

**MACON COUNTY BOARD OF COMMISSIONERS
NOVEMBER 10, 2020
MINUTES**

Chairman Tate called the meeting to order at 6:01 p.m. and welcomed those in attendance. All Board Members, County Manager Derek Roland, Deputy Clerk Mike Decker, Finance Director Lori Carpenter, Interim County Attorney Kim Carpenter, members of the news media and interested citizens were present.

ANNOUNCEMENTS: Mr. Roland introduced Kim Carpenter, the interim county attorney. He said that she is a partner at the law firm of Carpenter & Guy in Sylva, NC, and that she serves as Swain County's attorney. He outlined her educational background and noted that she comes "highly recommended." She is a member of the Swain County Board of Education, and Mr. Roland thanked her for her willingness to serve in the interim capacity.

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

PLEDGE TO THE FLAG: Led by Commissioner Gillespie, the pledge to the flag was recited.

TRANSIT PUBLIC HEARING: Chairman Tate called the public hearing on the Macon County Transit/Section 5311 (ADTAP), 5310, 5339, 5307 and applicable state funding, or combination thereof, to order at 6:04 p.m. and recognized Macon County Transit Director Kim Angel. Ms. Angel noted it is "that time of year" when her agency makes budgetary plans for the next fiscal year. She then offered brief explanations of each of the programs involved (Administrative, Capital and 5310 Operating) and informed the board of the county's local share for each for Fiscal Year 2021-22. A copy of the Public Hearing Notice, which includes detailed information regarding these amounts, is attached **Attachment 1** and is hereby made a part of these minutes. During her presentation, she pointed out that the state is requesting a 20 percent match for Administrative and Capital, up from the usual 15 percent. She also said there are plans to replace seven transit vans. For the 5310 Operating program, she said revenue from contracts is used to provide the 50 percent county match. She noted that ridership in the Transit program is back up to 63 percent and is "steadily increasing." She said the program's Community Transportation Program Application is due December 1, 2020. Chairman Tate said no one had signed up

to speak. He then specifically asked if anyone wanted to comment on the proposed funding for (1) the Section 5311 Administrative grant, (2) the Section 5310 Operating grant or (3) the Consolidated Capital grant. No one spoke, and Chairman Tate closed the public hearing at 6:14 p.m. Upon a motion by Commissioner Gillespie, seconded by Commissioner Beale, the board voted unanimously to approve the Public Transportation Program Resolution (FY 2022 Resolution), a copy of which is attached **Attachment 2** and is hereby made a part of these minutes.

PUBLIC COMMENT PERIOD: **James Morgan** shared with the board that he was having “a problem with our neighbor,” adding that this unnamed person had threatened bodily harm and that he was “increasingly worried.” Chairman Tate asked Mr. Morgan if he had spoken with the sheriff’s office about this, and Mr. Morgan indicated he had. Sheriff Robert Holland responded that a magistrate would not issue a warrant for communicating threats to this individual, leaving his department with “no way of doing anything.” Mr. Morgan said this activity had been going on for three days, and he was “scared to be away from the house.” Sheriff Holland advised Mr. Morgan to call 911 “if you see him coming toward your property.” **Ross Dodge and Mitchell Bishop**, members of the Macon County Board of Health, asked the board to consider providing overtime pay or granting compensated time for salaried employees at Macon County Public Health due to the number of hours worked stemming from COVID-19. Based on their calculations, the total amount due to these employees would be approximately \$40,000. Mr. Roland explained that providing overtime pay to these employees, who are “exempt” from overtime compensation under the federal Fair Labor Standards Act (FLSA), would require an amendment to the county’s personnel policy. This led to further conversation among the board members, Mr. Roland, Mr. Doge and Mr. Bishop. Mr. Roland told the board he had a potential solution to discuss with them later in the meeting. **Ed Trask** thanked the board members for keeping the Nantahala community in mind with regard to the need for a new library/community center. He said the current facility is roughly 1,800 square feet in size and that the architect for the county’s space needs analysis recommended a 10,000 square foot building as a replacement. He also spoke about the community’s needs, particularly “reliable high speed internet” service. Commissioner Higdon said the board is “still trying to do something,” and noting the county’s Capital Improvement Plan (CIP), stated that if the board “went down the list, Nantahala would never get a building.” He again told Mr. Trask that, “It’s a work in progress,” and said he would bring the numerous stakeholders in on the final decision.

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 consideration of the county's 2021 holiday schedule to the Consent Agenda as Item 12(E), per Chairman Tate.

UPDATE ON GUN SHOW REQUEST: Emergency Services Director Warren Cabe and Public Health Director Kathy McGaha updated the board on a request by Ron Haven to utilize the county's Robert C. Carpenter Community Building for a gun show in early 2021. Mr. Cabe said that he and Mrs. McGaha had discussed the request in light of the most recent COVID-19 restrictions and found "nothing to prohibit" the show being held. Mr. Cabe did point out that this event is more of a retail process than a show, and would need to abide by Governor Roy Cooper's executive order on building capacity at the time the show is held. Mrs. McGaha suggested that some protocols would need to be in place, such as separate entry and exits, and to encourage the vendors to wear masks. She added that if the show is planned for a couple of months from now, there could be a spike in positive cases, and the show might need to be rescheduled. The board agreed by consensus that Mr. Haven was allowed to use the building as requested and for him to work with Parks and Recreation Director Seth Adams to schedule the event.

UPDATE ON THE NIKWASI INITIATIVE: Elaine Eisenbraun, the executive director of the Nikwasi Initiative, presented a PowerPoint presentation that provided the board with an update for 2020 on the activities of the initiative. Her presentation began with photographs of the construction of the informational kiosk that was placed near the Indian Mound in Franklin, and was followed by a vision for how the area around the mound could be developed into "A Future Nokwisiyi." This led into details regarding a possible feasibility study, including results from a strategic planning survey. She also outlined a number of other ongoing activities in which the initiative is involved, including a planned Cherokee Heritage Apple Trail, as she noted that the Cherokee were "incredible breeders" of new apples and created new varieties. At the end of the presentation, Commissioner Beale asked, "Did I miss the part about the money?" She responded that the initiative had a budget of \$180,000, and would like the county as a partner. Following further discussion, no action was taken.

FORMATION OF NATURAL RESOURCES COMMITTEE: Jim Gray recommended to the board that it should establish a permanent volunteer committee to advise the board on issues dealing with the county's natural environment. He said the proposed committee would have three objectives: (1) understand each other as members would represent disparate groups, (2) reach agreements and compromises in advance, and (3) provide expertise and perspective on the natural environment. He said Transylvania County has had something like this for many years. However, he also noted he would not be here to see it come to fruition, as he was moving to Florida. Chairman Tate expressed his thanks to Mr. Gray for his leadership and noted he would miss him, and the

other board members expressed similar sentiments. Chairman Tate then presented Mr. Gray with a county flag and a county pen set.

WOMEN'S HISTORY TRAIL SCULPTURE PROJECT UPDATE: Mary Polanski presented a PowerPoint presentation updating the board on the Women's History Trail (WHT) Project, and more specifically, a WHT public art project called *Sowing the Seeds of the Future*. She told the board that the WHT group has been able to commission a "nationally renowned figurative sculptor," Westley Wofford of Cashiers, to produce a seven-foot-high bronze sculpture of three women "whose lives and culture intersected in the early days of Macon County." Her presentation took the board through the early stages of the sculpting process. She then explained that the pandemic has impacted fund raising plans and the work schedule of Mr. Wofford. Potential funding from the state in the amount of \$50,000 has been put on hold, as well as a private donor fundraising event that was anticipated to generate \$25,000. The group is also awaiting a pledged business donation of \$25,000 and has submitted applications for grants. She said that a payment of \$70,567 is due to Mr. Wofford at the end of November for him to begin work on a full-size model. She said the group is "very confident" of raising the money for the sculpture, which would be placed between the two bridges crossing the Little Tennessee River in Franklin. She read a portion of a letter of support from the Macon County Economic Development Commission in support of a grant from the Blue Ridge National Heritage Area. She then made a formal request for \$15,000 in financial assistance from the county, on behalf of the Folk Heritage Association of Macon County. Commissioner Beale stated that the board will have "a full budget in review" in January of 2021, and until such time, Mr. Roland is compiling a list of requests made by organizations outside county government. No action was taken, and a copy of her PowerPoint presentation is attached **Attachment 3** and is hereby made a part of these minutes.

BURN BUILDING AT SOUTHWESTERN COMMUNITY COLLEGE: Dr. Don Tomas, the president of Southwestern Community College (SCC), told the board that SCC and the county are five years into trying to figure out where a new "burn building" for the college will be located. He said that SCC has opted to place the building on a piece of college-owned property located across from the United Parcel Service (UPS) building in the county's industrial park. He said the college needs a revised form known as a "3-1" to change the proposed location of the structure, and requested the board's consideration of the form, noting that the funding for the project remains the same. Chairman Tate said the county agreed to this project three years ago, and with the county now in possession of the former National Guard Armory, he said it is time to "strike a deal" on a long-term lease of the armory to SCC. Mr. Roland went over some of the cost estimates for the original project, pointing out that the original plan had the new burn building being constructed at the SCC Macon Campus on Siler Road. He

commented that consideration of a new site creates, in his opinion, a new project, and suggested working alongside SCC officials to “nail down project costs specific to this site.” There was further discussion regarding project funding, and Mr. Roland said, “We need to circle the wagons here and look at what is a different project.” He said he sees this as an opportunity to work with SCC to develop a new project scope and “an excellent opportunity to move this forward.” Chairman Tate expressed that he was “embarrassed” and that the county has been “dragging our feet too long,” adding he is ready to go for a long term lease and to “get the ball rolling.” Commissioner Gillespie said that he echoed Chairman Tate’s thoughts, and liked the idea of a 25-year-lease versus deeding the property to the college. Saying that the county has been working on this project for several years, Commissioner Gillespie said he agreed with Chairman Tate on moving forward and that it was “the right thing to do.” Commissioner Beale stated that he totally disagreed, saying that the armory facility was a “\$2.9-million gift to Macon County,” and that he was totally against a 25-year lease and did not want to “give away a building for 25 years.” He later added, “As far as I’m concerned, crunch the numbers before we give away a \$2.9-million asset.” He said the building could service county departments in the future and encouraged the board members to “think long and hard before making a decision.” The discussion then returned to the financing of the project, with Mr. Roland eventually suggesting a postponement in submittal of a new “3-1” form until new cost figures are available. Commissioner Beale recommended that Jack Morgan, the county’s Director of Planning, Permitting and Development, be appointed to develop the cost of improvements needed to the armory building. Commissioner Gillespie said that while the county manager has brought up some valid points, he said that he sees an obvious choice to make, and made a motion to enter into negotiations with SCC to enter into a 25-year-lease for the facility. Commissioner Higdon seconded the motion. During further discussion, Commissioner Shields stated he was “uncomfortable” with the lease of the armory, and discussed the county’s liability and maintenance costs if the building was leased to SCC. Commissioner Beale suggested that the board table the motion on the floor to give the county time to come up with revised cost estimates as suggested by Mr. Roland. Chairman Tate said that perhaps he was “biased,” but noted he was a SCC graduate and that many county employees are as well, and said the college is “a tremendous asset to Macon County.” He reiterated his desire to move forward on this and to “stop dragging our feet and get the ball rolling.” The board then heard comments from Curtis Dowdle, the Dean of Public Safety Training at SCC. Mr. Roland then pointed out that if the board moves forward with the current motion, there are questions that need to be addressed. Specifically, he questioned if the \$2.9-million value of the former armory fulfills the county’s matching financial requirement on the project. He pointed out that the county will still own the facility and can perform any capital improvements and would oversee the renovation of the former armory. Commissioner Shields raised further questions about the county’s recent space

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needs analysis and how the armory facility fit into it. Commissioner Gillespie said the building is “a perfect fit” for SCC, and that for “the purposes of this discussion,” he added that the motion he made “is the right thing to do.” Commissioner Beale stated he wanted to reiterate for the record that the board should give the county manager the opportunity to look at this and put it on a schedule to discuss in January 2021, and then commented, “If you’ve got the votes, go for it.” The motion passed on a 3-2 vote, with Chairman Tate, Commissioner Gillespie and Commissioner Higdon voting in favor, and Commissioner Beale and Commissioner Shields opposing.

LEASE AGREEMENT WITH AG1, LLC: Following a brief explanation from Macon County Economic Development Director Tommy Jenkins, and upon a motion by Commissioner Higdon, seconded by Commissioner Gillespie, the board voted unanimously to approve a “Resolution of the Macon County Board of County Commissioners Declaring Property to be Surplus and Approving a One Year Lease of the Same by Macon County to AG1, LLC.” A copy of the resolution and the accompanying lease agreement are attached **(Attachments 4 and 5, respectively)** and are hereby made a part of these minutes. The term of the lease will commence on December 1, 2020 and will expire November 30, 2021, with a monthly rent of \$1,840.

LEASE AGREEMENT WITH TECO SSL, INC: Following a brief explanation from Mr. Jenkins, and upon a motion by Commissioner Beale, seconded by Commissioner Higdon, the board voted unanimously to approve a “Resolution of the Macon County Board of County Commissioners Declaring Property to be Surplus and Approving a One Year Lease of the Same by Macon County to TECO SSL, Inc., a Tennessee Business Corporation.” A copy of the resolution and the accompanying lease agreement are attached **(Attachments 6 and 7, respectively)** and are hereby made a part of these minutes.

RESOLUTION AUTHORIZING UPSET BID PROCESS: Mr. Roland offered a brief explanation regarding the county’s recent attempt to sell some surplus dental equipment, and while the majority of it was sold at auction, he said there was a panoramic x-ray machine that was not bid upon. Since then, he said a local dentist has shown interest in purchasing the machine, and has made a \$4,000 offer and has put down a 5 percent deposit. He asked the board to authorize the sale of the machine through the upset bid process, and upon a motion by Commissioner Beale, seconded by Commissioner Shields, the board voted unanimously to approve a “Resolution of the Macon County Board of Commissioners Authorizing Upset Bid Process,” a copy of which is attached **(Attachment 8)** and is hereby made a part of these minutes.

HAZARD PAY: Mr. Roland remarked on the level of commitment made by county employees during the coronavirus pandemic. He began by specifically

recognizing “those on the front lines,” which includes employees in emergency management, the sheriff’s department, and public health. He said he wanted to personally recognize Public Health Director Kathy McGaha, Emergency Management Director Warren Cabe and Sheriff Robert Holland for what Mr. Roland described as “a first class mitigation effort.” He also remarked on the efforts of other county departments and their efforts to continue to provide public services, noting that facilities remained open and the county continued to do business. He also pointed out how staff at the Senior Services center restructured its entire meal delivery system in order to serve their clients during a period of “exponential increase in demand,” with Macon County Transit staff helping deliver those meals. He noted that Information Technology staff worked to help employees get set up to work from home, while Finance and Human Resources had to manage CARES Act funding and implement and track federally-mandated leave programs for workers affected by COVID-19, and Board of Elections staff handled a record voter turnout in a general election that went “smoothly and efficiently.” While he said he “could go on all day long providing specific examples” of outstanding service,” Mr. Roland told the board he has “never been more proud to be a part of this organization.” To recognize this effort, he outlined a plan to provide additional compensation, what he termed as “hazard pay,” for both full-time and part-time employees who meet certain criteria. He pointed out that any solution needs to be “equitable and across the organization.” He explained that CARES Act funding had been used to supplement approximately \$364,000 in payroll costs during the current fiscal year, and those funds would simply roll into the county’s fund balance at year end. At a cost of \$328,037, he said full-time employees meeting the criteria would receive a one-time \$750 payment, with part-time employees meeting certain criteria to receive a one-time \$150 payment. He further noted that he wanted to be clear that CARES Act dollars were not being used to accomplish this, but county funds instead, with a “net zero impact” on the budget. Commissioner Beale questioned if this pay would be “over and above” the annual employee appreciation bonus normally given to employees in November, and Mr. Roland acknowledged that it would be. Commissioner Beale then made a motion to support the county manager’s recommendation for hazard pay as presented, and Commissioner Shields seconded the motion. During discussion, Chairman Tate voiced his support for the pay, and Commissioner Beale pointed out that Macon County was one of the few counties in the state that kept all of its departments open, and also noted that the Town of Highlands provided its employees with a similar payment. Commissioner Higdon said he agreed that employees have “gone above and beyond,” but said the county hires people “to do a job in good times or bad.” Speaking for the private sector, he said there are no guarantees there, and that “a lot (of people) were sent home” and don’t have the benefits of public sector work. Lori Carpenter explained in more detail the criteria for the part-time employees to receive the hazard pay, and Commissioner Gillespie said he wanted to “make sure we’re fair to those folks.” The board then voted 4-1 to

approve the recommendation as presented, with Commissioner Higdon opposing. The voted was followed by additional discussion but no further action.

CONSENT AGENDA: Upon a motion by Commissioner Shields, seconded by Commissioner Higdon, the board voted unanimously to approve the consent agenda as presented, which includes: (A) the minutes of the September 8, 2020 regular meeting and the September 29, 2020 special meeting; (B) budget amendment #103 for the Health Department to allocate an increase of \$1,650 in grant funding from Appalachian Mountain Community Health Centers, and #104 for the Health Department to allocate \$59,398 in funding for COVID-19 Infection Prevention Support (copies of the amendments are attached); (C) tax releases for the month of October in the amount of \$4,314.59; (D) received the monthly ad valorem tax collections report for the month of November, which shows an overall 48.49 percent collection rate as of October 31, 2020, and for which no action was necessary; (E) approved the 2021 county holiday schedule as requested.

APPOINTMENTS: Community Funding Pool: Upon a motion by Commissioner Beale, seconded by Commissioner Shields, the board voted unanimously to reappoint the following members of the Community Funding Pool task force to one-year terms: Tyler Shook, Emily Ritter, Robert Shook, Andrea Anderson, Robert Smith, Sheila Jenkins, Patrick Betancourt, Jennifer Jones, Karen Wallace, Bobbie Contino, Diane Cotton, Kyle Garner, Rick Westerman and Karen Stiwinter. **Economic Development Commission:** Upon a motion by Commissioner Gillespie, seconded by Commissioner Beale, the board voted unanimously to reappoint Barbara McRae, Jim Breedlove and Brett Murphy to the Macon County Economic Development Commission (EDC). Terms of appointment are for three years.

CLOSED SESSION: At 8:46 p.m., upon a motion by Commissioner Beale, seconded by Commissioner Gillespie, 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 the acquisition of real property under NCGS 143-318.11(a)(5). At 9:20 p.m., upon a motion by Commissioner Shields, seconded by Commissioner Gillespie, the board voted unanimously to come out of closed session and return to open session. No action was taken.

ADJOURN: With no other business, at 9:21 p.m., upon a motion by Commissioner Higdon, seconded by Commissioner Shields, the board voted unanimously to adjourn.

Derek Roland
Ex Officio Clerk to the Board

Jim Tate
Board Chairman