



**MACON COUNTY BOARD OF COMMISSIONERS  
FEBRUARY 21, 2023  
CONTINUED SESSION  
MINUTES**

Chairman Higdon called the meeting to order at 6:00 p.m. All Board Members, County Manager Derek Roland, Deputy Clerk Mike Decker, Finance Director Lori Carpenter and County Attorney Eric Ridenour were present, as were a number of county employees, media and citizens.

**ANNOUNCEMENTS:**

**(A)** Commissioner Young highlighted recent accomplishments of athletes from Franklin High School for both regional and state awards.

**(B)** Chairman Higdon shared that an update on the property revaluation process is going to be provided at each meeting. Tax Administrator Abby Braswell reviewed the appeal process and indicated that the appeals application deadline is March 13, 2023.

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

**PLEDGE OF ALLEGIANCE:** Led by Commissioner Shields, the pledge to the flag was recited.

**PUBLIC HEARING(S):** None

**PUBLIC COMMENT PERIOD:** **Dylan Castle** spoke about the library decisions regarding sexually explicit material and referred to the decision as "immoral and illegal." He shared his opposition to materials in the library. **John deVille** spoke in support of the library and said they have a very in-depth vetting system for materials. He indicated the library is a "safe, supportive and loving space." **Tim Shaw** provided an update on the skate park and requested the county allocate

the \$50,000 in additional funds that the previous board had offered as part of the Fiscal year 2023-24 budget. **Kim Leistier** shared concerns about the disrepair of Wesley's Park Playground and requested the repairs be completed. **Narelle Kirkland** stated she hoped the board would reconsider the quarter-cent sales tax referendum on the next possible ballot as she felt the residents were "ill informed" on the issue. **Claudia Aguilar** spoke in favor of the library materials and staff, and shared about her personal experiences. **Angela Faye Martin** spoke in favor of the library indicating that the library is not a church, that parents are responsible for filtering their children's reading material, and that the government does not have the ability to deny a public library the right to provide certain materials. **Nancy Scott** spoke against censorship and in support of the library, library staff and library board. **Lynn Hart** shared that she and a number of members of the Democratic Women attended to be up-to-date on issues in the community as they were concerned about growth, housing, and young children. **Rebecca Tipton** spoke about the library board meeting that was held recently and shared her support for a genre label on book spines of LGBTQ materials.

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

- To remove Item 9A, Macon Middle School Air Quality Update, per Commissioner Shields
- To add Item 11G, Regulation of Crypto Currency, per Commissioner Young.

**REPORTS/PRESENTATIONS:** None

**OLD BUSINESS:**

**Acknowledgment of Capital Priorities for Macon County Schools as recommended by the Liaison Committee on February 9, 2023** – Mr. Roland reviewed the priorities set by the liaison committee as discussed at the February 9, 2023 meeting, which include: repairing the vent pipes at Macon Middle School, repairing or replacing the Nantahala wastewater system, building a new Franklin High School, renovating the Highlands Middle School, and repairing the track at Macon Middle School. He requested the board acknowledge those priorities and authorize him to terminate the contract with LS3P for the Highlands Pre-K project. Commissioner Young stated the Highlands project is worthy and needed, but will have to be picked-up as the Capital Improvement Plan allows in the future. Macon County Board of Education Chairman Jim

Breedlove stated the board of education had prepared a list of capital outlay requests and prioritized those. He said the Highlands Pre-K project has not been removed and they will continue to pursue that project as allowable. Macon County Board of Education member Hilary Wilkes shared that removing funding for the Highlands Pre-K project would be taking resources away from the Highlands community and showing a lack of support. She requested the board "do right by the children and invest in them." Mr. Breedlove indicated the Macon County Board of Education is still looking for bids for the Highlands soccer field and they are currently working with an engineer to see what is the best approach to repairing that field. Chairman Higdon suggested a report from the liaison committee be provided at each board meeting. Commissioner Young suggested minutes from the liaison committee meetings be distributed to the board following each meeting. Commissioner Young made a motion, seconded by Commissioner Shields, to authorize the county manager to terminate the contract with LS3P as requested. The vote was unanimous. By consensus, the board acknowledged the priorities established by the liaison committee.

**NEW BUSINESS:**

**2022 Outstanding Conservation Farm Family** – Doug Johnson, Soil and Water Conservation District Director, shared the news of H&H Farms being named the "2022 Outstanding N.C. Conservation Farm Family" and provided handouts of the announcement. He said this is the first time Macon County has had a winner and recognized Soil Conservationist Sarah Clancy for nominating H&H Farms and planning the recognition even. Ms. Carpenter requested approval of a budget amendment to appropriate \$9,000 to the North Carolina Association of Soil and Water Conservation Districts and donations from the public to fund an event recognizing H&H Farms that is scheduled for May 9, 2023 at Moss Valley Venue. Commissioner Young made a motion, seconded by Commissioner Antoine, to approve the budget amendment as presented. The vote was unanimous.

**Consideration of contract(s) with McGill Associates and Bunnell Lammons Engineering for vertical expansion of Macon County Landfill, Phase II, Cell I and Phase III, Cell I.** Solid Waste Director stated that the board authorized Mr. Roland and designees to negotiate a contract with McGill Associates and Bunnell Lammons Engineering (BLE) at the board's December 2022 regular meeting. He indicated that the contracts totaled \$113,450 to expand the existing life of the constructed landfill up to four (4) years [Attachment 1]. Mr. Stahl stated this action will delay the need for closure, allows the department to repay the existing debt service on Phase III, Cell I, and construct Phase III, Cell II. Commissioner Shields made a motion, seconded by Commissioner Young, to authorize the county manager to enter into contracts with McGill Associates and

Bunnell Lammons Engineering in the amount of \$113,450 as requested. The vote was unanimous.

**Consideration of award for two walking-floor unloader transfer trailers to Pinnacle Trailer Sales, Inc.** Mr. Stahl indicated that a request for bids to purchase two walking-floor transfer trailers was issued on January 25, 2023 with two bids received and opened on February 1, 2023. Mr. Stahl recommended the board approve the purchase of the trailers from Pinnacle Trailer Sales, Inc. in the amount of \$193,200. Commissioner Shields made a motion, seconded by Chairman Higdon, to approve the purchase of the trailers as requested. The vote was unanimous.

### **Consideration of lease renewals at the Business Development Center**

**(1) AGI, LLC** – Tommy Jenkins, Director of the Macon County Economic Development Commission, requested renewal of the lease with AGI, LLC for Unit A in the Business Development Center as shown in Exhibit A of the lease agreement, which has a one-year term of February 14, 2023 to February 13, 2024 with a monthly rent of \$1,840. He requested approval of both a resolution [Attachment 2] and lease agreement [Attachment 3] in connection with this item.

**(2) Macon County Board of Education** – Mr. Jenkins requested renewal of the lease with the Macon County Board of Education for Units D and E in the Business Development Center. He indicated the lease is for one year beginning February 14, 2023 and ending on February 13, 2024 with the stipulation that the space is to be used for Science, Technology, Engineering and Mathematics (STEM) educational purposes. Mr. Jenkins also requested the board declare the space as surplus [Attachment 4].

**(3) TECO SSL, Inc** – Mr. Jenkins requested renewal of the lease with TECO SSL, Inc. for Unit B in the Business Development Center. He indicated the lease is for one year beginning February 14, 2023 and ending on February 13, 2024 with a monthly rent of \$1,218. He requested approval of both a resolution [Attachment 5] and lease agreement [Attachment 6] in connection with this item.

**(4) Waterwheel Manufacturing, Inc.** - Mr. Jenkins requested renewal of the lease with Waterwheel Manufacturing, Inc. for Unit C in the Business Development Center. He indicated the lease is for one year beginning February 14, 2023 and ending on February 13, 2024 with a monthly rent of \$212. He requested approval of both a resolution declaring the property as surplus [Attachment 7] and the lease agreement [Attachment 8] in connection with this item.

Commissioner Shields made a motion, seconded by Commissioner Young, to approve the resolutions and leases as presented. The vote was unanimous.

**Schedule public hearing for 6 p.m. on March 14, 2023 regarding amendment(s) to the Watershed Protection Ordinance** – Planning Director Joe Allen stated he was proposing a minor change to Section 156.32 (A) and 156.32(C) Special Nonresidential Intensity Allocations (SNIA) of the ordinance. He indicated the change would allow SNIA's to be approved by the Watershed Administrator instead of the Planning Board. He requested that a public hearing be scheduled on March 14, 2023 at the regular meeting in order to receive public comment on the proposed revision. Commissioner Young made a motion, seconded by Commissioner Shields, to schedule a public hearing as requested for March 14, 2023 at 6:00 p.m. The vote was unanimous.

**Resolution authorizing Execution of Opioid Settlements** – Mr. Roland reminded board members that Macon County is slated to receive \$3,009,000 from the opioid settlement with Johnson & Johnson manufacturers and pharmaceutical distributors Amerisource Bergen, Cardinal Health and McKesson in what is now referred to as Wave 1 funds covering the period of 2021 to 2038. He said a new settlement has recently been negotiated with CVS, Walgreens, Walmart, Allergan and Teva with an anticipated \$600 million coming to North Carolina in what is referred to as Wave 2 funding with Macon County projected to receive \$2.4 million from 2023-2036. Mr. Roland requested the board approve a resolution to accept Wave 2 funding [Attachment 9]. Mr. Ridenour clarified that Wave 1 and Wave 2 funds can only be spent on opioid issues. Mr. Roland said we have received \$389,719 to date of Wave 1 funding with an anticipated total of \$5.4 million. He shared that we are working with the Southwest Commission on innovative ways to maximize use of those funds. Commissioner Young made a motion, seconded by Commissioner Antoine, to approve the resolution to join the Wave 2 settlement and authorize county staff to sign the settlement paperwork. The vote was unanimous.

**Sale of surplus property (Lot #307 Wildflower) to Anakeesta** – Mr. Ridenour stated that Anakeesta Properties, LLC of Sylva, NC has offered \$5,000 for the 1.07-acre parcel and had paid a bid deposit of \$250 as well as the remainder of the funds they would need to complete the purchase. He indicated the sale had been published in the newspaper and no upset bids were received; therefore, the board would need to sign the settlement statement and the deed if they approved the sale, and Anakeesta will owe the county \$4,776 (which includes a \$26 recording fee) and is contingent upon Anakeesta paying any HOA fees that are due. Commissioner Shearl made a motion, seconded by Commissioner Shields, to approve the sale as presented. The vote was unanimous.

**REGULATION OF CRYPTO CURRENCY:** Commissioner Young said he believed it would be wise for the commissioners to charge the county planning board with checking into the matter of bitcoin mining, as there are current operations in Cherokee County. Commissioner Young said he could envision Macon County being targeted for this type of activity. Upon a motion by Commissioner Young, seconded by Commissioner Shields, the board voted unanimously to assign this task to the Macon County Planning Board as presented by Commissioner Young.

**CONSENT AGENDA:** Upon a motion by Commissioner Shields, seconded by Commissioner Young, the board voted unanimously to approve the consent agenda as presented which includes: (A) Minutes of the January 10, 2023 regular meeting, (B) Budget amendments #153-157, (C) Tax releases for the month of January in the amount of \$65.10, (D) Audit contract for fiscal year ending June 30, 2023, and (E) Monthly ad valorem tax collection report for which no action is necessary.

**APPOINTMENTS:**

**(A) Planning Board (2 seats)** - Mr. Allen reported that he has received five applications for the two vacant seats (Larry Lackey, Jr., Lee Walters, Matthew Moyer, Renee Cooney and Ronald Brown) and provided copies of the applications and other documentation. Commissioner Young made a motion, seconded by Commissioner Shields, to appoint Mr. Lackey and Mr. Waters to the Macon County Planning Board. The vote was unanimous.

**(B) Economic Development Commission (2 seats)** - Commissioner Young made a motion, seconded by Commissioner Shields, to table appointments until the March regular meeting. The vote was unanimous.

**(C) Southwestern Commission Area Agency on Aging Regional Advisory Board (3 seats and 3 alternates)** - Department of Social Services Director Patrick Betancourt recommended the following:

Appointment 1 Primary	Jennifer Hollifield, Senior Services
Appointment 1 Alternate	Patrick Betancourt, Social Services
Appointment 2 Primary	Felicia Roberts, Macon Program for Progress (MPP)
Appointment 2 Alternate	Charam Miller, MPP
Appointment 3 Primary	Joe Gibson, Community Paramedicine
Appointment 3 Alternate	Kim Terrell, NC Cooperative Extension

Commissioner Young made a motion, seconded by Commissioner Shields, to approve the appointments as recommended. The vote was unanimous.

**(D) 2023 Board of Equalization and Review (5 seats)** – Tax Administrator Abby Braswell recommended that the board reappoint Dwight Vinson, Gary Drake, Kristine Flaig, Donald Holland and Richard Lightner to the 2023 Board of Equalization and Review. Commissioner Young made a motion, seconded by Chairman Higdon, to approve the appointments as recommended. The vote was unanimous.

**(E) ETJ representative on the Town of Franklin Planning Board (1 seat)** – Town of Franklin Land Use Administrator Justin Setser recommended the reappointment of Dave Jones as the ExtraTerritorial Jurisdiction representative on the town’s planning board with a term of appointment for three years. Commissioner Shearl made a motion, seconded by Commissioner Antoine, to approve the reappointment as recommended. The vote was unanimous.

**CLOSED SESSION:** At 8:30 p.m., upon a motion by Commissioner Young, seconded by Commissioner Shields, 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 and NCGS 143-381.11(a)(5) as to the amount of compensation and other material terms of an employment contract or proposed employment contract. At 10:16 p.m., upon a motion by Commissioner Young, seconded by Commissioner Antoine, the board voted unanimously to come out of closed session and return to open session.

**ADJOURN:** With no other business, at 10:17 p.m., upon a motion from Commissioner Young, seconded by Commissioner Antoine, the board voted unanimously to adjourn.



Derek Roland  
Ex Officio Clerk to the Board



Paul Higdon  
Board Chair