

**MACON COUNTY BOARD OF COMMISSIONERS
DECEMBER 14, 2021
MINUTES**

County Manager Derek Roland called the meeting to order at 6:00 p.m. and conducted the election for board chair. Commissioner Beale stated that it is “my honor and pleasure” to nominate Jim Tate as chairman. Commissioner Shields seconded the motion, and with no discussion, all favored. All Board Members, County Manager Derek Roland, Finance Director Lori Carpenter, County Attorney Eric Ridenour, Tammy Keezer (sitting in for Deputy Clerk Mike Decker), members of the news media and a number of county employees and citizens were present.

ANNOUNCEMENTS: Service awards were presented to employees with 10, 15, 20, 25, 30 and 35 years of service with Macon County at 5:00 p.m. just prior to the meeting. Mr. Roland and Mr. Tate stated that the employees are the biggest asset of our county and expressed their appreciation to all recipients.

Election of Board Vice-Chairman: Chairman Tate conducted the election for board vice-chairman. Commissioner Shields nominated Ronnie Beale, and Chairman Tate seconded the motion and stated he was doing so as Commissioner Beale was the longest standing member of the board and had announced his plans for seeking re-election last week. With no discussion, the nomination was approved on a 3-2 vote, with Chairman Tate, Commissioner Beale and Commissioner Shields voting in favor, and Commissioner Young and Commissioner Higdon opposing.

Examination of Official Bonds for Public Officials of Macon County – Following a brief explanation by Ms. Carpenter, and upon a motion by Commissioner Higdon, seconded by Commission Young, the board voted unanimously to approve the resolution regarding the “Examination of Official Bonds For Public Officials of Macon County” as presented [\[Attachment 1\]](#).

Affirmation of the 2022 regular meeting schedule – With no discussion and upon a motion by Commissioner Beale, seconded by Commissioner Young, the board voted unanimously to approve its 2002 regular meeting schedule as distributed in the agenda packet [\[Attachment 2\]](#).

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

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

At 6:04 p.m. Chairman Tate called the public hearings to order in regard to the Flood Damage Prevention and High-Impact Land Uses Ordinances:

(A) **PUBLIC HEARING REGARDING THE AMENDED AND RESTATED MACON COUNTY FLOOD DAMAGE PREVENTION ORDINANCE:** Mr. Ridenour stated there were no substantive changes made to the ordinance in order to meet the requirements of N.C.G.S. 160-D. With no one from the public wishing to speak to the changes, Commissioner Young made a motion, seconded by Commissioner Beale, to approve “An Ordinance of the Macon County Board of Commissioners for An *Amended and Restated* Flood Damage Prevention Ordinance of Macon, County.” The vote was unanimous, and a copy of the ordinance is attached [Attachment 3].

(B) **PUBLIC HEARING REGARDING THE AMENDED AND RESTATED ORDINANCE REGULATING HIGH-IMPACT LAND USES IN MACON COUNTY:** Mr. Ridenour stated there were no substantive changes made to the ordinance to meet the requirements of N.C.G.S. 160-D. With no one from the public wishing to speak to the changes, Commissioner Beale made a motion, seconded by Commissioner Young, to approve “An Ordinance of the Macon County Board of Commissioners for An *Amended and Restated* Ordinance Regulating High Impact Land Uses in Macon County.” The vote was unanimous, and a copy of the ordinance is attached [Attachment 4].

At 6:05 p.m. Chairman Tate closed the public hearings.

PUBLIC COMMENT PERIOD: Hazel Norris spoke about residents being denied the antibody treatment for COVID-19 by Angel Medical Center. She said the citizens were denied treatment because they did not have a primary care physician to write an order or referral. Ms. Norris said she has done her research and other counties are giving the antibody treatment without a physician referral. She also stated our health department should be offering these treatments and the hospital should be providing more than four treatments per day. Ms. Norris stated we need to do something so that Macon County residents don't have to travel somewhere else to get these treatments. Commissioner Beale provided the NC DHHS Antibody Hotline number (877-332-6585) that citizens can call and find out where the treatments are available with and without an order. Commissioner Young stated that the board has no influence over HCA/Angel Hospital and who they give the treatments to. He asked Kathy

Minutes
12.14.21

McGaha, Macon County Public Health Director, and Clint Kendall, CEO at Angel Medical Center (AMC), to explain the process for getting the treatments. Mr. Kendall said anyone 12 years old and older can get the treatments and that AMC gets allotted ten (10) treatments per week and also borrows some from other facilities allowing AMC to give five (5) treatments per day. He confirmed that a physician referral is required but can be obtained from either their primary care provider or through My Care Now Urgent Care. Mr. Kendall indicated that once the referral is received, the facility can generally provide the treatment the following day as long as they have the supplies. He emphasized that the medications are not free and there is a tremendous cost to the hospital, leading to some hospitals like Harris and Swain opting not to give the treatments. Ms. McGaha stated that Clay County is getting allotments from Union County, GA and Erlanger Hospital as neither of those is giving the treatments. **Carean Kaso** expressed her desire to seek improved animal control ordinances. She stated that she understands that this board has had the ordinances in their possession for a month and that she is disappointed that no action has been taken. Mr. Roland stated the ordinances have been in his possession and have not be shared with the board at this time because there are many steps the revisions have to go through. He indicated a meeting was held today with the health director and legal counsel. Mr. Roland stated the ordinance is still in the very early draft stages and very careful attention and thorough review is being taken because the ordinance impacts all of Macon County and not just a few citizens. Ms. Kaso referred to a written statement that she has put together for the board to review and provided a copy to the members. Mr. Roland shared that in the meeting today the health board was asked to put together a bulleted list of the revisions that are being requested, why the change needs to be made, and the legal reference referring to that change. He said the list of bullet points may be ready by the end of January for review with legal counsel and that he anticipates this board discussing the ordinance at the February or March meeting. Mr. Roland also explained that a public hearing has to be held before the ordinance becomes final. **Mary Ann Ingram** asked about health care coverage that Macon County voted to support and when funds might be awarded as well as funds from the infrastructure bill. Commissioner Beale shared that the state is reviewing the formula of how the funds will be distributed to rural counties, but at this time it is not known when the funds will be distributed nor the amount.

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 presented, with no additions or adjustments.

Fiscal Year 2021 Audit – Jill Vang with Martin Starnes & Associates, CPAs, presented highlights from the recent audit. She stated there were no findings or

questioned costs and gave an overview of the key areas. A copy of Ms. Vang's presentation is attached [Attachment 5].

Economic Development Administration Grant Application and Request for Matching Funds – Bob McCollum and Elaine Eisenbraun from the Nikwasi Initiative made a presentation to the board regarding a grant opportunity. Ms. Eisenbraun said that the Initiative is in the planning stages of writing a grant to increase economic development and growth in the area around the Nikwasi Mound in Franklin. She indicated that there is no final plan at this time, but they hope to have the plans and application completed by early January. Mr. McCollum explained that the application is for an ARPA grant and they will be asking for \$500,000 and will be seeking a commitment of \$100,000 from Macon County to fund two positions. He said the improvements and expansion will be a tremendous asset to the community in tax revenue, jobs, etc. After discussion and inquiries about proposed plans and timeframes – most of which are concepts at this point – the board members requested that they come back when they had more firm information. Mr. Roland stated there would be a budget work session in January where the request could be discussed. Commissioners Young and Higdon emphasized their desire to see more concrete plans and details. Chairman Tate stated that having input from the county Economic Development Commission (EDC) would be helpful. Commissioner Young and Commissioner Beale requested that representatives from Mainstream be in attendance with them so their input could also be heard. Mr. Roland suggested this item could be added to the January agenda, which would still give the Initiative time to meet its January 15, 2022 deadline.

Use of Cowee Bald Communications Site – Warren Cabe, Emergency Services Director, stated he was requesting approval for renewal of leases as well as approval of a couple of resolutions and subleases.

- (1) Approval of Communications Use Lease with the U.S. Department of Agriculture (U.S. Forest Service) – Mr. Cabe gave an overview of what the lease covers and how the lease amount is calculated with an expiration date of December 2041. He stated the lease has been reviewed by the county attorney. Upon a motion by Commissioner Beale, seconded by Commissioner Shields, the board voted unanimously to approve the lease renewal as presented [Attachment 6].
- (2) Authorization of sublease with Sutton Broadcasting Corporation – Mr. Cabe gave an overview of the sublease with Sutton Broadcasting Corporation, which is in the amount of \$6,000 per year for a maximum of ten (10) years, expiring in December 2031. Following discussion concerning the pros and cons of re-negotiating the terms of the lease to increase the lease amount based on costs associated and a possible percentage increase per year, upon a motion by Commissioner Beale, seconded by Commissioner Shields, the board voted unanimously to

approve the resolution and renewal of the sublease [Attachment 7] for one year at the current terms to allow for review and projections before the next renewal.

- (3) Authorization of sublease with Blue Ridge Broadcasting Corporation - Mr. Cabe gave an overview of the sublease with Blue Ridge Broadcasting Corporation, which is in the amount of \$3,000 per year expiring on December 31, 2022. Upon a motion by Commissioner Young, seconded by Commissioner Shields, the board voted unanimously to approve the lease as presented for a one-year term [Attachment 8].

Joint Resolution Adopting and Establishing the Common Boundary Line Between Jackson County and Macon County – Abby Braswell, Tax Administrator, stated that the eight-year project regarding the Macon/Jackson County boundary line is now complete. She shared that, historically, the boundary line ran with the top of the ridge and both counties had differing documentation about the actual location of the boundary. Ms. Braswell indicated that a lot of work was put in by both counties to ensure the property owner was being taxed by the appropriate county. She shared highlights from the timeline of the project which has resulted in establishing a new boundary. Ms. Braswell explained that the new boundary will impact multiple residences, including nineteen (19) homes where the assessments will be split between the two counties, five (5) homes will transition to Macon County with a tax increase, one (1) home will transition to Jackson County with a tax decrease, and ten (10) homes will not have any change. After some discussion among the board members and a list of questions for Ms. Braswell to research, a motion was made by Commissioner Young, seconded by Commissioner Beale, to approve the “Joint Resolution Adopting and Establishing the Common Boundary Line Between Jackson County and Macon County [Attachment 9] as presented. The vote was unanimous.

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Consideration of Refund of Taxes – Ms. Braswell explained that a request for a tax refund had been submitted by William F. Mull for 2021 taxes on a boat that was located in Craven County but listed in Macon County. Ms. Braswell outlined the matter for the board and recommended a refund in the amount of \$879.74. Upon a motion by Commissioner Beale, seconded by Commissioner Shields, the board voted unanimously to approve the request as presented, and a copy of Ms. Braswell’s memorandum to the board is attached [Attachment 10].

Solid Waste – Solid Waste Director Chris Stahl reviewed and explained his recommendations on two items, as follows:

- (1) Recommendation for Landfill Phase I and II Closure Design and Construction Engineering Services stemming from a Request for Qualifications (RFQ), which closed on December 1, 2021. Mr. Stahl shared that three (3) proposals were received and it is his recommendation to select McGill and Associates and for the county to enter into contract negotiations with the firm. Upon a motion by Commissioner Higdon, seconded by Commissioner Young, the board voted unanimously to approve the recommendations as requested [Attachment 11].
- (2) Request for Exemption of Request for Proposals (RFP) Process for Engineering Services Below \$50,000. Mr. Stahl explained the events that have led to the need to move forward with the project as quickly as possible as a result of groundwater monitoring, reporting and sampling services will no longer be provided by the previous contractor. Upon a motion by Commissioner Higdon, seconded by Commissioner Beale, the board voted unanimously to approve the resolution as presented [Attachment 12].

Change Order #013 on Macon Middle School Renovation Project – Planning, Permitting and Development Director Jack Morgan explained the details of the change order involving primarily windows, faucets and roof repairs. Upon a motion by Commissioner Beale, seconded by Commissioner Shields, the board voted unanimously to approve the change order as presented, as well as a budget amendment, each in the amount of \$17,396 from the project contingency line item, leaving a balance of \$444,124. A copy of the change order is attached [Attachment 13].

Resolution Exempting Architectural Services for the Macon Middle School Locker Room Project – Mr. Roland shared that a redesign of the locker room facility had been conducted and will include a pre-engineered metal building, which has been agreed on by the liaison committee with intentions to better serve the students of Macon Middle School. Novis Architecture has submitted a quote in the amount of \$49,700 which is under the threshold requirement for implementing a Request for Proposal (RFP) process. Mr. Roland requested approval of the quote in order to keep the project moving and the architect could begin the design services for the locker room. Upon a motion by Commissioner Shields, seconded by Commissioner Young, the board voted unanimously to approve the resolution as presented [Attachment 14].

Franklin High School (FHS) Project – Mr. Roland introduced Paul Boney with LS3P and Associates and shared that the liaison committee and Mr. Boney have been working very closely together on this project and have developed a contract they feel is representative of the scope of services that was outlined by this board.

Mr. Roland provided an overview of each of the components of the contract that need approval. After some explanation of the specific timeline and details of the project by Mr. Boney and questions from board members, the following actions were taken on the listed items:

- (1) Consideration of Budget Amendment #106 for Architectural Fees, Survey Fees and Engineering Fees transferring \$660,000 from contingency. Upon a motion by Commissioner Young, seconded by Commissioner Shields, the board voted unanimously to approve the budget amendment [Attachment 15] as presented and discussed.
- (2) A Resolution Exempting Surveying Services was presented by Mr. Roland as a survey is required with a cost under \$50,000, and is not covered by or in the architectural contract. Upon a motion by Commissioner Shields, seconded by Commissioner Young, the board voted unanimously to approve the resolution as presented [Attachment 16].
- (3) A Resolution Exempting Engineering Services was presented by Mr. Roland for soil borings at the FHS site with a cost under \$50,000, again which is not covered by or in the architectural contract. Upon a motion by Commissioner Shields, seconded by Commissioner Young, the board voted unanimously to approve the resolution as presented [Attachment 17].
- (4) Consideration of Contract with LS3P Associates, Ltd. Mr. Roland explained the contract included design and design development of everything from Panther Drive to Wayah Street including design of the athletic facility, with a quote of \$210,000 for Phase I. He shared that Phase II will focus on evaluating the current facilities as well as placing a new facility on the current FHS property, and that was quoted at \$385,000, along with a “not to exceed amount” of \$10,000 for any reimbursables that might be incurred by the architectural firm. Mr. Roland stated the total amount of the contract will be \$605,000 and that the funds are in contingency for the fiscal year, which will leave a balance of approximately \$340,000 in contingency. A motion was made by Commissioner Young, seconded by Commissioner Shields, to approve the contract as requested [Attachment 18] and the vote was unanimous. Mr. Roland stated there is also an addendum to the contract that needs to be approved separately. This addendum allows the Macon County Board of Education to be a part of the contract. Upon a motion by Commissioner Young, seconded by Commissioner Beale, the board voted to approve the addendum [Attachment 19]. The vote was 4-0 with Commissioner Shields being absent for the vote.

Update on Former National Guard Armory Renovation – Mr. Roland stated that two proposals for architectural services had been received for the

renovations at the former National Guard Armory facility. He said both proposals exceeded \$50,000, meaning that they will have to follow the Request for Proposal (RFP) process with an estimated cost of about \$100,000 for those architectural services.

CONSENT AGENDA: Upon motion by Commissioner Beale, seconded by Commissioner Young, the board voted unanimously to approve the consent agenda as presented which includes: (A) Minutes of the November 9, 2021 regular meeting, (B) Budget Amendments #107-110, (C) Tax releases for the month of November, (D) Monthly ad valorem tax collection report (for which no action is necessary). The motion passed with a vote of 4-0, with Commissioner Shields absent for the vote.

APPOINTMENTS:

(A) **Board of Health (4 seats)** – Upon a motion by Commissioner Higdon, seconded by Commissioner Shields, the board voted unanimously to (1) appoint Jerry Hermanson of Highlands to fill a “general public” slot on the Macon County Board of Health, (2) to appoint Dr. Michael Dupuis of Highlands to fill the open “physician” slot, (3) to appoint Dr. Roy Lenzo of Franklin to fill the unexpired term of Dr. Jeff Todd as the “veterinarian” slot, with a term expiring June 30, 2022, and (4) to approve the reappointment of Ellen Shope of Franklin to continue service in the “nurse” slot on the board. Unless otherwise noted, all terms are for three years.

CLOSED SESSION – At 8:49 p.m., upon a motion by Commissioner Beale, seconded by Commissioner Shields, the board voted unanimously to go into closed session as allowed under NCGS 143-318.11(a)(3) for the purpose of preserving the attorney-client privilege and NCGS 143-318.11(a)(5) to discuss potential property acquisition with a plan to take no action following the closed session. At 9:10 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.

ADJOURN: With no other business, at 9:15 p.m., upon a motion from Commissioner Young, seconded by Commissioner Beale, the board voted unanimously to adjourn.

Derek Roland
Ex Officio Clerk to the Board

Jim Tate
Board Chair