

**MACON COUNTY BOARD OF COMMISSIONERS**  
**June 8, 2021**  
**MINUTES**

Chairman Tate called the meeting to order at 6:00 p.m. He welcomed all those in attendance and stated that he viewed this meeting as one of the most important of the year, as it was budget time in which the direction of Macon County Government is set for the next year. He thanked the Finance Department and County Manager for making this process happen. All Board Members, County Manager Derek Roland, Deputy Clerk Mike Decker, Finance Director Lori Carpenter, County Attorney Eric Ridenour and members of the news media were present, as were a number of county employees and citizens.

**ANNOUNCEMENTS:** None

**MOMENT OF SILENCE:** Chairman Tate requested that all in attendance rise and a moment of silence was observed.

**PLEDGE TO THE FLAG:** Led by Lori Carpenter, Finance Director, the pledge to the flag was recited.

**PUBLIC HEARING:** At 6:\_\_\_ p.m., Chairman Tate opened the public hearing on the recommended Fiscal Year 2021-22 proposed budget. He stated that no one had signed up to speak and inquired if there was anyone who had not signed up that would like to address the board in regard to the proposed budget, or if the board members had anyone they would like to address. There was no response from the board members or the general public. Chairman Tate shared a broad overview of appropriations in the amount \$56,681,218. This includes some changes made at last week's work session regarding a minimal tax increase which was allocated as follows: \$8,490 to the North Carolina Forest Service, \$417,064 for a 2 percent Cost of Living Adjustment (COLA) for all county employees, \$644,575 for the implementation of the upcoming pay study plan, \$30,000 to the library operating fund, a one-time donation to the Nikawsi Foundation in the amount of \$25,000, \$10,000 to Cowee School for a new well, and \$904,993 to the contingency fund with the expectation that all of it will be spent in conjunction with the architectural services and implementation of a new Franklin High School facility. Chairman Tate stated this is almost a \$2 million increase over the County Manager's initial proposed budget. With no questions or comments, Chairman Tate closed the public hearing at 6:\_\_\_ p.m. A motion

was made by Commissioner Beale, seconded by Commissioner Shields, to adopt the budget and the budget resolution as presented. Commissioner Young stated that he understands the slight increase in the ad valorem tax but that we are living in unprecedented times, and that the county is expected to have another six to seven million dollars of COVID relief funds. In addition, he stated that the results of the pay study have not been received yet so we don't know how much we will need to spend for that. He expressed that we are not a brokerage firm for the county tax dollars – “if there is a need I'm happy to fund it. If there is a need I'm happy to spend it. I'm on board for a new high school and I do want to see the plan. I do appreciate this extra step but, with all due respect, I understand where it is going and this is my reason for opposition.” Chairman Tate asked if we could use the COVID relief funds for erection of a new high school or hiring of the architects. Commissioner Young said he would love to do that if we could. Mrs. Carpenter stated that we do not know yet as the guidance on how the funds can be spent was just released two weeks ago and there hasn't been time to fully study that or to determine what we can and can't spend those funds on. Commissioner Higdon stated he is honored to serve on the board and that he had two apologies to offer tonight. One to the County Manager as he was charged with bringing us a flat budget, and he did a great job with the budget team. Commissioner Higdon said he would support that budget. However, when we came to the budget work session like every other year, he said we go into supporting “pet projects” such as the Nikawsi fund and the Cowee School which are charities and he has argued previously that in this budget we have \$75,000 in a community funding pool designated to funding charities, but occasionally, we just off the cusp want to give \$10,000 or \$25,000 to a charity. He stated that it needs to be one way or the other and he will always “preach” that. Commissioner Higdon referenced the library increase, stating that it was probably appropriate but that it dismisses the study that Mr. Roland did showing that Macon County funds more of the Fontana Regional Library than the surrounding counties. In regard to the pay study, Commissioner Higdon stated that we set aside \$1.2 million included in Mr. Roland's recommended budget to fund the pay study, which would be about a 6 percent average increase per employee – some would get nothing and some might get more than 6 percent which he believes is a positive move. He stated that Mr. Roland did not request a COLA until the pay study is finalized at the end of the summer. He said he understands and has no problem with the COLA recommended by Chairman Tate, but it was not recommended by the County Manager and has added \$417,000. Then he said we added \$644,000 to further fund the pay study up to about \$1.8 million in a reserve fund. Commissioner Higdon said if you are a county employee he is proud of you and hopefully a lot of you are going to get good raises out of this plan. He stated that we have increased the contingency fund from \$100,000 last year to \$900,000 this year. Commissioner Higdon stated that his second apology is the to taxpayers, because in order to get that \$2 million we are going to increase your property taxes 2.5 mils or 6.75 percent

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of your property tax. He said that in 2019 we had a 0.18 mil increase and that he gets frustrated with tax increases because financially this county is “flush with money.” He stated that next year Macon County Schools is getting an additional \$17 million and Macon County is getting an additional \$7 million in COVID relief funds and we have \$28 million in the undesignated fund balance and he sees no reason to go to the taxpayers and request an additional \$2 million. He shared that, on a side note, Jackson County has just reduced their millage rate after their revaluation, and they have no county-wide fire tax. Therefore, he cannot vote on the commissioner’s budget this year based on the tax increases that he cannot justify. Commissioner Beale commented that taxes in Macon County, even with this increase, will still be one of the lowest in the state, and that these are not “pet projects.” He said all of these projects are important - the 2 percent COLA for our employees which we struggle with now; the pay study – we have completed four pay studies and not one pay study has been fully funded - after much thought and discussion we decided we are going to fund this pay study for our employees. If we don’t have employees, we don’t have anything – our employees are our county and they take care of our citizens in every way; the library asked for \$53,000 and we gave them \$30,000; the Nikawsi Initiative is very important to our county in a lot of ways – it helps us work together with the town and the Eastern Band as we try to improve; Cowee School is a county-owned building – we are putting a well in our own building. He further shared that all of these are important and that he does not like to raise taxes. Commissioner Beale commented that we could not get support for a new high school which would have taken a \$0.055 to \$0.065 tax increase, but he felt this was our opportunity to build a new high school and he can assure that the \$904,000 set aside in contingency will be used as specified in the motion for the tax increase that has to happen in preparation for the school architect and other things; in regard to the fund balance, he reminded members that by law we have to have 8 percent on hand at any given time but that many years ago, commissioners on this board voted to make that 25 percent that cannot be touched without a majority vote of the board. He indicated we have many projects that need to be done this coming year and we are going to ask the County Manager to prioritize those and these items that were added had been submitted to the County Manager to include in his budget but he chose not to include them – when the County Manager makes a budget it is just a starting point as it is then up to the commissioners to come in and see what they think needs to be done. He requested that the board and public remember that the main reason for the small tax increase in this budget is to take care of our employees and to get a fund started for a new high school. Chairman Tate said he enjoyed serving with each member of the board and appreciated the differing opinions shared but with no further comments he called for a vote. The motion passed 3-2 with Commissioners Beale, Shields and Tate voting in favor of the Fiscal Year 2021-2022 proposed budget and ordinance, and Commissioners Higdon and Young

opposed. A copy of the FY 2021-22 budget ordinance is attached ([Attachment 1](#)) and his hereby made a part of these minutes.

**PUBLIC COMMENT PERIOD:**

(A) **Peter Stern** shared his view about election integrity and the jurisdiction of this board following his research on the topic. He provided a copy of extracts from the North Carolina General Statutes to each member via email prior to the meeting and briefly reviewed the high points of that document ([Attachment 2](#)). In summary, he stated that the board has venue jurisdiction and subject matter jurisdiction and requested the board move forward with approval of the ordinance and to unanimously pass it to protect all members of this county in their right to vote. Chairman Tate stated that the County Attorney is advising us on this matter and requested Mr. Ridenour to respond. Mr. Ridenour stated that he disagrees in regard to the authority the county has to enact voter registration laws as it is even questionable as to what authority states have and he believes this issue currently resides at the federal level. He commented that he does not believe the county has the authority and if the county did enact legislation about what is required to be a registered voter within the county we would probably be sued by a lot of people which will in turn cost a lot of money in defense and man hours than the Macon County budget would allow. Mr. Stern stated if we acted out of fear of being sued or what someone would do we would be back in the times of King George and not a pleasant place to live. He suggested that if you operate from a position of fear that you will lose every time, but if you operate from the point of strength which is to protect and defend that flag, this county and our voter integrity is a choice for the board. He advised that it is the board's responsibility to protect us and he believes the best way to protect us is to pass the constitutional amendment passed by the state in case something happens somewhere else and that Mr. Ridenour should provide a written opinion to the board as to why they should ignore the North Carolina General Statutes. Commissioner Shields expressed his gratitude to Mr. Stern for his service and appreciation for what he is standing for. Commissioner Higdon apologized to Mr. Stern as he had not received all of the email correspondence due to switching from his personal email to the county email system. Commissioner Beale commented that some states who had followed suit with what Mr. Stern is suggesting are actually suppressing the vote and that North Carolina just had very good election results with very little fraud and he thinks we are in good shape.

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

- To add Item 10A under Old Business, Opioid Settlement, per Commissioner Beale.
- To add Item 9A under Reports/Presentations, Letter from Nantahala Library Board, per Commissioner Beale.

**REPORTS AND PRESENTATIONS:**

**(A) Library Letter** – Commissioner Beale stated that a letter written by the Nantahala Library Board had been provided in advance to the members [Attachment 3]. Commissioner Beale requested that Karen Wallace, Director of Fontana Regional Library, come forward to assist with answering questions. Commissioner Beale stated the letter is requesting the library be taken out of the prioritization plan for 2019 and issues addressed immediately. Ms. Wallace shared that the current building is in such disrepair that it is literally falling down around them. She stated the letter requests that the new facility for the Nantahala Community Library be in conjunction with the community club because the roots of the library in that community are truly with the community club, and that input from the students and teachers is that the best location is adjacent to or on the school campus. Chairman Tate asked Ms. Wallace how many hours per week the library is open, to which she responded 30 hours per week. Chairman Tate asked if the new building that has been purchased would not work for them, and Ms. Wallace replied that if they have to they will make it work, but they feel it is not the best option. Chairman Tate stated that he does not disagree with her, but he does disagree with the principle for 30 hours per week to put the capital into a fully new building adjacent to the school. He indicated there is disagreement about whether it should be on the school campus or not from the community as well. Ms. Wallace commented that there had been a couple of recent meetings with the school board member who has been opposed to locating near the school and has seen some change in her attitudes toward the value of keeping the library adjacent to the school. Ms. Wallace stated the library has been on the current property for 22 years and has not had any incidents, and would be willing to be open more than 30 hours per week should the operating budget become available as they are operating under the budget that Macon County Commissioners feel is appropriate. Commissioner Shields asked Ms. Wallace to speak about security concerns at the recently acquired location as well as broadband service. Ms. Wallace stated that the White Oak Flats location and the Bateman building that have recently been purchased by the county has no fiber or broadband service

available. She shared that is one of the most important services provided and commented on in the focus groups with community members is to have broadband service available through both Wi-Fi and our fixed network. She indicated that estimates from Balsam West, who is the internet provider, are about \$300,000 to bring fiber to that location which is a fairly costly endeavor and a concern about whether or not that will jeopardize the project at White Oak Flats. Ms. Wallace said that in regard to security, they are currently on the school campus and generally someone from the school or community is around. She indicated they generally have one individual working most hours which is not the safest way to operate, but with the budget they have this is the best way to maximize the budget. She stated if they move to a location where they are not co-located with another entity then the risk to the staff and property increases and they feel they are going to be in a position to be a high target for theft. In the event they move to the new location, they may reconsider the staffing to allow for two individuals to be in the building which will cut their hours in half. Commissioner Higdon thanked Ms. Wallace for coming and stated the building has been falling down for years and it needs to be fixed. He stated that the board prioritized the project when we were doing a county-wide capital improvement plan and the Nantahala Library was number seven or eight on that list and we knew it would be years down the road before we got a new library. He said this is why we pushed to go this other direction and purchased property and a building although this is not a perfect solution as there are no perfect solutions, but it is a great building and a great location. Commissioner Higdon stated we now have the property which needs a lot of work and whether it is used for the library or community building is not his decision. He stated that in his opinion, the school location is not the perfect spot, but he is not the final decision and he thinks this coming year we need to decide what we are going to do – leave it on the prioritization list or move it up. Ms. Wallace thanked the board and requested she be allowed to be involved in further conversations and decisions.

#### **OLD BUSINESS:**

**(A) Opioid Settlement** – Commissioner Beale noted that a resolution is included in the packet [Attachment 4] that he felt all counties in North Carolina would pass. He stated there had been a legal issue previously when the North Carolina Association of County Commissioners worked on the resolution that has been resolved, but did not relate to us. Commissioner Beale made a motion to pass the resolution approving the Memorandum of Agreement between the State of North Carolina and North Carolina Local Governments on proceeds relating to the settlement of opioid litigation, and it was seconded by Commissioner

Shields. Attorney Ridenour commented that Commissioner Beale had served on the committee at the state level that had worked on this and was to be commended. Mr. Ridenour stated there is still not a guarantee that this will go through, but if it does, under this agreement, over the next 18 years Macon County will receive an estimated \$3,967,519 to be put in a separate revenue fund and used for opioid remediation with a committee or someone to decide how the money is spent. The motion passed unanimously.

## **NEW BUSINESS:**

### **(A) Fireworks Permits – Mr. Roland**

- (1) Nantahala Volunteer Fire and Rescue – Commissioner Higdon made a motion, seconded by Commission Shields, to approve the application as presented and the motion passed unanimously.
- (2) Town of Franklin – Commissioner Beale made a motion, seconded by Commissioner Young, to approve the application as presented and the motion passed unanimously.
- (3) Highlands Chamber of Commerce – Chairman Tate made a motion, seconded by Commissioner Beale, to approve the application as presented and the motion passed unanimously.

**(B) Resolution for Cowee School Arts and Heritage Center designation as an arts agency and authorization to apply for grants as Macon County’s Local Arts Agency** – Stacy Guffey with the Cowee School Arts and Heritage Center provided a draft resolution to the board members [Attachment 5] for their review and discussion. He stated that approving this resolution would allow Cowee School to apply for grant funds from the National Endowment for the Arts and that \$135 million was going to be released by the endowment this month, some of which Cowee School could apply individually for in amounts between \$10,000 and \$100,000, and some of which they could apply for in amounts up to \$150,000 for sub-grants to individual artists or organizations within Macon County. Mr. Guffey said the resolution designates Cowee Arts and Heritage Center as the local arts agency to be able to apply for these funds of behalf of Macon County. Commissioner Beale stated that as the board’s liaison for Cowee School, he feels this is just another step in the advancement in the Cowee School Heritage Center with great leadership and recognition. Commissioner Beale made a motion, seconded by Commissioner Shields, to adopt the proposed resolution as presented. Commissioner Young asked Mr. Ridenour if there were any adverse impacts to this resolution and Mr. Ridenour responded, “Not that I am aware of.” Chairman Tate asked if the Bascom or the Macon County Arts Council would have any issues with this designation and if it would take anything away from either of those organizations. Mr. Guffey explained that there are two separate



pots of funding available and that those organizations could still apply individually for the programmatic funds. The board voted unanimously to approve the resolution pending the Mr. Ridenour's final approval. Bobby Koppers, the board chair for the Cowee School Arts and Heritage Center, addressed the board members, thanking them for their continued support of the program and to recognize two county departments that have been particularly helpful to the program – the Recreation Department and the Maintenance Department – who have just been “phenomenal” in keeping the fields and property looking great. Mr. Koppers shared that the center had just held their largest concert ever with a terrific crowd and there are plans to hold more, and to hold them outside where they can accommodate more people and generate more money. He said he wanted to personally thank the board, because without the board the center doesn't make it. He said they are trying their best to become their own entity where they don't have to ask for anything except maintenance on the county's building and the resolution the board just voted on helps to get us there, and the well you approved will help get the kitchen certified and get that revenue stream coming in as well.

**(C) Approval of NCACC Voting Delegate** – Mr. Roland referred members to information in their packet indicating the annual North Carolina Association of County Commissioners (NCACC) conference is approaching in Wilmington and the need is to designate a voting delegate. Commissioner Beale stated he would be attending the conference. Commission Shields made a motion, seconded by Chairman Tate, for Commissioner Beale to serve as the county's voting delegate. The motion passed unanimously.

**CONSENT AGENDA:** Upon a motion by Commissioner Higdon, seconded by Commissioner Shields, the board voted unanimously to approve the consent agenda as presented which includes: (A) Minutes of the March 9, 2021 regular meeting, (B) a Grant Project Ordinance for Weatherization Assistance Program FY 2022, (C) a Grant Project Ordinance for Weatherization Assistance Program CARES Act, (D) Change Order #002 for Macon Middle School, (E) Budget Amendments #304 and #305, (F) the Ordinance Amending FY 2020-2021 Budget, and (G) the monthly ad valorem tax collection report.

**APPOINTMENTS:** None.

**CLOSED SESSION:** None.



**ADJOURN:** With no other business, at 7:01 p.m., upon a motion from Commissioner Higdon, seconded by Chairman Tate, the board voted unanimously to adjourn.

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Derek Roland  
Ex Officio Clerk to the Board

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Jim Tate  
Board Chair