks
Government ID By: North Carolina
Government ID Type: Driver License
ID Number: *****7110



License Number: 1583
License Type: 1.3G Pyrotechnic
License Level: Operator
License Status: Valid
Expiration Date: 06/04/2022

May 12, 2020

Mainspring Conservation Trust, Inc.
Attention: Dennis Desmond
P.O. Box 1148
Franklin, NC 28744

Re: Temporary permission for nonexclusive use of a portion of Macon County property for the construction of a road and use of the same in connection with the Mainspring stream bank restoration program upon Mainspring's adjoining lands.

Dear Dennis:

As the Macon County Manager, I have been authorized by the Macon County Board of Commissioners to and I do hereby provide permission from Macon County to Mainspring Conservation Trust, Inc, a North Carolina, Non-Profit Corporation, for temporary and nonexclusive use a 30' wide strip of land located upon Macon County's land in Franklin Township, Macon County, North Carolina, described below, for the purpose of constructing a road and using the same in connection with the Mainspring Conservation Trust, Inc., stream bank restoration program to be conducted upon Mainspring Conservation Trust, Inc.'s adjoining land in accordance with the terms and conditions set forth below, and said strip of land is more particularly described as those lands colored in "yellow" on the unrecorded plat attached hereto as Exhibit A, which is incorporated herein by reference.

The terms and conditions of this temporary and non-exclusive use are as follows:

1. Mainspring Land Conservation Trust, Inc., shall at its sole expense and no expense unto Macon County, build a road for its purpose of using the same in connection with the Mainspring Conservation Trust, Inc., stream bank restoration program to be conducted upon Mainspring Conservation Trust, Inc.'s land which is adjacent to that of Macon County on a 30' wide strip of land owned by Macon County which is more particularly described as those lands colored in "yellow" on the unrecorded plat attached hereto as Exhibit A, which is incorporated herein by reference. Mainspring Conservation Trust, Inc., shall at its sole expense and at no expense unto Macon County, cause there to be installed a gate across said road to be constructed on the lands of Macon County at that point on Macon County lands closest to Siler Road. Mainspring Conservation Trust, Inc., shall cause the same to be locked at all times so as to prevent access except when it, its employees, contractors and/or agents are using the same in accordance with the terms and conditions of this temporary permission. Mainspring Conservation Trust, Inc., shall provide the Macon County Manager with a key to such locked gate. At the end of the term of this permission said lock and gate shall be the sole property of Macon County;
2. Mainspring Land Conservation Trust, Inc., shall design, construct and maintain said road during the term of this permission as per "A Guide for Forest Access Road Construction and

Maintenance in the Southern Appalachian Mountains” a copy of said best practices manual can be had at <https://ncforestservice.gov/publications/wq0214.pdf> , which is incorporated herein by reference;

3. Mainspring Land Conservation Trust, Inc., may temporarily use (non-exclusively) during the term of this permission said 30' wide strip of land of Macon County to construct and maintain such road;
4. The permission provided Mainspring Conservation Trust, Inc., herein is not an easement, right of way or any other interest in real property. It is only temporary permission for non-exclusive use for and during the term of this permission and in accordance with the terms and conditions of this permission;
5. Mainspring Conservation Trust, Inc., shall cause all construction and maintenance of such road to be done by in a good and workmanlike manner by duly licensed contractors who shall have appropriate liability insurance;
6. Mainspring Conservation Trust, Inc., shall at all time during the term of this permission carry liability insurance with limits in the amount of at least \$1,000,000.00 which will insure against liability for arising out of its construction, maintenance and use of Macon County's lands as aforesaid as well as the use of its employees, contractors and agents. Further, Mainspring Conservation Trust, Inc., shall cause Macon County to be named as an additional insured on such liability policy and shall cause notice of the same to be provided to the Macon County Manager;
7. Mainspring Conservation Trust, Inc., shall indemnify and hold Macon County harmless for any and all liability incurred by Macon County, including attorneys fees, as a result of any activities or omissions of Mainspring Conservation Trust, Inc., its employees, contractors or agents, upon the lands of Macon County during the term of this permission;
8. The term of the permission provided to Mainspring Conservation Trust, Inc., hereunder shall be from the date of this letter until November 1, 2020, and no longer;
9. Mainspring Conservation Trust, Inc., shall comply with the e-verification requirements of Article 2 of Chapter 64 of the General Statutes. Further, if it utilizes a subcontractor, such party shall require the subcontractor to comply with the e-verification requirements of Article 2 of Chapter 64 of the General Statutes;

Mainspring Conservation Trust, Inc.
Attention: Dennis Desmond
May 12, 2019
Page Three

10. Mainspring Conservation Trust, Inc., shall cause this letter to be signed in the place indicated below by a duly authorized representative thereby acknowledging its agreement to all of the terms and conditions of this permission contained herein;
11. Mainspring Conservation Trust, Inc., shall comply with all laws of the State of North Carolina and all ordinances of Macon County in conducting the work specified herein; and
12. Mainspring Conservation Trust, Inc., shall be responsible for the cost of all permits necessary for the work specified herein.

Sincerely,

Derek Roland
Macon County Manager

Mainspring Conservation Trust, Inc., does hereby agree to all of the foregoing terms and conditions of the foregoing permission.

This the ____ day of May, 2020.

Mainspring Conservation Trust, Inc., a North
Carolina Nonprofit Corporation

By: _____
President

AGREEMENT FOR PURCHASE AND SALE OF REAL PROPERTY

CERTIFICATE OF FINANCE OFFICER:

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

This the _____ day of _____, 2020.

Macon County Finance Officer

THIS AGREEMENT, including any and all addenda attached hereto ("Agreement"), is by and between Macon County, a North Carolina County and Body Politic ("Buyer"), and the Estate of Ernestine Z. Reed, c/o Joseph M. Collins, Collins & Hensley, P.A., 217 Iotla Street, Franklin, NC 28734("Seller").

FOR AND IN CONSIDERATION OF THE MUTUAL PROMISES SET FORTH HEREIN AND OTHER GOOD AND VALUABLE CONSIDERATION, THE RECEIPT AND SUFFICIENCY OF WHICH ARE HEREBY ACKNOWLEDGED, THE PARTIES HERETO AGREE AS FOLLOWS:

Section 1. Terms and Definitions: The terms listed below shall have the respective meaning given them as set forth adjacent to each term.

(a) "**Property**": (Address): 11099 Buck Creek Road, Highlands, North Carolina. Being all of the same lands, privileges, easements and appurtenances described in the Deed dated September 22, 1962, from Lyman Zachary and wife, Dora Zachary to Eldon W. Reed and wife, Ernestine Z Reed, recorded in Book W-6, at Page 262, in the Office of the Register of Deeds for Macon County, North Carolina.

If this box is checked, "Property" shall mean that property described on **Exhibit A** attached hereto and incorporated herewith by reference,

(For information purposes: (i) the tax parcel number of the Property is 7541624852; and, (ii) all of the Property, consisting of is described in Deed Book W-6, at, Page No.: 262, Macon County, North Carolina.)

together with all buildings and improvements thereon including the Mobile Home presently situated upon the same and all fixtures and appurtenances thereto.

\$60,000.00 (b) "**Purchase Price**" shall mean the sum of Sixty Thousand Dollars, *payable on the following terms:*

\$ 500.00 (i) "**Earnest Money**" shall mean Five Hundred Dollars or terms as follows: N/A

Upon this Agreement becoming a Contract in accordance with Section 14, the Earnest Money shall be promptly deposited in Escrow with the Trust Account of Collins and Hensley, P.A., to be applied as part of the purchase of the Property at Closing, or disbursed as agreed upon under the provisions of Section 10 herein.

ANY EARNEST MONEY DEPOSITED BY BUYER IN A TRUST ACCOUNT MAY BE PLACED IN AN INTEREST BEARING TRUST ACCOUNT, AND: *(check only ONE box)*

ANY INTEREST EARNED THEREON SHALL BE APPLIED AS PART PAYMENT OF THE PURCHASE PRICE OF THE PROPERTY AT CLOSING, OR DISBURSED AS AGREED UPON UNDER THE PROVISIONS OF SECTION 10 HEREIN. (Buyer's Taxpayer Identification Number is N/A)

ANY INTEREST EARNED THEREON SHALL BELONG TO THE ACCOUNT HOLDER IN CONSIDERATION OF THE EXPENSES INCURRED BY MAINTAINING SUCH ACCOUNT AND RECORDS ASSOCIATED THEREWITH.

\$ N/A

(ii) **Proceeds of a new loan** in the amount of N/A Dollars for a term of N/A years, with an amortization period not to exceed N/A years, at an interest rate not to exceed N/A% per annum with mortgage loan discount points not to exceed N/A% of the loan amount, or such other terms as may be set forth on **Exhibit B**. Buyer shall pay all costs associated with any such loan.

\$ N/A

(iii) **Delivery of a promissory note** secured by a deed of trust, said promissory note in the amount of N/A Dollars being payable over a term of N/A years, with an amortization period of N/A years, payable in monthly installments of principal, together with accrued interest on the outstanding principal balance at the rate of N/A percent (N/A%) per annum in the amount of \$N/A, with the first principal payment beginning on the first day of the month next succeeding the date of Closing, or such other terms as may be set forth on **Exhibit B**. At any time, the promissory note may be prepaid in whole or in part without penalty and without further interest on the amounts prepaid from the date of such prepayment. **(NOTE: In the event of Buyer's subsequent default upon a promissory note and deed of trust given hereunder, Seller's remedies may be limited to foreclosure of the Property. If the deed of trust given hereunder is subordinated to senior financing, the material terms of such financing must be set forth on Exhibit B. If such senior financing is subsequently foreclosed, the Seller may have no remedy to recover under the note.)**

\$ N/A

(iv) **Assumption** of that unpaid obligation of Seller secured by a deed of trust on the Property, such obligation having an outstanding principal balance of \$N/A and evidenced by a note bearing interest at the rate of N/A percent (N/A%) per annum, and a current payment amount of \$N/A. The obligations of Buyer under this Agreement are conditioned upon Buyer being able to assume the existing loan described above. If such assumption requires the lender's approval, Buyer agrees to use its best efforts to secure such approval and to advise Seller immediately upon receipt of the lender's decision. Approval must be granted on or before N/A. On or before this date, Buyer has the right to terminate this Agreement for failure to be able to assume the loan described above by delivering to Seller written notice of termination by the above date, *time being of the essence*. If Buyer delivers such notice, this Agreement shall be null and void and Earnest Money shall be refunded to Buyer. If Buyer fails to deliver such notice, then Buyer will be deemed to have waived the loan condition. Unless provided otherwise in Section 3 hereof, Buyer shall pay all fees and costs associated with any such assumption, including any assumption fee charged by the lender. At or before Closing, Seller shall assign to Buyer all interest of Seller in any current reserves or escrows held by the lender, any property management company and/or Seller, including but not limited to any tenant improvement reserves, leasing commission reserves, security deposits and operating or capital reserves for which Seller shall be credited said amounts at Closing.

\$59,500.00

(v) **Cash, balance of Purchase Price**, at Closing in the amount of Fifty Nine Thousand, Five Hundred Eighty Dollars.

(c) **"Closing"** shall mean the date and time of recording of the deed. Closing shall occur Upon 10 days notice from Buyer to Seller, and such date to be selected by Buyer, within its discretion, shall be at least by June 24, 2020.

(d) **"Contract Date"** means the date this Agreement has been fully executed by both Buyer and Seller.

(e) **"Examination Period"** shall mean the period beginning on the first day after the Contract Date and extending through 11:59pm (based upon time at the locale of the Property) to July 31, 2020.

TIME IS OF THE ESSENCE AS TO THE EXAMINATION PERIOD.

(f) **"Broker(s)"** shall mean: N/A ("Listing Agency"), N/A Listing Agent" – License # N/A)

Acting as: Seller's Agent; Dual Agent

and N/A ("Selling Agency"), N/A ("Selling Agent"- License N/A)

Acting as: Buyer's Agent; Seller's (Sub)Agent; Dual Agent

(g) **"Seller's Notice Address"** shall be as follows: Estate of Ernestine Z. Reed, c/o Joseph M. Collins, Collins & Hensley, P.A., 217 Iotla Street, Franklin, NC 28734, except as same may be changed pursuant to Section 12.

(h) **"Buyer's Notice Address"** shall be as follows: Macon County Manager, Macon County Courthouse Annex Building, 5 West Main St., Franklin, NC 28734 except as same may be changed pursuant to Section 12.

- (i) If this block is marked, additional terms and conditions of this Agreement are set forth on **Exhibit B** attached hereto and incorporated herein by reference. **(Note: Under North Carolina law, real estate agents are not permitted to draft conditions or contingencies to this Agreement.)**

Section 2. Sale of Property and Payment of Purchase Price: Seller agrees to sell and Buyer agrees to buy the Property for the Purchase Price.

Section 3. Proration of Expenses and Payment of Costs: Seller and Buyer agree that all property taxes (on a calendar year basis), leases, rents, mortgage payments and utilities or any other assumed liabilities as detailed on attached **Exhibit B**, if any, shall be prorated as of the date of Closing. Seller shall pay for preparation of a deed and all other documents necessary to perform Seller's obligations under this Agreement, excise tax (revenue stamps), any deferred or rollback taxes, and other conveyance fees or taxes required by law, and the following: N/A.

Buyer shall pay recording costs, costs of any title search, title insurance, survey, the cost of any inspections or investigations undertaken by Buyer under this Agreement and the following: N/A.

Each party shall pay its own attorney's fees.

Section 4. Deliveries: Seller agrees to use best efforts to deliver to Buyer as soon as reasonably possible after the Contract Date copies of all information relating to the Property in possession of or available to Seller, including but not limited to: title insurance policies (and copies of any documents referenced therein), surveys, soil test reports, environmental surveys or reports, site plans, civil drawings, building plans, maintenance records and copies of all presently effective warranties or service contracts related to the Property. Seller authorizes (1) any attorney presently or previously representing Seller to release and disclose any title insurance policy in such attorney's file to Buyer and both Buyer's and Seller's agents and attorneys; and (2) the Property's title insurer or its agent to release and disclose all materials in the Property's title insurer's (or title insurer's agent's) file to Buyer and both Buyer's and Seller's agents and attorneys. If Buyer does not consummate the Closing for any reason other than Seller default, then Buyer shall return to Seller all materials delivered by Seller to Buyer pursuant to this Section 4 (or Section 7, if applicable), if any, and shall, upon Seller's request, provide to Seller copies of (subject to the ownership and copyright interests of the preparer thereof) any and all studies, reports, surveys and other information relating directly to the Property prepared by or at the request of Buyer, its employees and agents, and shall deliver to Seller, upon the release of the Earnest Money, copies of all of the foregoing without any warranty or representation by Buyer as to the contents, accuracy or correctness thereof.

Section 5. Evidence of Title: Seller agrees to convey fee simple marketable and insurable title to the Property without exception for mechanics' liens, free and clear of all liens, encumbrances and defects of title other than: (a) zoning ordinances affecting the Property, (b) Leases (if applicable) and (c) matters of record existing at the Contract Date that are not objected to by Buyer prior to the end of the Examination Period ("Permitted Exceptions"); provided that Seller shall be required to satisfy, at or prior to Closing, any encumbrances that may be satisfied by the payment of a fixed sum of money, such as deeds of trust, mortgages or statutory liens. Seller shall not enter into or record any instrument that affects the Property (or any personal property listed on **Exhibit A**) after the Contract Date without the prior written consent of Buyer, which consent shall not be unreasonably withheld, conditioned or delayed.

Section 6. Conditions: This Agreement and the rights and obligations of the parties under this Agreement are hereby made expressly conditioned upon fulfillment (or waiver by Buyer, whether explicit or implied) of the following conditions:

- (a) **New Loan:** The Buyer must be able to obtain the loan, if any, referenced in Section 1(b)(ii). Buyer must be able to obtain a firm commitment for this loan on or before N/A, effective through the date of Closing. Buyer agrees to use its best efforts to secure such commitment and to advise Seller immediately upon receipt of lender's decision. On or before the above date, Buyer has the right to terminate this Agreement for failure to obtain the loan referenced in Section 1(b)(ii) by delivering to Seller written notice of termination by the above date, *time being of the essence*. If Buyer delivers such notice, this Agreement shall be null and void and Earnest Money shall be refunded to Buyer. If Buyer fails to deliver such notice, then Buyer will be deemed to have waived

the loan condition. Notwithstanding the foregoing, after the above date, Seller may request in writing from Buyer a copy of the commitment letter. If Buyer fails to provide Seller a copy of the commitment letter within five (5) days of receipt of Seller's request, then Seller may terminate this Agreement by written notice to Buyer at any time thereafter, provided Seller has not then received a copy of the commitment letter, and Buyer shall receive a return of Earnest Money.

- (b) **Qualification for Financing:** If Buyer is to assume any indebtedness in connection with payment of the Purchase Price, Buyer agrees to use its best efforts to qualify for the assumption. Should Buyer fail to qualify, Buyer shall notify Seller in writing immediately upon lender's decision, whereupon this Agreement shall terminate, and Buyer shall receive a return of Earnest Money.
- (c) **Title Examination:** After the Contract Date, Buyer shall, at Buyer's expense, cause a title examination to be made of the Property before the end of the Examination Period. In the event that such title examination shall show that Seller's title is not fee simple marketable and insurable, subject only to Permitted Exceptions, then Buyer shall promptly notify Seller in writing of all such title defects and exceptions, in no case later than the end of the Examination Period, and Seller shall have thirty (30) days to cure said noticed defects. If Seller does not cure the defects or objections within thirty (30) days of notice thereof, then Buyer may terminate this Agreement and receive a return of Earnest Money (notwithstanding that the Examination Period may have expired). If Buyer is to purchase title insurance, the insuring company must be licensed to do business in the state in which the Property is located. Title to the Property must be insurable at regular rates, subject only to standard exceptions and Permitted Exceptions.
- (d) **Same Condition:** If the Property is not in substantially the same condition at Closing as of the date of the offer, reasonable wear and tear excepted, then the Buyer may (i) terminate this Agreement and receive a return of the Earnest Money or (ii) proceed to Closing whereupon Buyer shall be entitled to receive, in addition to the Property, any of the Seller's insurance proceeds payable on account of the damage or destruction applicable to the Property.
- (e) **Inspections:** Buyer, its agents or representatives, at Buyer's expense and at reasonable times during normal business hours, shall have the right to enter upon the Property for the purpose of inspecting, examining, performing soil boring and other testing, conducting timber cruises, and surveying the Property. Buyer shall conduct all such on-site inspections, examinations, soil boring and other testing, timber cruises and surveying of the Property in a good and workmanlike manner, shall repair any damage to the Property caused by Buyer's entry and on-site inspections and shall conduct same in a manner that does not unreasonably interfere with Seller's or any tenant's use and enjoyment of the Property. In that respect, Buyer shall make reasonable efforts to undertake onsite inspections outside of the hours any tenant's business is open to the public and shall give prior notice to any tenants of any entry onto any tenant's portion of the Property for the purpose of conducting inspections. Upon Seller's request, Buyer shall provide to Seller evidence of general liability insurance. Buyer shall also have a right to review and inspect all contracts or other agreements affecting or related directly to the Property and shall be entitled to review such books and records of Seller that relate directly to the operation and maintenance of the Property, provided, however, that Buyer shall not disclose any information regarding this Property (or any tenant therein) unless required by law and the same shall be regarded as confidential, to any person, except to its attorneys, accountants, lenders and other professional advisors, in which case Buyer shall obtain their agreement to maintain such confidentiality. Buyer assumes all responsibility for the acts of itself, its agents or representatives in exercising its rights under this Section 6(e) and agrees to indemnify and hold Seller harmless from any damages resulting therefrom. This indemnification obligation of Buyer shall survive the Closing or earlier termination of this Agreement. Buyer shall, at Buyer's expense, promptly repair any damage to the Property caused by Buyer's entry and on-site inspections. Except as provided in Section 6(c) above, Buyer shall have from the Contract Date through the end of the Examination Period to perform the above inspections, examinations and testing. **IF BUYER CHOOSES NOT TO PURCHASE THE PROPERTY, FOR ANY REASON OR NO REASON, AND PROVIDES WRITTEN NOTICE TO SELLER THEREOF PRIOR TO THE EXPIRATION OF THE EXAMINATION PERIOD, THEN THIS AGREEMENT SHALL TERMINATE, AND SELLER SHALL RECEIVE THE EARNEST MONEY.**

Section 7. Leases (Check one of the following, as applicable):

- If this box is checked, Seller affirmatively represents and warrants that there are no Leases (as hereinafter defined) affecting the Property.
- If this box is checked, Seller discloses that there are one or more leases affecting the Property (oral or written, recorded or not - "Leases") and the following provisions are hereby made a part of this Agreement.

- (a) A list of all Leases shall be set forth on **Exhibit B**;

- (b) Seller shall deliver copies of any Leases to Buyer pursuant to Section 4 as if the Leases were listed therein;
- (c) Seller represents and warrants that as of the Contract Date there are no current defaults (or any existing situation which, with the passage of time, or the giving of notice, or both, or at the election of either landlord or tenant could constitute a default) either by Seller, as landlord, or by any tenant under any Lease ("Lease Default"). In the event there is any Lease Default as of the Contract Date, Seller agrees to provide Buyer with a detailed description of the situation in accordance with Section 4. Seller agrees not to commit a Lease Default as Landlord after the Contract Date, and agrees further to notify Buyer immediately in the event a Lease Default arises or is claimed, asserted or threatened to be asserted by either Seller or a tenant under the Lease.
- (d) In addition to the conditions provided in Section 6 of this Agreement, this Agreement and the rights and obligations of the parties under this Agreement are hereby made expressly conditioned upon the assignment of Seller's interest in any Lease to Buyer in form and content acceptable to Buyer (with tenant's written consent and acknowledgement, if required under the Lease), and Seller agrees to use its best efforts to effect such assignment. Any assignment required under this Section 7 shall be required to be delivered at or before Closing by Seller in addition to those deliveries required under Section 11 of this Agreement.
- (e) Seller agrees to deliver an assignment of any Lease at or before Closing, with any security deposits held by Seller under any Leases to be transferred or credited to Buyer at or before Closing. Seller also agrees to execute and deliver (and work diligently to obtain any tenant signatures necessary for same) any estoppel certificates and subordination, nondisturbance and attornment agreements in such form as Buyer may reasonably request.

Section 8. Environmental: Seller represents and warrants that it has no actual knowledge of the presence or disposal, except as in accordance with applicable law, within the buildings or on the Property of hazardous or toxic waste or substances, which are defined as those substances, materials, and wastes, including, but not limited to, those substances, materials and wastes listed in the United States Department of Transportation Hazardous Materials Table (49 CFR Part 172.101) or by the Environmental Protection Agency as hazardous substances (40 CFR Part 302.4) and amendments thereto, or such substances, materials and wastes, which are or become regulated under any applicable local, state or federal law, including, without limitation, any material, waste or substance which is (i) petroleum, (ii) asbestos, (iii) polychlorinated biphenyls, (iv) designated as a Hazardous Substance pursuant to Section 311 of the Clean Water Act of 1977 (33 U.S.C. §1321) or listed pursuant to Section 307 of the Clean Water Act of 1977 (33 U.S.C. §1317), (v) defined as a hazardous waste pursuant to Section 1004 of the Resource Conservation and Recovery Act of 1976 (42 U.S.C. §6903) or (vi) defined as a hazardous substance pursuant to Section 101 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (42 U.S.C. §9601). Seller has no actual knowledge of any contamination of the Property from such substances as may have been disposed of or stored on neighboring tracts.

Section 9. Risk of Loss/Damage/Repair: Until Closing, the risk of loss or damage to the Property, except as otherwise provided herein, shall be borne by Seller. Except as to maintaining the Property in its same condition, Seller shall have no responsibility for the repair of the Property, including any improvements, unless the parties hereto agree in writing.

Section 10. Earnest Money Disbursement: In the event of breach of this Agreement by Seller, then the Earnest Money shall be returned to Buyer, but such return shall not affect any other remedies available to Buyer for such breach. In the event that Buyer breaches this Agreement, then the Earnest shall be forfeited, but such forfeiture shall not affect any other remedies available for such breach. In the absence of any breach by the Seller or fault of the Seller, and in the event that Buyer chooses not to purchase the property, for any reason or no reason, and provides written notice to the Seller thereof prior to the expiration of the "Examination Period" provided for in this Agreement, then this Agreement shall terminate and the Earnest Money paid by Buyer shall be paid over unto the Seller and such Earnest Money shall be free and clear of the Claims of the Buyer. NOTE: In the event of a dispute between Seller and Buyer over the return or forfeiture of Earnest Money held in escrow by a licensed real estate broker, the broker is required by state law to retain said Earnest Money in its trust or escrow account until it has obtained a written release from the parties consenting to its disposition or until disbursement is ordered by a court of competent jurisdiction, or alternatively, the party holding the Earnest Money may deposit the disputed monies with the appropriate clerk of court in accordance with the provisions of N.C.G.S. §93A-12.

Section 11. Closing: At or before Closing, Seller shall deliver to Buyer a general warranty deed unless otherwise specified on **Exhibit B** and other documents customarily executed or delivered by a seller in similar transactions, including without limitation, a bill of sale and certificate of title for any personalty listed on **Exhibit A**, an owner's affidavit, lien waiver forms (and such other lien related documentation as shall permit the Property to be conveyed free and clear of any claim for mechanics' liens) and a non-foreign status affidavit (pursuant to the Foreign Investment in Real Property Tax Act), and Buyer shall pay to Seller the Purchase Price. At Closing,

the Earnest Money shall be applied as part of the Purchase Price. The Closing shall be conducted by Buyer's attorney or handled in such other manner as the parties hereto may mutually agree in writing. Possession shall be delivered at Closing, unless otherwise agreed herein. The Purchase Price and other funds to be disbursed pursuant to this Agreement shall not be disbursed until Closing has taken place.

Section 12. Notices: Unless otherwise provided herein, all notices and other communications which may be or are required to be given or made by any party to the other in connection herewith shall be in writing and shall be deemed to have been properly given and received on the date delivered in person or deposited in the United States mail, registered or certified, return receipt requested, to the addresses set out in Section 1(g) as to Seller and in Section 1(h) as to Buyer, or at such other addresses as specified by written notice delivered in accordance herewith.

Section 13. Entire Agreement: This Agreement constitutes the sole and entire agreement among the parties hereto and no modification of this Agreement shall be binding unless in writing and signed by all parties hereto. The invalidity of one or more provisions of this Agreement shall not affect the validity of any other provisions hereof and this Agreement shall be construed and enforced as if such invalid provisions were not included.

Section 14. Enforceability: This Agreement shall become a contract when signed by both Buyer and Seller and such signing is communicated to both parties; it being expressly agreed that the notice described in Section 12 is not required for effective communication for the purposes of this Section 14. The parties acknowledge and agree that: (i) the initials lines at the bottom of each page of this Agreement are merely evidence of their having reviewed the terms of each page, and (ii) the complete execution of such initials lines shall not be a condition of the effectiveness of this Agreement. This Agreement shall be binding upon and inure to the benefit of the parties, their heirs, successors and assigns and their personal representatives.

Section 15. Adverse Information and Compliance with Laws:

(a) **Seller Knowledge:** Seller has no actual knowledge of (i) condemnation(s) affecting or contemplated with respect to the Property; (ii) actions, suits or proceedings pending or threatened against the Property; (iii) changes contemplated in any applicable laws, ordinances or restrictions affecting the Property; or (iv) governmental special assessments, either pending or confirmed, for sidewalk, paving, water, sewer, or other improvements on or adjoining the Property, and no pending or confirmed owners' association special assessments, except as follows (Insert "None" or the identification of any matters relating to (i) through (iv) above, if any): N/A.

Note: For purposes of this Agreement, a "confirmed" special assessment is defined as an assessment that has been approved by a governmental agency or an owners' association for the purpose(s) stated, whether or not it is fully payable at time of closing. A "pending" special assessment is defined as an assessment that is under formal consideration by a governing body. Seller shall pay all owners' association assessments and all governmental assessments confirmed as of the date of Closing, if any, and Buyer shall take title subject to all pending assessments disclosed by Seller herein, if any.

Seller represents that the regular owners' association dues, if any, are \$N/A per N/A.

(b) **Compliance:** To Seller's actual knowledge, (i) Seller has complied with all applicable laws, ordinances, regulations, statutes, rules and restrictions pertaining to or affecting the Property; (ii) performance of the Agreement will not result in the breach of, constitute any default under or result in the imposition of any lien or encumbrance upon the Property under any agreement or other instrument to which Seller is a party or by which Seller or the Property is bound; and (iii) there are no legal actions, suits or other legal or administrative proceedings pending or threatened against the Property, and Seller is not aware of any facts which might result in any such action, suit or other proceeding.

Section 16. Survival of Representations and Warranties: All representations, warranties, covenants and agreements made by the parties hereto shall survive the Closing and delivery of the deed. Seller shall, at or within six (6) months after the Closing, and without further consideration, execute, acknowledge and deliver to Buyer such other documents and instruments, and take such other action as Buyer may reasonably request or as may be necessary to more effectively transfer to Buyer the Property described herein in accordance with this Agreement.

Section 17. Applicable Law: This Agreement shall be construed under the laws of the state in which the Property is located. This form has only been approved for use in North Carolina.

Section 18. Assignment: This Agreement is freely assignable unless otherwise expressly provided on **Exhibit B**.

Section 19. Tax-Deferred Exchange: In the event Buyer or Seller desires to effect a tax-deferred exchange in connection with the conveyance of the Property, Buyer and Seller agree to cooperate in effecting such exchange; provided, however, that the exchanging party shall be responsible for all additional costs associated with such exchange, and provided further, that a non-exchanging party shall not assume any additional liability with respect to such tax-deferred exchange. Seller and Buyer shall execute such additional documents, at no cost to the non-exchanging party, as shall be required to give effect to this provision.

Section 20. Memorandum of Contract: Upon request by either party, the parties hereto shall execute a memorandum of contract in recordable form setting forth such provisions hereof (other than the Purchase Price and other sums due) as either party may wish to incorporate. Such memorandum of contract shall contain a statement that it automatically terminates and the Property is released from any effect thereby as of a specific date to be stated in the memorandum (which specific date shall be no later than the date of Closing). The cost of recording such memorandum of contract shall be borne by the party requesting execution of same.

Section 21. Authority: Each signatory to this Agreement represents and warrants that he or she has full authority to sign this Agreement and such instruments as may be necessary to effectuate any transaction contemplated by this Agreement on behalf of the party for whom he or she signs and that his or her signature binds such party.

Section 22. Brokers: Except as expressly provided herein, Buyer and Seller agree to indemnify and hold each other harmless from any and all claims of brokers, consultants or real estate agents by, through or under the indemnifying party for fees or commissions arising out of the sale of the Property to Buyer. Buyer and Seller represent and warrant to each other that: (i) except as to the Brokers designated under Section 1(f) of this Agreement, they have not employed nor engaged any brokers, consultants or real estate agents to be involved in this transaction and (ii) that the compensation of the Brokers is established by and shall be governed by separate agreements entered into as amongst the Brokers, the Buyer and/or the Seller.

Section 23. Attorneys Fees: If legal proceedings are instituted to enforce any provision of this Agreement, the prevailing party in the proceeding shall be entitled to recover from the non-prevailing party reasonable attorneys fees and court costs incurred in connection with the proceeding.

EIFS/SYNTHETIC STUCCO: If the adjacent box is checked, Seller discloses that the Property has been clad previously (either in whole or in part) with an "exterior insulating and finishing system" commonly known as "EIFS" or "synthetic stucco". Seller makes no representations or warranties regarding such system and Buyer is advised to make its own independent determinations with respect to conditions related to or occasioned by the existence of such materials at the Property.

BUYER:

SELLERS:

Business Entity
Macon County

Individuals
Estate of Ernestine Z. Shuler

By: _____
Name: James Tate
Title: Chairman of the Board
Date: _____

By: _____
Name: _____
Title: _____
Date: _____

The undersigned hereby acknowledges receipt of the Earnest Money set forth herein and agrees to hold said Earnest Money in accordance with the terms hereof.

N/A
(Name of Escrow Agent)

Date: _____

By: _____

Exhibit A

“ Personal Property ”

The Mobile Home presently located upon the “Property” described hereinabove. The same shall be sold and delivered by Bill of Sale and Certificate of Title and with no liens whatsoever against the same.

EXHIBIT B TO AGREEMENT TO PURCHASE AND SALE OF REAL PROPERTY


ADDITIONAL TERMS AND CONDITIONS:

1. Macon County intends to use the real property to be purchased under the terms of this Agreement for Purchase and Sale of Real Property for recreational fields and any other governmental purposes and there must be no zoning, restrictive covenants, other provisions, barriers or other conditions upon said property that would prevent Buyer from using the property subject to this Agreement for Purchase and Sale of Real Property for the same .
2. Seller shall allow full access to the Buyer and Buyer's Agents during the Examination Period provided for in this Agreement for Purchase and Sale of Real Property to the real property which is subject to this Agreement for Purchase and Sale of Real Property to conduct all inspections, surveys assessments, studies and evaluations which Buyer and its agents desire to conduct.
3. This Agreement is expressly conditioned upon Seller being able to properly secure any and all required Court approvals of the sale of this property from the Courts so as to be able to deliver good and marketable fee simple title to the "Property" and said Mobile Home to Buyer at closing by at least June 24, 2020.
4. Seller shall deliver title said Property and Mobile Home to Buyer free and clear of any and all liens, including but not limited to liens for Medicaid.
5. That unless sooner revoked by Buyer, the Offer to Purchase the Property contained herein shall be open for acceptance by the Seller through and including June 24, 2020, and thereafter shall be deemed revoked.



36 Pannell Lane
Franklin, NC 28734

(828) 349-2222 (Phone)
(828) 349-2570 (Fax)
www.macontransit.org

TO: Macon County Board of Commissioners
FROM: Kim Angel, Transit Director 
DATE: May 7, 2020
CC: Derek Roland, County Manager
Lori Carpenter, Finance Director
RE: CARES Act Grant Funding

This memo is to inform you that I will be applying on behalf of Macon County for CARES Act funds through NCDOT. NCDOT has informed transit systems that we will be eligible to apply for 2-3 allocations of funds. The first allocation amount for Macon County will be in the amount of \$191,006. The application deadline for the first allocation is Friday, May 15, 2020. There is no resolution or public hearing requirement to apply for these funds.

The grant will reimburse systems for 100% of the net operating expenses.

The funds are to be used for eligible expenses for the period of January 20, 2020 through June 2021. We do not know at this time what the subsequent allocations will be; however, we will be working with NCDOT to draw down as much of the funds as we are eligible to receive. These funds will help cover operating costs during the COVID-19 pandemic and help offset lost revenues due to the loss of ridership which has been as high as 85% fewer trips.

Below is information from the grant application that may be helpful to you in understanding what is eligible for reimbursement.

On Friday, March 27, 2020, President Trump signed the Coronavirus Aid, Relief, and Economic Security (CARES) Act into law. The CARES Act provides emergency assistance and health care response for individuals, families and businesses affected by the COVID-19 pandemic and provides emergency appropriations to support Executive Branch agency operations during the COVID-19 pandemic. This act included funding for the Federal Transit Administration (FTA) in order to assist public transportation providers.

Net operating expenses are those expenses remaining after the provider subtracts operating revenues from eligible operating expenses.

Eligible Activities

- All operating expenses (after subtracting fare revenues) that are incurred on or after January 20, 2020, including the following:
 - Provision of transit service, including but not limited to:
 - Driver and other operations worker salaries
 - Fuel
 - Supplies (including personal protective equipment and cleaning supplies)

- Administrative leave for operations employees (including employees performing maintenance): Administrative leave is an administratively authorized absence from duty without loss of pay or reduction in an employee's available leave. In the context of the COVID-19 public health emergency, administrative leave could include, but is not limited to, leave for an employee who is not required to work due to a reduction in service or leave for a worker who is quarantined after potential exposure to an individual infected with COVID-19.
- Existing operations and maintenance service contracts, whether previously funded by federal or non-federal funds. Contracts that were funded with non-federal funds and that did not follow federal procurement requirements would need to submit a request for a waiver to the Emergency Relief docket and the waiver would need to be approved by FTA.

If you have questions regarding this information or the application process, please let me know.

MACON COUNTY BOARD OF COMMISSIONERS

AGENDA ITEM

CATEGORY – CONSENT AGENDA

MEETING DATE: April 14, 2020

Item 12A. Draft copies of the minutes of the March 10, 2020 regular meeting, the March 17, 2020 emergency meeting and the March 26, 2020 special meeting are attached for your review and approval. The minutes of the April 14, 2020 regular meeting will be submitted at a later date. (Mike Decker)

Item 12B. Budget Amendments #242-251 are attached for your review and approval. (Lori Carpenter)

Item 12C. There were no tax releases for the month of April. (Teresa McDowell)

Item 12D. A copy of the ad valorem tax collections report for the month of April, which shows an overall 97.78 percent collection rate as of 04.30.20. No action is required on this item. (Teresa McDowell)

**MACON COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING
MARCH 10, 2020
MINUTES**

Chairman Tate called the meeting to order at 6:00 p.m. and welcomed those in attendance. All Board Members, County Manager Derek Roland, Deputy Clerk Mike Decker, Finance Director Lori Carpenter, County Attorney Chester Jones, members of the news media and interested citizens were present. Due to the size of the audience, Chairman Tate announced that the board would recess the meeting for approximately five to 10 minutes and reconvene in Courtroom A on the fourth floor of the Macon County Courthouse. Upon a motion by Commissioner Gillespie, seconded by Commission Beale, the board voted unanimously to recess the meeting at 6:01 p.m. and reconvene in Courtroom A.

Chairman Tate reconvened the meeting in Courtroom A at 6:08 p.m., where it was standing room only with a number of citizens standing outside the courtroom doors in the hallway. Chairman Tate welcomed those in attendance and announced that the board had a rather lengthy agenda, and noted that an effort was being made to bring as many people inside the courtroom as possible.

PUBLIC HEARING: Chairman Tate stated that the agenda called for a public hearing to be held at 6 p.m., and he opened the public hearing at 6:10 p.m. and stated that the purpose for the hearing, as publicly noticed, was to receive public comment on the reaffirmation and re-establishment of an appropriate and verifiable ten percent (10%) goal for participation by minority businesses in the total value of work for Macon County building projects under the provisions of North Carolina General Statute 143-28.2, and the reaffirmation, re-establishment and amendment of the county's Minority Business Outreach Plan. Mr. Jones further explained the need for the county to update the plan and allow the public the opportunity to speak concerning it. Chairman Tate said no one signed up to speak, and he closed the public hearing at 6:13 p.m. Upon a motion by Commissioner Beale, seconded by Commissioner Shields, the board voted unanimously to approve a "Resolution Confirming Minority Business Participation Goal for Macon County, North Carolina & Minority Business Outreach Plan Macon County, North Carolina" as presented, a copy of which is attached **(Attachment 1)** and is hereby made a part of these minutes.

ANNOUNCEMENTS: Commissioner Beale said he and others had met recently with the president of AT&T regarding broadband, adding that the AT&T official had agreed to come and meet with the Southwestern Commission about this issue. He also said that North Carolina was one of several states that had rejected an offer of \$18 billion over 18 years to settle opioid lawsuits. Commissioner Beale also noted that the Balsam Place behavioral health facility will close. Chairman Tate said he had received correspondence regarding the state of parking lots at some of the county's voting precincts, a topic that would be further discussed at the board's April regular meeting. He also said he had received numerous letters about the amount of trash on the sides of the roads, primarily on US 64 between Franklin and Highlands and NC 106 between Highlands and Dillard, Georgia, and this would be discussed in April as well. Chairman Tate then noted the loss of the county's Assistant Information Technology Director Lynn Wright, who died on February 23rd following a vehicle accident.

MOMENT OF SILENCE: Chairman Tate asked those in attendance to observe a moment of silence.

PLEDGE TO THE FLAG: Led by Sheriff Robert Holland, the pledge to the flag was recited.

PUBLIC COMMENT PERIOD: Chairman Tate pointed out that he had four full pages of names of those who had signed up to speak during the public comment period. He asked that those speaking remember to practice civil discourse and to limit their comments to three minutes in length. He said the board members would do their best to listen and understand, and noted that as chairman, he tended to be "very lenient" with the time limit, although Mr. Roland would be tasked with being the timekeeper. He conclude by reminding those speaking to address the board and not the audience.

NOTE: Due to the number of speakers and the length of their comments, these minutes will reflect the basic theme of their viewpoint in as concise a manner as possible.

Donnie Holden said he had gained 573 new names on a petition in support of making Macon County a "Second Amendment Sanctuary County," bringing the total to 1,957. Mr. Holden reviewed the steps leading to his comments tonight, including his meeting with Commissioners Higdon and Gillespie on March 6th to review a redraft of his proposed resolution. He also commented on the proposed resolution drafted by Mr. Jones. He stated that Commissioners Higdon and Gillespie told him they would support the final version of his resolution, and he added that some members of the board and Sheriff Holland "never had any intention" of seeing his resolution pass. He claimed the resolution prepared by Mr. Jones was "not worth the paper it's printed on."

Chris Browning described the board's consideration of the second amendment resolution as "a sham from the very beginning" and further stated that Mr. Holden has not been shown the respect he deserves.

Karen Duncan said there is no way the founding fathers could have foreseen what weapons have become, and that the Second Amendment doesn't guarantee an individual the right to "do whatever with a gun." She asked the board not to declare Macon County a Second Amendment Sanctuary County.

Henry Sheldon asked the board to replace the arts program in the county school system.

Amberly Downs said she is an artist who has never had formal training, but pays her bills "with what I learned from Macon County Schools." She asked the board to consider more funding for arts programs in the schools.

Kathryn Shields-Holmes told the board she is a licensed clinical mental health specialist, and said that for some students, due to mental health concerns, they don't engage in education, but for others, art and music are outlets and can be used "as a means to heal." She implored the board to consider more funding for arts education in the schools.

Billy Love, the director of education and outreach at The Bascom in Highlands, a center for the visual arts, said that arts education helps to develop essential creative skills, adding that it is essential that we provide our students with "well rounded learning opportunities" to help them be competitive in the modern workforce.

Olga Lampkin first told the board that she strongly supported funding for the arts, adding there is a "vast range of benefits" from this, and urged the board to work with school officials to fund some art education positions. She then read a letter from her mother, Olga Pader, asking the board not to vote in favor of the Second Amendment resolution, stating that it was an attempt by gun activists to make an issue where one doesn't exist. She said a sanctuary is a place of refuge, and the resolution doesn't make our place safer.

Brian Moffitt, who described himself as a proud graduate of Macon County Schools and an educator, said he was here for all students to ask for funding for arts education. Saying that middle school is one of the most challenging times of life, he told the board he feels that arts are imperative for kids "to learn who they are." As an example, he pointed to Cory Asbury, a 2004 graduate of Franklin High School, who wrote a song called "Reckless Love," which was nominated for a Grammy Award in 2019.

John Brunner told the board he was a pastor at Resurrection Lutheran Church, and with almost 70 years of choral experience, he wanted to speak in favor of funding for arts education.

Sara O'Neal said she has been a teacher for 20 years, 15 of those as an art teacher. She asked the members of the audience to "stand up if you're here for art in schools," and many in the capacity crowd did so. She said Macon Middle School has been with art education for 10 years, adding that students need art and the community needs art, and asked the board for more funding to provide it. She then read a letter from Jeannie Edwards of Highlands, who said that "art changed my life" and wished that her love of art had been fostered in school instead of being snubbed out, adding that she now considers herself one of the lucky ones.

Heidi Ramey expressed her thankfulness that our forefathers put in the Second Amendment for us and that it must be upheld for all.

Ed Morris said there are times "you don't have the right to a gun," and spoke of two incidents that took place during his career as a doctor. He talked about the need for backgrounds checks for those who want to purchase guns, and stated that those checks do not take place at gun shows. He asked why taxpayer dollars were allowed to be used to have gun shows at county facilities.

Jim Taylor, a school counselor at Macon Middle School, noted there is no arts program at the school, which has 650 students. He said it is natural for youth to express themselves in artistic ways, and he also noted he is the only counselor at the school.

Rebecca Horowitz described herself as a proud Franklin-born, Cullasaja-educated commercial artist. She requested that the board take a serious look at funding arts education in the schools, adding that students "deserve art education now, and the county deserves what these children have to offer."

Beverly Barnett, the director of the Mountain Voices community chorus, told the board how important art and music education are, especially for brain development. She said music training promotes a variety of learning experiences, and "with all the pressures on children today," it is important that they benefit from this.

Tim Dills said the Second Amendment right to bear arms shall not be infringed, and added that all that the supporters of the resolution are asking is for the county not to use its resources to "go against us" if the federal government imposes restrictions on that right. "We want you to have our backs like you want

us to have yours at election time,” he told the board. “Have our backs like we do yours.”

Lee Berger thanked the board for placing a resolution regarding retired North Carolina school personnel on the agenda, and told the board members “we have to have your support.”

Steve Sellers said, “I hope everyone here can agree that the Constitution is the supreme law of the land.” He asked the board members to “support the will of the people and uphold the Constitution.”

Marvin Mason said he was a resident of Burningtown and had lived in Macon County for 67 years, and he was a 31-year member of the National Rifle Association. He asked the board to “vote this resolution in” for future generations and those who stand for the Second Amendment.

Roy Hurst stated that “gun shows are paid by us who go to them,” and said background checks are done at gun shows. He went on to add that “gun free zones” are the targets that bad guys choose, as there is a multitude of targets with no opposition, and he said these areas have the highest rates of gun violence. “Bad guys will get a gun,” he said.

Dave Hurd told the board, “I want to protect our rights.” He said that gun safety is primary, and that gun control is a totally different issue. “Freedom does not come in our bloodstreams,” he said. He also spoke of former Soviet leader Nikita Khrushchev’s comment that he would “destroy [America] from within,” adding that Adolph Hitler made Germany “safe by taking the guns away.”

Bob Scott explained that he was “representing only myself,” and not speaking as the Mayor of the Town of Franklin. He told the board he was familiar and qualified with guns, was a certified handgun instructor and had been a gun-carrying officer. However, he voiced his concerns over the county becoming “a gun sanctuary,” fearing it would have long-lasting, unintended consequences. Adopting the resolution “would not be good for us,” he said.

Hazel Norris asked the board to support the resolution regarding the Second Amendment sanctuary, telling the board that “It’s about our rights our forefathers fought for,” adding that 78 other North Carolina counties had already passed similar resolutions.

Patty Page said she was also here to voice her support for the Second Amendment sanctuary. “What’s happening in Virginia right now is the beginning of a slippery slope,” she said, adding that some of the places with the toughest

gun laws have the highest crime rates. Criminals do not obey the law, she said. "We are speaking," she concluded. "We are here to stand up."

April McNiff voiced her support for the arts and for additional funding for art education, saying that children need inspiration. She also told the board that she was in favor of a sales tax increase to support the school system.

Cliff Williams told the board he was a Swain County resident who had come to "make a comment or two." He said the Second Amendment is an individual right and that gun shows are not the "freewheeling" events they were in the past.

Frank Smith III said he was president of the Macon County Art Association. He said it is very critical for the junior high age group to have access to art education and the "wonderful transformations" that stem from it. He also noted he was an advocate for "extending the contribution from the county to the arts."

Ronnie Dills waved his arm around the courtroom and told the board "we are the militia in the state of North Carolina." He said he wanted the board members "to back up the law," unlike in Virginia, and to support the Constitutional right to bear arms.

Stan Polanski urged the board to work to find "a reasonable middle ground" on the Second Amendment issue, and to seek a combination of community harmony and public safety.

Sue Waldroop gave a lengthy discourse on her family's history in Macon County, and told the board she never lived in a house that didn't have guns. While she learned to shoot at the age of 12 and enjoyed target shooting, "we never had anything bigger than a 30-30. I don't know why anybody wants anything bigger." She asked the board to consider who might come to Macon County to claim sanctuary.

Bob Burke of Macon New Beginnings spoke of helping the homeless in Macon County, noting that the organization counted a total of 71 homeless individuals in the county in late January. He said the organization has helped more than 1,123 people and has spent more than \$188,000. He said he would be sending the county a "proposal" in the near future.

Steve Midgett spoke briefly about the arts, then told the board he was in opposition to the Second Amendment resolution, saying it "increases the polarization of issues" and that is the opposite of what is needed on this matter. He said that gun ownership and gun violence are "intimately connected" and as long as there are mass shootings, there will be a conversation about it. He urged the board to seek common sense solutions, to find common ground and to "lead in that regard."

Maggie Jennings, who addressed the board in February, told the members, “I adore and respect you for listening to us.” She said the county would be receiving a request from the county board of education to replace art education teaching positions in the school system, and asked that the commissioners make plans now to allot additional funding.

MaryAnn Ingram explained that she wanted to address two issues, the first being the need for gravel for the parking lot at the Sugarfork voting precinct, stating that voters “had to slop through the mud to get in to vote.” As to the Second Amendment resolution, she said “what I hear from individuals is fear.” She told the board members that she trusted them to do the right thing, adding, “I know you are going to abide by the Constitution.”

Meghan Partain, who also addressed the board in February, said the lack of arts education in the county school system “should be an outrage.” She stated it should not be considered extracurricular, and is needed at all levels in the system. She asked the board to “please lend whatever support you can.” As to the Second Amendment issue, she said that approval of the resolution would “shine a negative light on Macon County.”

Sheriff Robert Holland told the commissioners he hoped all five of them would take the opportunity to let people know he did not interfere in the Second Amendment sanctuary resolution issue. He said the resolution that was presented last month would have died on a 4-1 vote and that he “wanted to make sure we had a good conversation” about it. He again stated he was opposed to taking his oath of office again, but was “thrilled” to see so many citizens at a board meeting voicing their opinions.

At the close of the public comment period at 8:47 p.m., Chairman Tate told the audience that he wished the board “had a never ending stream of money to fund everything,” and that none of the board members wanted to jump to any decision on the Second Amendment resolution issue. He reminded the board that “government goes slowly some times.”

Chairman Tate declared a recess at 8:49 p.m.

Chairman Tate called the meeting back to order at 8:58 p.m.

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

- To add under New Business Item 11D(2) – approval of funding for the proposal from Ritter Architecture, P.A. for architectural services for the new locker room building at Macon Middle School, per Mr. Roland.
- To hold a closed session if time allows, per Mr. Jones.
- To table Item 9A(2), an announcement regarding the new Health Director, until April, per Mr. Roland.

During this time, Commissioner Beale reminded those in the audience that Vietnam Veterans Day would be held on March 28th.

Also during this time, Commissioner Higdon thanked those in attendance for coming to the meeting, and speaking to those in favor of funding for arts education, he said the board dispenses funding for the Board of Education to use, and that it is not the commission’s job to approve the curriculum. He said art is a very vital program, but stated that “this board had nothing to do with the elimination of that.”

Reports/Presentations

INFORMATION/UPDATE REGARDING CORONAVIRUS: Interim Public Health Director Carmine Rocco updated the board with the latest information on the Coronavirus, also referred to as COVID-19. He said this virus has “far reaching implications for us,” adding that seven cases have been reported in North Carolina, most of them in the central part of the state, with no cases reported in Macon County. He also noted that Gov. Roy Cooper on this date declared a state of emergency in North Carolina due to the virus. Mr. Rocco told the board he is working closely with Macon County Schools Superintendent Dr. Chris Baldwin, and at this time there is no expectation of closing any schools, but planned field trips could become an issue. At this point, he said the state and the federal Centers for Disease Control and Prevention (CDC) are providing recommendations. He said the high risk individuals are those age 65 and older with underlying health conditions, and they are being advised to avoid large groups of people. He said visits to long-term care facilities should also be restricted. He told the board it is very important to stress to citizens that if they are sick, to not attend events or work. Proper hand-washing is very important, he said, along with common sense approaches. He said health department staff is “working on the best medical advice we have” and he wants the public to be cautious and prepared. He asked those that have questions to call the health department and to not “act on rumor.” He addressed the differences between an epidemic and a pandemic, and also between being isolated and being quarantined. With the school system’s spring break coming, he advised residents that if they were planning on traveling to another country or another state, if they are exposed to the Coronavirus, they and their family members would be asked to self-quarantine at home for 14 days upon return. In closing, he said the health department currently has three Coronavirus test kits. Jennifer Garrett, the Director of Nursing at Macon County Public Health, then

reviewed her prepared PowerPoint presentation regarding COVID-19, a copy of which is attached (Attachment 2) and is hereby made a part of these minutes. She quickly stated a “disclaimer” that this is a rapidly evolving situation and the recommendations will change. She presented information on coronaviruses in general, pointing out that routine cleaning and disinfection procedures are appropriate for COVID-19. She reported on what is known about the virus and which states are currently affected. She noted the governor has created a task force to address the issue. She outlined the qualifications regarding the need to be tested, noting it is not recommended for “asymptomatic” persons. She covered information on those at higher risk, those in adult congregate living facilities and recommendations for mass gatherings and for travelers. She also outlined what individuals can do to prevent the spread, and what the health department is doing to get ready. Commissioner Beale asked her a question regarding exposure, and she replied that it can occur when you have been within six feet or more of an infected individual for more than 10 minutes. No action was necessary.

UPDATE FROM U.S. FOREST SERVICE PLAN ADVISORY COMMITTEE: Jim Gray, who was tasked by the commissioners on February 11th with forming the Macon County Forest Advisory Committee, gave the board an update on the committee’s work. He provided the board with a written report, a copy of which is attached (Attachment 3) and is hereby made a part of these minutes. Mr. Gray briefly addressed the membership of the committee and pointed out that 46 percent of the county’s land area is national forest, so Macon has a “huge stake” in the 2020 Draft Management Plan for the Nantahala National Forest. He said the committee is reviewing thousands of pages of documents and needed good maps, which Macon County GIS Analyst Wes Hall provided. He said the draft plan has numerous land classifications, including Interface, Matrix, Backcountry, Wilderness, Special Interest Areas and Old Growth, and he explained what each meant. The plan contains four alternatives (A, B, C and D) and he touched briefly on those. He said the committee has met twice and will meet weekly going forward if possible. He told the board he hoped the committee could present a draft recommendation at the commission’s April regular meeting and then a final report at the board’s May 12 regular meeting, as the county must file comments no later than May 14, 2020. Chairman Tate thanked Mr. Gray for a “fantastic job of keeping us informed,” and Commissioner Beale asked that outdoor recreation needs to be more represented in the plan and to consider adding another member – “someone from the business side” – to the committee. No action was taken.

UPDATE ON ELECTION ACTIVITY AND REPORTING PROCESS: Kathy Tinsley, the chair of the Macon County Board of Elections, gave the commissioners an update following the March 3 primary election, which she told the board “went really well.” She started by saying that moving the one-stop

voting from the county courthouse to the Robert C. Carpenter Community Building allowed for easier voter access with more parking, more voting booths and less wait time. Aside from some “uploading times” involving precinct reporting, she noted the results in the 11th Congressional District will lead to a runoff election on May 12 between Republican contestants Lynda Bennett and Madison Cawthorn. She described “one regrettable incident” in which a request for an absentee ballot that was made by email was deemed invalid,” with Ms. Tinsley noting that, “We really want everyone to vote.” Following brief comments by Commissioner Beale and Chairman Tate, no action was taken.

Old Business

SECOND AMENDMENT RESOLUTION: Chairman Tate provided a “quick history” of the events that have transpired since January regarding a resolution that would declare Macon County a Second Amendment Sanctuary County. Following that, Commissioner Higdon said there are two opposing views, and while there may be the “grand idea” that that could “come together,” he said it will not happen. He described the draft resolution that he and Commissioner Gillespie worked on with Donnie Holden as “a very simple resolution” and that it “should be easy to proudly stand up and support this.” He said he thought the three had come to a reasonable agreement and the word “sanctuary” was removed from the resolution. Mr. Holden interjected that “we want a vote on this,” and Commissioner Higdon said he was prepared to make a motion to support it. Mr. Holden stated again that he and his supporters “want a vote on what we settled on on Friday night.” Chairman Tate moved to restore order, as many in the audience were speaking. He told the audience that we are all in support of the Constitution, but the problem with the resolution is in the “semantics.” He reminded the board members that any one of them could make a motion at any time, and Commissioner Beale suggested that each board member be allowed to speak. Commissioner Shields said he and Mr. Holden had spoken a number of times and he was pleased that the word “sanctuary” has been taken out, but he had concerns over the final two paragraphs of the resolution Mr. Holden had presented. He said he felt like with his oath of office as a commissioner and other state statutes, there was a conflict with the resolution, “and I cannot support it.” Commissioner Beale said the board has “a real opportunity tonight to do something special” but also noted that the county is “an arm of the state.” He voiced his disagreement with the comment that the resolution prepared by Mr. Jones was not worth the paper it was written on. He then read the oath that each commissioner takes, and said the members must abide by that oath. He told the audience that if you read Mr. Jones’ version of the resolution, it is “good for both sides.” He went on to say that what the board could do tonight is to support the entire Constitution, and to make sure that this board doesn’t encumber future boards. “We’ve got to come to a middle ground, and the county attorney has brought us to a middle ground,” he said.

Minutes

03.10.20

Page **10** of **15**

Commissioner Beale and Chris Browning then exchanged words regarding Mr. Browning's "sham" comment earlier in the meeting. Commissioner Gillespie said his perspective was a little different. He said this board asked one individual to draft a resolution, adding that the meeting with Mr. Holden was "great" and they went through the resolution "word by word and line by line" and discussed objectives. He said there were two paragraphs that raised concerns, but that Mr. Holden felt those were "the meat of the resolution," and without them, it was not worth having. He said if that resolution fails, then the board has the one prepared by Mr. Jones to consider, adding that this one "protects the commissioners." He told the other board members that we need to go through the process on Mr. Holden's version first. Chairman Tate, noting that he does not like these divisive issues in our county, said he would likely make both groups mad and said he could honestly support both resolutions. "I'm a staunch Second Amendment supporter," he said, and added, "I don't think I could support either resolution without the county attorney's blessing." Chairman Tate and then Commissioner Gillespie had questions for Mr. Jones regarding both of the proposed resolutions, which he addressed in turn, and during this time, there were multiple conversations taking place. Mr. Jones told the board that he had concerns with the way in which the resolution brought forth by Mr. Holden was worded, and said it would leave the commissioners "wide open." From the audience, Mr. Holden said, "We are right back where we were three months ago," and after further conversation, told the board, "If you want to vote it down, vote it down." At that, Commissioner Higdon made a motion to "recommend the one we worked out Friday night, and if it fails it fails and we move on." Commissioner Gillespie seconded the motion, and then Mr. Jones read the resolution submitted by Mr. Holden into the record, a copy of which is attached (Attachment 4) and is hereby made a part of these minutes. Commissioner Higdon stated that his motion applies to the resolution that Mr. Jones read. During discussion, Commissioner Beale told the board members that "if we use [the county attorney's] we won't have to go through this again." Commissioner Beale asked Commissioner Higdon if he had read the one prepared by Mr. Jones, and Commissioner Higdon indicated he had, but that he was not "greatly challenged" as stated in that version. "It's a simple issue for me," he said, and then called the question. Before the vote, Chairman Tate said, "I hate to see this fail over two sentences." The motion failed 3-2, with Chairman Tate, Commissioner Beale and Commissioner Shields voting against it, and Commissioner Higdon and Commissioner Gillespie voting for it. Then Commissioner Beale made a motion to approve the version prepared by Mr. Jones, and Commissioner Shields seconded the motion, and it passed 4-1 with Commissioner Higdon opposing. A copy of that document, entitled, "Resolution Fully Supporting and Maintaining the 2nd Amendment to the United States Constitution as Well as the Entire United States Constitution and the Laws of the United States and the Entire North Carolina Constitution and the Laws of

the State of North Carolina Which Are Not Inconsistent Therewith,” is also attached (Attachment 5) and is hereby made a part of these minutes.

RESOLUTION REGARDING NORTH CAROLINA RETIRED SCHOOL PERSONNEL: Commissioner Beale read into the record a “Resolution for Support of a Request to the NC General Assembly for a Two Percent Cost of Living Adjustment for North Carolina Retired Teachers to be Included in the FY 2019-2020 NC State Budget.” A copy of that document is attached (Attachment 6) and is hereby made a part of these minutes. Commissioner Shields made a motion to approve the resolution as read, seconded by Commissioner Beale. During discussion, Commissioner Higdon told Lee Berger, “It’s not a good night for resolutions, Lee.” While he said he appreciated her as a retired educator, he said “we [the board] don’t tell Raleigh about the line-item budget,” adding that was also not his role as an individual. He said he would support a resolution urging the governor and the General Assembly to end the budget impasse. Commissioner Gillespie asked Mr. Jones if he had reviewed this resolution, and Mr. Jones responded that he had not studied it carefully, and that it would be this board simply telling the legislature it is supportive of this issue. The resolution passed 4-1, with Mr. Higdon opposing.

New Business

RESOLUTION RECOGNIZING SENIOR CENTER VOLUNTEERS: Following comments from Jennifer Hollifield, the Administrative Officer at Macon County Senior Services, and upon a motion by Commissioner Beale, seconded by Commissioner Shields, the board voted unanimously to approve a “Resolution in Recognition of Macon County Crawford Senior Center Volunteers,” a copy of which is attached (Attachment 7) and is hereby made a part of these minutes.

COMMUNITY FUNDING POOL RECOMMENDATIONS: Diane Cotton, a member of the Community Funding Pool Task Force, presented the group’s second round of funding recommendations, which would award a total of \$31,286 to seven projects. A list of those recommendations is attached (Attachment 8) and is hereby made a part of these minutes. This award, combined with the first cycle, brings the total funding pool allocation to \$75,000 as budgeted. Upon a motion by Commissioner Shields, seconded by Commissioner Beale, the board voted unanimously to approve the recommendations as presented.

REJECTION OF REQUEST FOR PROPOSALS: Following a brief explanation from Mr. Roland, and upon a motion by Commissioner Beale, seconded by Commissioner Shields, the board voted unanimously to reject Request For Proposals (RFP) 01-5110p for Automated Computer System for the Dental Program of Macon County’s Public Health Department, as the submissions did not meet the requirements of the proposal.

MACON MIDDLE SCHOOL: (1) Resolution exempting architectural services for proposed locker room building: Mr. Jones explained that the county could consider this resolution, as the anticipated cost of the services is expected to be approximately \$34,000, and he recommended that the board do so. Upon a motion by Commissioner Shields, seconded by Chairman Tate, the board voted unanimously to approve a “Resolution Exempting Architectural Services for Proposed Locker Room Building at the Macon Middle School from the Provisions of Article 3D of Chapter 143 of the North Carolina General Statutes,” a copy of which is attached (Attachment 9) and is hereby made a part of these minutes.

(2) Proposal from Ritter Architecture, P.A. for architectural services for the locker room building: Mr. Jones explained that a copy of the proposal was in the board’s agenda packet, adding it would need to be approved along with the accompanying budget amendment. Upon a motion by Commissioner Shields, seconded by Commissioner Beale, the board voted unanimously to approve the proposal as submitted, a copy of which is attached (Attachment 10) and is hereby made a part of these minutes. Also attached (Attachment 11) is a copy of a budget amendment that appropriates \$35,000 from the general fund balance for architect fees for the Macon Middle School locker room facility, and it is hereby made a part of these minutes.

(3) Reimbursement resolution for Middle School project: Following a brief explanation by Mrs. Carpenter, and upon a motion by Commissioner Beale, seconded by Commissioner Shields, the board voted unanimously to approve a “Reimbursement Resolution for Macon Middle School Project – Authorizing the County to Reimburse Itself for Early Project Expenditures from Later Financing Proceeds.” A copy of the resolution is attached (Attachment 12) and is hereby made a part of these minutes, and allows the county to reimburse itself an expected maximum amount of \$15.3 million.

DISCUSSION REGARDING ONE-QUARTER CENT COUNTY SALES AND USE TAX: Mr. Jones briefly discussed the pertinent state statutes as they relate to the county enacting a one-quarter cent county sales and use tax. He pointed out that the board can’t just approve it, and that it must be given to the citizens to approve in a referendum. As elections are expensive to run, he noted the board, if it chose to do so, would likely want to put the item on the November general election ballot so as to avoid a special election. As this would be an additional ballot item, he encouraged the board to start this process pretty quickly. He said that if enacted, the tax would go into the county’s general fund, and that it cannot be earmarked and cannot be put on the ballot in such a way. Future boards cannot be bound by how this board uses the tax revenue, as each board would bind it one year at a time by passing a budget. Commissioner Beale said he was disappointed that it cannot be earmarked, and Mrs. Carpenter said she could not project the amount of revenue it would provide due to a lack of data. Mr. Jones said the purpose of the discussion tonight was that, if the board wanted to pursue this, he could embark upon preparing the necessary

paperwork for consideration at the board's April regular meeting. He said the board could agree by consensus to move forward and no vote was need tonight. Mrs. Carpenter noted that 42 North Carolina counties have this tax, and if it passed in November of this year, it would take effect April 1, 2021.

OFFER TO PURCHASE REAL PROPERTY (REED ESTATE): Mr. Jones explained he had drafted an offer to purchase the Reed Estate, a parcel that adjoins property owned by the county near its Buck Creek Road recreation area. The offer is for \$60,000, with Mr. Jones noting there is an old mobile home on the property that is somewhat of a liability. Chairman Tate said he would like to state for the record that securing this parcel "ties the property together" with the other county-owned tract and this is something the county has been watching. It was noted the agreement would require a deposit of \$500. Commissioner Beale made a motion to authorize Chairman Tate, Mr. Jones and Mr. Roland to pursue the contract and to approve the deposit, and to authorize Chairman Tate to sign the contract. Commissioner Shields seconded the motion, and it was unanimously approved. An unexecuted copy of the "Agreement for Purchase and Sale of Real Property" is attached **Attachment 13** and is hereby made a part of these minutes.

CONSENT AGENDA: Upon a motion by Commissioner Beale, seconded by Commissioner Shields, the board voted unanimously to approve the consent agenda as presented, which includes: (A) the minutes of the February 6, 2020 continued session and the February 11, 2020 regular meeting; (B) budget amendment **#190** for Public Health to allocate \$12,388 in additional funding for the family planning program; **#191** for the Juvenile Crime Prevention Council (JCPC) to appropriate \$16,852 in additional JCPC funds received for Mountain Mediation Services – Restorative Options; **#192** for Maintenance to appropriate \$2,200 from an insurance settlement; **#193** for Transit to appropriate an additional \$27,484 in revenue from a Fiscal Year 2020 ROAP grant; and **#194** for the Sheriff's Department to transfer \$3,064 from an insurance settlement for vehicle repairs; (C) to approve tax releases for the month of February in the amount of \$6,593.00; (D) to approve Macon County Board of Health approved write-offs of \$1,500 in uncollected amounts billed and (E) received the monthly ad valorem tax collections report, for which no action was necessary. The report shows a 96.17 percent collection rate.

APPOINTMENTS: (1) Planning Board: Upon a motion by Commissioner Gillespie, seconded by Commissioner Beale, the board voted unanimously to appoint Ben Ledford to serve on the Macon County Planning Board, replacing Joe Deal. Term of appointment is for three years. **(2) Airport Authority:** Upon a motion by Commissioner Gillespie, seconded by Commissioner Beale, the board voted unanimously to appoint Janet Shuler to the Macon County Airport Authority, replacing Miles Gregory. Term of appointment is for six years. **(3)**

Minutes

03.10.20

Page **14** of **15**

Library Board: Upon a motion by Commissioner Higdon, seconded by Commissioner Shields, the board voted unanimously to reappoint San Ho Choi to another term on the Macon County Public Library Board of Trustees. Term of appointment is for three years.

CLOSED SESSION: At 11:28 p.m., upon a motion by Commissioner Beale, seconded by Commissioner Shields, the board voted unanimously to go into closed session for the purpose of preserving the attorney-client privilege under NCGS 143-318.11(a)(3) and to discuss matters relating to the location of expansion of industries or other businesses in the area served by the public body under NCGS 143-318.11(a)(4). At 11:39 p.m., upon a motion by Commissioner Beale, seconded by Commissioner Shields, the board voted unanimously to come out of closed session and return to open session. No action was taken.

RECESS: With no other business, and at 11:41 p.m., upon a motion by Commissioner Beale, seconded by Commissioner Shields, the board voted unanimously to recess the meeting until Monday, March 23, 2020 at 3 p.m. in the commission boardroom on the third floor of the Macon County Courthouse, located at 5 West Main Street, Franklin, NC 28734.

Derek Roland
Ex Officio Clerk to the Board

Jim Tate
Board Chairman

**MACON COUNTY BOARD OF COMMISSIONERS
EMERGENCY MEETING
MARCH 17, 2020
MINUTES**

Chairman Tate called the meeting to order at 3:01 p.m. as provided for in the Notice of Emergency Meeting, a copy of which is attached (Attachment 1) and is hereby made a part of these minutes. All Board Members, County Manager Derek Roland, Deputy Clerk Mike Decker, Finance Director Lori Carpenter, several county department heads and members of the news media were present. County Attorney Chester Jones joined the meeting via telephone.

Chairman Tate stated the purpose for the meeting was to communicate to our citizens the current steps the county is undertaking to address the COVID-19 situation. He said the county would “do everything we can to protect the health, safety and well-being” of our residents, adding that it “eases my sense of responsibility” knowing that the county has six months of operating revenue set aside in the general fund balance right now.

Mr. Roland told the board he had met with county department heads and discussed how to address the pandemic, and he went over a list of closures and other measures that had already been put into effect. He also noted that department heads had been asked to identify those employees who would be most vulnerable to the Coronavirus, and to also assess their capabilities to work from home. He noted that Sheriff Robert Holland is working with the detention center’s contract physician to implement the proper measures inside the jail. He said county employees will be tasked with observing the recommendations of the Centers for Disease Control and Prevention (CDC) and the plan is to leave the majority of county offices open for business. He said Maintenance Department staff are working to put plexiglass barriers in place where employees have direct contact with the public, and that the majority of communication will need to be done via telephone or email. “I’m very pleased with the way we’ve been able to come together” to protect the health and safety of county employees, he told the board.

Macon County Public Health Director Carmine Rocco told the board this is “an unprecedented time,” as just six months ago the Coronavirus wasn’t really on the radar. He said health department staff members are “undertaking a great effort to protect the public health,” and pointed out that Gov. Roy Cooper, by executive order, is closing all restaurants and bars, with only delivery and take out of food now available. He explained that the disease is spread by contact, and it is also possible to spread through contact on a surface. He said cleaning is so important, as is common sense, and although the “information changes every day,” he said information and communication will be key in preventing the spread. He told the board that one individual in Macon County who was not a North Carolina resident had tested positive for COVID-19, adding that the individual is in isolation and that local health officials will work with them and monitor their progress. He said his department initiated drive-through testing on March 16th, and has performed 32 tests, five of which were negative and the remainder were pending. After addressing questions related to this particular individual, Mr. Rocco said the department has established a call center to answer COVID-19 questions. The center is available from 8 a.m. to 5 p.m. Monday through Friday by dialing 349-2517, and he said the volume of calls increased dramatically on March 16th. He said the guidance for testing an individual is a fever of 100.4 or greater and lower respiratory issues. He requested that those with potential symptoms contact their health provider before leaving their home. He said health officials do not want to see people go out into larger groups, and stressed the need to practice social distancing. “Close contact” is considered being less than six feet from another person for more than 10 minutes. He said health officials don’t know how long this will last, but that it “could be many months.” Commissioner Beale asked about protections for health department workers, and the issues of personal protective equipment (PPE) and cleaning and testing measures were discussed.

Macon County Emergency Management Director Warren Cabe told the board there have been discussions about the part Macon County Government plays in the economy. He said the effort will be made to lower the curve and keep people out of medical facilities. On the emergency services side, he stated that the Barrett Building will be closed to the public as of 8 a.m. on March 18th, as that is where the county’s Emergency Operations Center (EOC) is housed along with the county’s 911 dispatch center. The virus is also changing the way we do business, he said, noting that the entire ambulance crew will not be exposed to a patient at one time. He recommended that the county declare a State of Emergency, adding that the Town of Franklin has done so and the Town of Highlands is preparing to do so, and saying it is “prudent we undertake that today.” He reiterated the governor’s order of no mass gatherings of more than

100 people, and said this part is a “very fluid situation” as there are some agencies calling for that number to be 50 and others calling for no more than 10. He pointed out the need for consistency in such matters, and told the board, “It may not be the last time we address this.” He said grocery stores and gas stations will remain open, and that the county is not to the point of instituting curfews. “We are going to make sure people are taken care of,” he said, and encouraged residents to heed public health recommendations.

The board members then interacted via conference call with Karen Gorby with Angel Medical Center and Tom Neal with Highlands-Cashiers Hospital regarding the preparedness of those facilities for any anticipated “surge” and other healthcare related issues, such as current staffing and equipment levels.

NOTE: Commissioner Higdon left the meeting at 4 p.m.

Macon County Department of Social Services (DSS) Director Patrick Betancourt told the board that the county’s Senior Center has been closed to all activities with the exception of adult day care, and that the Community Resource Center inside the facility has been closed as well. Starting on this date, he said the agency’s congregate meal program has been shifted to drive-through meal delivery. Home delivered meals to clients will be by “ring and drop,” he added. Otherwise at DSS, he said it was business as usual for the most part, as information can be delivered to caseworkers via a drop box and those needing to apply for services can do so online. He said DSS could get a surge in applications. He also noted the agency is compiling information to possibly allow employees to work from home. Commissioner Beale said that for some of the county’s seniors, the meal at the center or that is delivered “is the only contact they have every day.” Mr. Betancourt said that the volunteers delivering meals are asked to wait in their vehicle and verify as much as possible that the individual is okay.

Macon County Schools Superintendent Dr. Chris Baldwin said that schools are closed for two weeks. He said system personnel delivered meals (lunch today and breakfast tomorrow) to 2,100 students today, and that “mobile learning” would begin tomorrow, March 18th. He said school officials are planning on doing both (meals and mobile learning) for more than two weeks in what he referred to as “a scary time.” Commissioner Shields said he had received calls asking if county and school outdoor facilities can be used by the public, and Dr. Baldwin said that as of right now school playgrounds are closed in order to limit exposure.

Mr. Rocco added that “since we are on the front end of social distancing,” he urged the public to give the next two weeks an opportunity and to be creative

and stay inside if at all possible. He also noted that public health officials had reached out to the faith community as churches would be discouraged from having services.

Macon County Sheriff Robert Holland said one of his main concerns are for those incarcerated in the Macon County Jail, which currently has 90 inmates and 15 more housed out of the county. He said the entryway to the detention center is closed to the public, but that requests for gun permits have “lots of people coming in.” However, he said visitation at the detention center could be an issue, as that is essentially the only benefit an inmate has. He said the court system is still in process, and the only resource the sheriff’s office is not making available is concealed carry gun permits. He said he is supportive of family coming first but “right now we’re all hands on deck.” He added that deputies are taking extra precautions and are “doing what the county expects them to do.”

Mr. Roland pointed out that, during the meeting with department heads, the possibility arose of needing access to additional funds quickly, and suggested that \$150,000 be earmarked for “disaster relief funds.” Mrs. Carpenter had prepared a budget amendment to this effect, moving the money from the county’s fund balance. Mr. Roland noted that count staff will be keeping track of these expenditures with the intent of getting reimbursed “when the dust is settled.” Upon a motion by Commissioner Shields, seconded by Commissioner Beale, the board voted 4-0 to approve the budget amendment as requested, a copy of which is attached [\(Attachment 2\)](#) and is hereby made a part of these minutes.

Following that action, Chairman Tate said he would sign the “Proclamation of State of Emergency,” a copy of which is attached [\(Attachment 3\)](#) and is hereby made a part of these minutes. Mr. Cabe noted this allows the county to create some local regulations and “opens us up for any federal disaster funding” that becomes available. “This is all uncharted waters,” he concluded.

Following additional comments, Chairman Tate announced that the recessed meeting of the board scheduled for March 23, 2020 “will be open and closed,” as the particular need for having that meeting no longer exists.

With no further business, at 4:32 p.m., upon a motion by Commissioner Beale, seconded by Commissioner Shields, the board voted 4-0 to adjourn.

Derek Roland
Ex Officio Clerk to the Board

Jim Tate
Board Chairman

**MACON COUNTY BOARD OF COMMISSIONERS
SPECIAL MEETING
MARCH 26, 2020
MINUTES**

Chairman Tate called the meeting to order at 4:30 p.m. as provided for in the Notice of Special Meeting of the Macon County Board of Commissioners, a copy of which is attached **(Attachment 1)** and is hereby made a part of these minutes. All Board Members, County Manager Derek Roland, Deputy Clerk Mike Decker, several county department heads and members of the news media were present. County Attorney Chester Jones joined the meeting via telephone.

Chairman Tate stated that the purpose of the special meeting was for county health, emergency management and administration officials to update the board on the COVID-19 situation in Macon County.

Macon County Interim Health Director Carmine Rocco presented a PowerPoint presentation, a copy of which is attached **(Attachment 2)** and is hereby made a part of these minutes. Mr. Rocco gave the board a brief overview of the Coronavirus, its symptoms and how it is spread. He focused attention on prevention of the illness, including practicing social distancing, proper hand washing, when to avoid contact with others, covering coughs and increased cleaning. He looked first at the national picture, and showed maps that contained statistics on COVID-19 as of March 3, then March 18 and then March 25. He noted this is a fast spreading disease that is stopped only by social distancing. He said the number of deaths nationwide now topped 1,000 and the number was doubling every two to four days. From a regional perspective, Mr. Rocco said Macon County is in a “basin” that is relatively free of the virus right now, but also pointed out, “We are surrounded by COVID-19.” He voiced concerns over Mission Hospital in Asheville filling up, and therefore being unable to accept patients from other areas in the region such as Franklin. He then moved on to testing, saying that the single largest number of tests were conducted on March 16th, and to date 56 COVID tests have been performed, but there are no positive tests among Macon County residents. He said the health department’s call center has taken 360 calls as of March 25th, and that the department posts up-to-date information on its Facebook page. He noted that it is taking several days to get test results back, and to be tested, an individual needs to have a fever, lower respiratory issues and a negative flu test result. He said public health has more than 20 test kits available, and warned that a

vaccine could be a year to 18 months away. Commissioner Higdon said that “personal responsibility has been a great asset in Macon County” and gave credit to the county’s citizens. However, he questioned what he called a “hodge-podge approach” to shutting things down, and questioned why the county was planning to go to not allowing gatherings of more than 10 people if the state’s number is 50, and Mr. Rocco said the federal Centers for Disease Control and Prevention (CDC) is recommending no more than 10. Commissioner Higdon also said that deaths from the flu this year far outnumber deaths from the Coronavirus, adding that the shutdown will keep workers from getting a paycheck. He questioned what the long-range plan is for factoring in “a major economic impact.” Mr. Rocco responded that a rapid increase in the number of cases could result in the health system failing, which will lead to more economic problems, which is why the effort is to reduce the peak and “flatten the curve.” Mr. Rocco said he remains concerned about an influx of individuals coming into the area and that everyone must practice social distancing. Commissioner Higdon stated that the proposed proclamation needs to be reviewed prior to the board’s next meeting. Commissioner Gillespie raised questions about the number of deaths attributed to the virus, and asked Mr. Rocco to speculate about Georgia’s numbers, which exceed North Carolina’s. Commissioner Beale said an article in the *New York Times* this morning listed Macon County “as the place to go to.” Mr. Rocco responded by saying would you come here to put your grandma at risk, adding that such decisions come down to “personal responsibility.”

Macon County Emergency Management Director Warren Cabe explained that emergency management is “the logistical arm of something like this” and is the county’s connection to resources acquired by North Carolina Emergency Management. He said he has been in contact with hospitals and other agencies to determine the amount of supplies they have on hand and what the “burn rate” for those are, noting there are “some things you just can’t get.” He said that he has received “one percent of what we’ve ordered,” adding that it is hard to get COVID-19 test kits. While the total number of calls to 9-1-1 has been “very similar to last year at the same time,” he said there was a 50 percent increase in respiratory-related calls and a 400 percent increase in the number of chest pain-related calls. Mr. Cabe told the board he would speak again later in the meeting.

Mr. Roland told the board that the county is taking steps as much as possible to observe and acknowledge risks and to protect employees while continuing to operate on normal business hours in most instances. From an organizational standpoint, he said that high-risk individuals have been identified and “work from home” capabilities addressed. He added that mechanisms to ensure that certain procedures, such as payroll and other critical processes, would be able to work remotely if needed. He noted that many departments are doing temperature monitoring of employees at the start of each work day, and that other protective measures, such as extra cleaning and sanitation, have been

enhanced. He talked about the effect of the virus on individual departments, and pointed out where closings were in effect. Commissioner Higdon asked about additional operating costs in connection with COVID-19, and Mr. Roland said they have been minimal thus far, and that Finance is tracking all COVID-19 related expenses.

Chairman Tate asked if there was a motion to approve the "Supplemental Proclamation of State of Emergency For Macon County, North Carolina." Commissioner Beale made a motion to approve the proclamation, and it was seconded by Commissioner Shields. A lengthy discussion followed, and Mr. Cabe provided some background. He explained that the regulations that stem from the state of emergency "fall on my shoulders," and he has had to make some very difficult decisions. Explaining that he is "fairly conservative," he told the board that these decisions "don't rest lightly on me." He further explained his belief that the county must "err on the side of caution," as "we're at war with something we can't see." He said that although his fight is not necessarily with COVID-19, he must take action to maintain the healthcare system. He told the board that his request was to "put in place the regulations you have in front of you," which are contained in a document entitled, "Regulations Imposed in Macon County (less the Towns of Franklin and Highlands) by the Macon County Emergency Management Coordinator in Connection with COVID-19 Pandemic." A copy of that document is attached (Attachment 3) and is hereby made a part of these minutes. He explained that those regulations would limit gatherings of people to no more than 10, and would close motels and hotels as of 5 p.m. on Friday, March 27, 2020, with certain exemptions. "We want to protect our residents," he said, and told the board that he would be reviewing the status of the regulations on a daily basis. He also pointed out regulations to screen individuals entering the county at the airport. He again told the board that he didn't take the regulations lightly, adding this has been "one of the hardest processes I've been through in my career," noting that he and other will be judged "by what we do now." Chairman Tate told Mr. Cabe, "You've got my full support." During the continued discussion, Commissioner Higdon argued for "private sector input" into these decisions, stating, "People who are guaranteed a paycheck are having control over people who have no input and not guaranteed a paycheck." He also raised questions about individuals coming into the county to close real estate transactions, and said he did not see the need to update the county's initial state of emergency proclamation. Following additional discussion, Commissioner Beale made a motion to approve the supplemental proclamation, and it was seconded by Commissioner Shields. Mr. Cabe said the supplemental proclamation declares there is a problem in the county, and ultimately the problem is his to address, and he is doing so through the regulations he has placed in the document. He said the board can change those regulations at a regular meeting, or it could be done at a special called meeting like the one today. Mr. Jones pointed out that Mr. Cabe "can make changes as

things go along.” Mr. Cabe added that if things change within a week, “I shoulder the responsibility of taking it off,” and told Commissioner Higdon, “You need to ask those questions.” Commissioner Gillespie asked a number of questions about the limit on the size of a gathering, restrictions on lodging and visitors at the airport, and asked about those with “a legitimate reason to be here.” Mr. Cabe responded that it was allowable as long as it was related to commerce, but “not just to get away from somewhere else.” Commissioner Gillespie told Mr. Cabe that he appreciated the process [Mr. Cabe] has gone through, and said these are “very necessary conversations” to have. The discussion then turned to individuals with second homes in the county, and Mr. Cabe noted they can still come here, but must isolate for 14 days to make sure they are not infected. This led to discussion about enforcement of this provision. At this point, Mr. Rocco interjected that he initially wanted to close any access to Macon County from anyone outside, and this was a compromise “done with the best intentions.” Commissioner Higdon said the problem with the supplemental proclamation was that it can’t be reviewed for 19 days, and he could not support that, saying, “This is a day to day issue.” Mr. Cabe told Commissioner Higdon, “I promise you we will look at it day to day.” Following discussion about some of the details of the county’s emergency management ordinance, the board voted 4-1, with Commissioner Higdon opposing, to approve the “Supplemental Proclamation of State of Emergency for Macon County, North Carolina,” a copy of which is attached (Attachment 4) and is hereby made a part of these minutes. Chairman Tate noted the orders in the notice of special meeting that directs distribution of this document to the media and to have county staff distribute it via the county website, social media and other methods.

Chairman Tate then discussed and read a letter he was proposing to have sent to all county residents regarding the COVID-19 pandemic. In particular, the letter would warn of an influx of people that could overtax a very limited healthcare system that has 62 hospital beds and seven ventilators for a population of approximately 34,000 people. Commissioner Beale said he thought the county’s second homeowners would appreciate the letter and would understand what we are trying to do. Commissioner Shields said he wanted to make sure the letter was not in conflict with the state of emergency proclamation. Commissioner Gillespie called it “a well drafted letter.” Commissioner Higdon said he liked the language regarding “respectfully requesting” that they not come to the county. No action on the letter was necessary.

Commissioner Beale recognized Dr. Gus Wilde, who made some brief comments to the board, noting that the presentation slide of Mr. Rocco’s that shows the exponential increase in cases of the virus “scares me.”

With no other business, at 6:48 p.m., upon a motion by Commissioner Beale, seconded by Commissioner Gillespie, the board voted unanimously to adjourn.

Derek Roland
Ex Officio Clerk to the Board

Jim Tate
Board Chairman

MACON COUNTY MONTHLY
AD VALOREM TAX COLLECTIONS REPORT

Apr-20

Month to Date	Beginning Balance	Levy Added	Less Releases	Less Write-Offs	Equals Adj Levy	Gross Payments	Less Refunds	Misc Dr/Cr	Net Payments	Outstanding Balance
General Tax	726249.38	1099.04	0	-10.14	727338.28	-85311.93	3027.2	0.68	-82284.05	645054.23
Fire Districts	111244.01	203.49	0	-2.02	111445.48	-10832.57	0	0	-10832.57	100612.91
Landfill User Fe	116001.92	0	0	-0.27	116001.65	-8439.82	0	0	-8439.82	107561.83
Totals	953495.31	1302.53	0	-12.43	954785.41	-104584.32	3027.2	0.68	-101556.44	853228.97

Year to Date	Beginning Balance	Levy Added	Less Releases	Less Write-Offs	Equals Adj Levy	Gross Payments	Less Refunds	Misc Dr/Cr	Net Payments	Outstanding Balance	Collection Percentage
General Tax	840.83	29026377.23	-17043.31	-1233.12	29008941.63	-28544113.47	146887.97	33338.1	-28363887.4	645054.23	97.78
Fire Districts	256.26	3999556.11	-2681.96	-185.43	3996944.98	-3900143.96	0	3811.89	-3896332.07	100612.91	97.48
Landfill User Fe	0	2554455	-1710	-17.09	2552727.91	-2447263.3	0	2097.22	-2445166.08	107561.83	95.79
Totals	1097.09	35580388.34	-21435.27	-1435.64	35558614.52	-34891520.73	146887.97	39247.21	-34705385.55	853228.97	97.6

The collection rate is 97.78% collected on 2019 county general taxes, late listing penalties, discoveries and deferred taxes as of 4/30/2020 as compared to 97.7% on 2018 taxes as of 4/30/2019