

**MACON COUNTY BOARD OF COMMISSIONERS  
SEPTEMBER 8, 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.

**ANNOUNCEMENTS:** Commissioner Beale announced that the No Wrong Door program received a \$1,000 “Excellence in Innovation” award from the Local Government Federal Credit Union (LGFCU).

**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:** No one signed up to speak.

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

- To add an update on the Request For Proposal for the Macon County High-Speed Internet Access Service Expansion Project under Old Business as Item 10B, per Mr. Roland.
- To remove Item 11C – Discussion regarding National Guard Armory being used as a virtual learning site for Macon County Schools, from New Business, per Mr. Roland.
- To add discussion of Macon Program for Progress (MPP) child care help as the new Item 11C under New Business, per Commissioner Beale.

**NC GREENPOWER GRANT:** Jennifer Love, the STEM (Science, Technology, Engineering, and Mathematics) Coordinator for Macon County Schools, informed the board of a grant opportunity through NC GreenPower that would provide for a small solar power installation at Mountain View Intermediate (MVI) School. Ms. Love explained that the school system was one of 10 recipients of a partial grant to fund the project, but said that a fundraising effort was needed to come up with \$6,000 in matching funds before September 30<sup>th</sup>, and that the system was

still \$1,500 short of that goal. She said her presentation was part of an effort to let the community know about the project, which will not only help fifth and sixth graders learn more about alternative energy, but will generate about \$800 worth of electricity annually, which will be subtracted from the school system's power bill. The project is expected to have a 40-year life span, and will also contain a weather station. She said the solar array would be installed between October and December, and will generate five kilowatts of electricity. Commissioner Shields made a motion to fund the remaining \$1,500, noting that the system will "lose everything" if the \$6,000 is not raised. Commissioner Beale seconded the motion, but added his hope that "others come through" to help raise the remainder needed. Ms. Love said she has "verbal commitments" that could bring the needed amount down to \$500, but also noted that anything raised about the \$6,000 will allow for a larger solar array. In his second to the motion, Commissioner Beale suggested taking the \$1,500 from the contingency line item. Ms. Love said the county board of education is in full support of the project, but cannot contribute as a body, although the members have contributed individually. The board voted unanimously to approve the motion.

**UPDATE ON SERVICES OFFERED THROUGH THE CRAWFORD SENIOR CENTER:** Patrick Betancourt, the Director of the Department of Social Services, and Jennifer Hollifield, the Administrative Officer at the Crawford Senior Center, presented an update on the variety of services offered through the center during the COVID-19 pandemic, which forced the center to close. Mr. Betancourt explained that the center switched from serving congregate meals to offering them in a "drive thru" capacity, and said the department "didn't miss a beat." In fact, he pointed out that number of congregate/drive thru meals served grew from 7,317 through August of 2019 to 18,496 through August of 2020 – an increase of nearly 153 percent. During those same time periods, the number of home delivered meals went from 12,172 to 14,245, an increase of just more than 17 percent. He also expressed his appreciation to Macon County Transit, as that department had as many as four drivers per day helping deliver those meals. Ms. Hollifield then gave the board an overview of the programs, over and above the meals, that were being offered through the center. This includes "well check" calls on the center's participants, handling some COVID-19 related questions, calls to check on Adult Day Care participants, and "drive-by visits" to the homes of some attendees. She said the department is using Zoom to offer activity classes, and hands out books, puzzles and videos. Bingo is being offered as a drive thru activity, and there will be a drive thru flu shot clinic as well. She noted that plans call for some Halloween, Veterans Day, Thanksgiving and Christmas activities as well. Commissioner Beale said that there is "nothing to compare" to this effort in the seven-county Southwestern Commission region, and thanked the center's volunteers for their efforts. No action was necessary.

**TEEM HOLLOW UPDATE:** Mr. Jones provided the board with an update on the situation in Teem Hollow, which has been the focal point of comments during the board's public comment period at the July and August regular meetings. He said the board had requested that he and Mr. Roland look into the situation following comments made at those meetings, and that he, Mr. Roland and other county officials met with several of the neighboring property owners on August 20<sup>th</sup>. He said the group met for nearly two hours, and that he shared with the neighbors that they must have "admissible evidence" regarding activities that are believed to be taking place on the property in question. He said he told the group to "keep their eyes open," but that he also explained it was important for them to understand that there are things the county can do and things it cannot. He also advised them that they might need to retain an attorney to pursue these matters further. He said that a nuisance action might be brought under Chapter 19 of the state's general statutes, but said the group is lacking evidence for that. He also said that criminal records, calls to 911 and sheriff's department reports had been reviewed, but most of the criminal conduct has been at the misdemeanor level. In addition, he said the problem has been examined from a solid waste perspective, along with an environmental health perspective, and as to what other actions the county might take, ranging from social services to taxation of junk cars and junk campers stored on the property. Mr. Jones told the board he has personally driven to the property, adding, "It is a mess." In short, he said that the county's solid waste ordinance may apply to the situation, and asked that he and Solid Waste Director Chris Stahl be allowed to work on the matter further. He said it is important for the neighbors to consider forming a group and hiring an attorney, if they feel like there has been a crime. Per Chairman Tate, the consensus of the board was to allow Mr. Jones and Mr. Stahl to continue to address the situation. No action was taken.

**OFFER TO PURCHASE PROPERTY:** Mr. Jones explained that a new offer to purchase property located at 11099 Buck Creek Road in Highlands, NC had been prepared for the board's consideration. He said the revised offer represents the tax value of the land minus the value of an old mobile home on the property. The new offer is \$77,800, plus \$500 of earnest money, the latter of which the county has already paid and will be carried forward. Commissioner Beale noted this presents the county an opportunity to expand the Highlands recreation park, and made a motion to approve the offer as presented. Commissioner Shields seconded the motion. Mr. Roland noted that the motion would need to include an appropriation of \$77,800 from fund balance, along with the accompanying budget amendment. The board voted unanimously to approve the motion. An unexecuted copy of the "Agreement for Purchase and Sale of Real Property" is attached (Attachment 1) and is hereby made a part of these minutes.

**REQUEST FOR PROPOSAL FOR HIGH-SPEED INTERNET ACCESS SERVICE EXPANSION PROJECT:** Mr. Roland said that county officials had learned of an

opportunity with regard to the Request For Proposal (RFP) for the county's high-speed internet access service expansion project that would allow a company to leverage this proposal to go toward a larger state-run initiative. Tommy Jenkins, the county's Economic Development Director, told the board this is a "fast track program" and that with minor changes to the RFP, it could work in conjunction with the state program. Mr. Jones said that Keith Conover, a broadband consultant with the state who worked with the county on its RFP, recommended that the county "hold up" and revise the document to make it "friendly" to the GREAT grant program. The Growing Rural Economies with Access to Technology (GREAT) Program helps fund the development of broadband within unserved areas of economically distressed counties, generally defined as those with a Tier 1 or Tier 2 designation by the state. After further explanation, Mr. Jones asked that the board approve the RFP with blanks in the document regarding dates, and if those responding to the RFP can show a partnership with a local government, they can get grant points. Following questions from the board, Mr. Roland pointed out that the county can still make an award stemming from the RFP without the grant dollars being included. Following more discussion, Commissioner Shields made a motion to approve the RFP as presented and to authorize Mr. Roland to fill in blanks in the document as needed, and to fix a typographical error found in the RFP. Commissioner Beale seconded the motion. In the ensuing discussion, Commissioner Gillespie asked questions and offered suggestions on three particular sections of the RFP, namely Items 2.1, 4.3 and 4.10. The board agreed to incorporate those changes into the motion and second for the approval of the RFP. Commissioner Higdon asked if the format of this RFP would be used to solicit proposals for other parts of the county in the future, and Mr. Jones said there is no question that this will be used as the model. In closing, Mr. Jenkins reminded the board that "this is a marathon, not a sprint." The board voted unanimously to approve the RFP as amended, and the original, unexecuted version is attached **(Attachment 2)** and is hereby made a part of these minutes.

**SOUTHWESTERN COMMISSION LOAN PROGRAM:** Commissioner Beale made a brief announcement that the Southwestern Commission has up to \$2 million available for low interest loans for small businesses affected by COVID-19. The Southwestern Commission received CARES Act grants that will fund the loans, some of which could have interest rates as low as one percent.

**PROPOSED REVISIONS TO TELECOMMUNICATION TOWER ORDINANCE:** Mr. Jones outlined some of the proposed changes to the county's telecommunication tower ordinance, and shared that the members of the Macon County Planning Board are working to streamline the administrative approval process. He also pointed out a change that would allow for towers that are 50 to 125 feet in height to be erected if they are used exclusively for broadband purposes. Mr. Jones said he has taken the notes of County Planner Joe Allen

and has incorporated them into a revised draft ordinance, and that after speaking with Mr. Allen further, will send a copy to Mr. Allen for the planning board to consider, with a final version to be presented to the commissioners in the near future. Meanwhile, Mr. Jones said the board will need to schedule a public hearing on the revised ordinance at its next regular meeting. No action was taken.

**ALTERNATIVE JURY SITE:** Mr. Jones explained to the board that, due to COVID-19, the courtrooms in the Macon County Courthouse cannot be used for jury selection and jury trials due to the requisite social distancing requirements. Because the county is required to provide adequate court facilities, he said that court officials, including Resident Superior Court Judge William Coward, have been searching for alternative sites. One that will meet the requirements is the Smoky Mountain Center for the Performing Arts (SMCPA) in Franklin, as it was determined that the facility could be set up to meet the necessary requirements. Mr. Jones went on to explain that the owner of the facility was willing to work with the county and charge a rental of \$300 per day, which Mr. Jones described as a “gift.” Mr. Jones encouraged the board to have him finish the negotiations for the building and to come back at the next regular meeting with a finished product. Following brief discussion, no action was taken.

**HEALTH CARE CONSULTANT AT MACON PROGRAM FOR PROGRESS:** Commissioner Beale presented a request from Macon Program for Progress (MPP) for \$12,000 to help fund a child health care consultant. He explained the need for the position, and noted that it was initially funded under a grant secured by the Macon County Public Health Department that was later “picked up” by MPP. Commissioner Beale made a motion to approve the request and to take the \$12,000 from the contingency line item, noting that the position needs to be in place by the end of September. Mr. Jones said that a corresponding agreement would be needed, and asked Commissioner Beale to include that as part of his motion, which he did. Commissioner Shields seconded the motion, and all favored.

**CONSENT AGENDA:** Upon a motion by Commissioner Shields, seconded by Commissioner Beale, the board voted unanimously to approve the consent agenda as presented, which includes: (A) tabled approval of minutes; (B) budget amendment #56 to appropriate state, federal and treasury forfeiture funds into Fiscal Year 2020-21; #57 for the Department of Social Services (DSS) to allocate \$158,176 in additional Temporary Assistance for Needy Families (TANF) funds; #58 for DSS to carry forward grant funds from Fiscal Year 2019-20; #59 for the Health Department to decrease the budget for the Minority Diabetes Prevention Grant for Fiscal Year 2020-21 by \$6,274 that will cover expenses for June 2020; #60 for Emergency Services to allocate \$12,696 from an Emergency Management grant for fire task force salaries; #61 for the Health Department to

appropriate new funding in the amount of \$238,283 for COVID-19 response; #62 for the Sheriff's Department to appropriate a \$20,000 donation from the Town of Franklin for the No Wrong Door program; and #63 for the Transit Department to adjust revenues for potential shortfalls due to COVID-19 and to add CARES Act revenue; (copies of the amendments are attached); (C) approval of tax releases for the month of August in the amount of \$11,375.19; (D) approved a revised Non-Emergency Transportation Services Contract with Mountain Area Transport and Security to include a not-to-exceed amount of \$65,000; and (E) received the monthly ad valorem tax collections report for the month of August (no action necessary), which shows a collection rate of 30.82 percent collected on 2020 general taxes, late listing penalties, discoveries and deferred taxes as of 08.31.20.

**APPOINTMENTS: (A) BOARD OF HEALTH (multiple seats):** Upon a motion by Commissioner Higdon, seconded by Commissioner Shields, the board voted unanimously to make the following appointments to the Macon County Board of Health:

- The reappointment of Dr. Nathan Brenner, DMD, to the dentist slot on the board for a term of three years.
- The reappointment of Mitchell Bishop to the engineer slot on the board for a term of three years.
- The reappointment of Dr. Kevin Foley. However, this appointment moves Dr. Foley to the medical doctor position on the board, and will be his first three-year term in that slot.
- The appointment of Dr. Foley opens up a general public slot on the board, which will be advertised on the county's website.

**CLOSED SESSION:** At 7:27 p.m., upon a motion by Commissioner Beale, seconded by Commissioner Higdon, the board voted unanimously to go into closed session as allowed under NCGS 143-318.11(a)(3) in order to preserve the attorney-client privilege. Upon a motion by Commissioner Beale, seconded by Commissioner Higdon, the board voted to come out of closed session and return to open session at 8:34 p.m.

**APPROVAL OF APPRAISAL:** Upon a motion by Commissioner Beale, seconded by Commissioner Shields, the board voted unanimously to authorize Mr. Roland to obtain an appraisal of the old county garage property, with the cost not to exceed \$5,000, and the motion also approves the appropriate budget amendment to take the money for the appraisal from the contingency fund.

**ADJOURN:** With no other business, at 8:38 p.m., upon a motion by Commissioner Shields, seconded by Commissioner Higdon, 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 Chairman

**MACON COUNTY BOARD OF COMMISSIONERS  
SPECIAL MEETING  
SEPTEMBER 29, 2020  
MINUTES**

Chairman Tate called the meeting to order at 6:00 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 with the exception of Commissioner Gillespie, County Manager Derek Roland, Deputy Clerk Mike Decker, Finance Director Lori Carpenter and County Attorney Chester Jones were physically present, and Commissioner Gillespie joined the meeting via telephone. Also present were members of the news media.

Mr. Roland stated that the purpose of the meeting was for the board to go into closed session to discuss personnel and to consult with the attorney. He also noted that Commissioner Gillespie has a family member who is ill, and therefore he would not be attending in person but would join the meeting via telephone.

Upon a motion by Commissioner Beale, seconded by Commissioner Shields, the board voted unanimously to go into closed session at 6:01 p.m. as allowed under North Carolina General Statute 143-318.11.(a)(6) to consider the qualifications, competence, performance, character, conditions of appointment, or conditions of initial employment of a prospective officer or employee candidate, and under 143.318.11.(a)(3) in order to preserve the attorney-client privilege.

Upon a motion by Commissioner Higdon, seconded by Commissioner Shields, the board voted unanimously to come out of closed session at 7:23 p.m. and return to open session.

Commissioner Gillespie was again contacted via telephone, as he was during the closed session, and once the connection was complete, Chairman Tate called the meeting back to order at 7:24 p.m.

Mr. Jones explained the legal nature of Commissioner Gillespie's participation in the meeting, noting that due to the family emergency he could not be present. He asked that Commissioner Gillespie affirmatively identify himself, and Commissioner Gillespie did so.



Commissioner Beale made a motion to give Mr. Roland the authority to enter into negotiations with Franklin attorney Fred Jones to replace Chester Jones as county attorney, to request a roll call vote on the motion, and to request a report from Mr. Roland on the negotiations with Fred Jones at the board's October 13, 2020 regular meeting. Commissioner Shields seconded the motion. Commissioner Gillespie asked for the motion to be repeated, and the motion was repeated. Commissioner Higdon thanked Chester Jones for his years of service to the board and the county, and for his assistance in the search for his replacement. Chairman Tate conducted a roll call vote on the motion, as follows:

- Commissioner Shields – aye.
- Commissioner Beale – aye.
- Commissioner Higdon – nay.
- Commissioner Gillespie – nay.
- Chairman Tate – aye.

The motion was approved by a 3-2 vote.

With no other business, at 7:28 p.m., upon a motion by Commissioner Beale, seconded by Commissioner Shields, 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 Chairman