

**MACON COUNTY BOARD OF COMMISSIONERS**  
**JULY 14, 2020**  
**MINUTES**

Vice-Chairman Beale called the meeting to order at 6:00 p.m. and welcomed those in attendance. He explained that Chairman Tate was out of town and would not be in attendance. Due to Gov. Roy Cooper's Executive Order limiting the number of people at a mass gathering to 10 due to COVID-19, physical participation at the meeting in the boardroom was limited to that number. Four of the five commissioners were physically present and practiced social distancing. County Manager Derek Roland was also present, as was Finance Director Lori Carpenter and County Attorney Chester Jones. Deputy Clerk Mike Decker watched the meeting via live stream. A reduced number of members of the media were allowed to attend.

**ANNOUNCEMENTS:** There were no announcements.

**MOMENT OF SILENCE:** Vice-Chairman Beale asked those in attendance to observe a moment of silence.

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

**PUBLIC COMMENT PERIOD:** **Debbie Westerman** addressed the board regarding a situation in what she referred to as Teem Hollow. She explained to the board that she was speaking on behalf of her parents, who live at 291 Ellijay Road, with Teem Hollow located behind their property. Mrs. Westerman described the conditions of this property as horrible and dilapidated, noting there is no electricity and no plumbing on the property and a creek is being used as a source of water. She said the initial concerns arose over some pets, which led to a conversation with Commissioner Gillespie, which then led to conversations with a number of county departments, including animal control, environmental health and solid waste. She told the board that she and her parents are "at a loss for what to do," and thus her reason for speaking to the board. She said that "nobody seems to be able to do anything about" the conditions on this property, adding that there are "health hazards" and that "clothing is an option back there." She said they were here "to find out what our next steps are," and that it is "deplorable to know that anybody in Macon County lives in this situation," and that her parents can do nothing about it. Vice-Chairman Beale responded

that he and Commissioner Gillespie had been involved, and a lengthy discussion ensued that included questions from Mr. Jones. Commissioner Gillespie outlined efforts by county departments, including the sheriff's department, to address the situation but noted that, "We just kind of got to the dead end of the road" where legal remedies available to the county were concerned. Mr. Jones mentioned the possibility of a private action bring brought by the adjacent property owners, and also pointed out that any action would require "admissible evidence" to be presented. Vice-Chairman Beale suggested that Mr. Jones could look into the matter further. Mr. Jones noted he can represent the county, but not the property owners. Vice-Chairman Beale also asked Mr. Roland to "pursue the situation." No formal action was taken.

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

- To add budget amendments numbered 25, 26 and 27 to the Consent Agenda as part of Item 12B, per Mr. Roland.
- To add comments from Macon County Schools Superintendent Dr. Richard Baldwin under Reports and Presentations as Item 9D, per Vice-Chairman Beale.

**PRESENTATION BY CHIEF RICHARD SNEED OF THE EASTERN BAND OF CHEROKEE INDIANS:** Richard Sneed, the Principal Chief of the Eastern Band of Cherokee Indians, spoke to the board regarding the impact of the Harrah's Cherokee Casino on western North Carolina's economy and his tribe's opposition to plans by the Catawba Indian Nation to build a casino in the Charlotte area. Chief Sneed began with some background information, pointing to the casino's \$750 million impact on the region. He noted that 90 percent of the direct employees of the casino are not members of the tribe, and he wanted to "remind everyone what happens to the Eastern Band happens to this region," and that, "What is good for the tribe is good for the region." He then provided information on the Catawba's effort to build their own casino, first in South Carolina and now in Kings Mountain, NC. "This is a Western North Carolina issue," he told the board, stating that the Cherokee casino is a "driving industry in the off season" that stabilizes unemployment in the region. He then reviewed the legislative and legal issues involved, as the Cherokee have asked Gov. Roy Cooper and the state General Assembly to oppose the Catawba project and for state Attorney General Josh Stein to weigh in on the legality. Vice-Chairman Beale asked Mr. Roland to read into the record a proposed "Resolution of the Macon County Board of Commissioners Opposing a Catawba Indian Nation Casino in North Carolina," and he did so. Chief Sneed requested an amendment to the resolution, and Mr. Jones said he would prepare an amended version. Upon a motion by Commissioner Gillespie, seconded by Commissioner Shields, the

board voted 4-0 to approve the resolution as amended, a copy of which is attached (Attachment 1) and is hereby made a part of these minutes.

**INTRODUCTION OF NEW NANTAHALA NATIONAL FOREST DISTRICT**

**RANGER:** Vice-Chairman Beale introduced Troy Waskey, the new District Ranger for the Nantahala National Forest, and invited him to make some comments. Mr. Waskey said he has been on the job for about a month now, and he updated the board on the U.S. Forest Service's operations stemming from COVID-19. As to the agency's forest management plan revisions, he noted that the board's comments were received and that "the next big task is to review all comments," and that will take several months. He encouraged the board to use him "as your local conduit" on the plan as it is finalized and then released for public comment. He pointed out that it would likely be near the end of calendar year 2021 before the plan was in place. "I do want to keep an open door with you all," he told the board, and Vice-Chairman Beale welcomed him to Macon County and told him, "You couldn't have chosen a better place." No action was taken.

**UPDATE ON COUNTY'S RESPONSE TO COVID-19:**

**(A) Kathy McGaha – Macon County Public Health:** Mrs. McGaha reported that the county had 340 cases of COVID-19, 116 of which were active with 223 recovered and one death. She also shared other demographics with the board, noting that 76 percent of those who tested positive for the virus were Hispanic, 51 percent of the overall total were female, 25 percent were in the 0-17 age bracket, and 43 percent were in the 25-49 age group. She also noted that 7.53 percent of the tests performed by health department staff came back positive. Mrs. McGaha told the board she was "stressing" over the fact that the department's school nurses, all of whom had spent their summer helping perform those tests, would be returning to the school system in about four weeks, leaving her with the need to quickly hire nurses to fill those gaps. The board members, Mr. Roland and Mrs. McGaha briefly discussed options to fill those positions, including reaching out to staffing agencies.

**(B) Warren Cabe – Macon County Emergency Services:** Mr. Cabe began by noting the state remains under Gov. Cooper's most recent executive order, and Mr. Cabe said he has no plans "to do anything more stringent." He also mentioned staffing concerns, saying there is a shortage of employees wanting to go into public health or public safety.

**(C) Sheriff Robert Holland:** Following a brief report, Sheriff Holland focused his comments on his staffing concerns. He stated that the "pay issue has been beat to death," but pointed out he has 11 vacancies for deputies as officers have left for other types of jobs. He said it is a hard time to be in law enforcement, adding that he has become "discouraged," but told the board members, "You guys can fix this." He went on to say that it is "time

that we fix it” and that his employees deserve it. He told the board he has detention officer positions to fill, and that he needs experienced officers to fill School Resource Officer (SRO) slots. He repeated his request for the board to “fix it” numerous times. Vice-Chairman Beale responded by saying the only thing the board can do now is to have a complete budget review in six months, and this led to further discussion between the sheriff and the board members. At the end of the discussion, Sheriff Holland referenced COVID-19 and told the board, “You’ve got a good excuse this year.”

**(D)Derek Roland – Administration:** During his report, Mr. Roland explained to the board that prior to the Families First Coronavirus Relief Act (FFCRA) going into effect on April 1, 2020, eight county employees from seven different departments had to use personal sick leave due to COVID-19. Combined, those employees used 186.75 hours of sick leave – leave that would have been covered on a paid basis by the FFCRA. He requested that the board allow the personal leave used by those employees prior to April 1 to be reimbursed to their individual accrued leave balances. Following questions, and upon a motion by Commissioner Higdon, seconded by Commissioner Shields, and following further discussion, the board voted 4-0 to approve the request as presented. In another related COVID-19 matter, Mr. Roland explained that due to delays in getting test results, and in cases where a department such as public health requires two negative tests before an employee can return to work, he said that some employees quickly use up the 80 hours of Emergency Paid Sick Leave (EPSL) provided under the FFCRA. Following discussion, and upon a motion by Commissioner Shields, seconded by Commissioner Gillespie, the board voted to grant Mr. Roland the authority to reimburse the employee sick hours used over and above the 80 paid hours after examining each request on a case-by-case basis.

**UPDATE ON MACON COUNTY SCHOOLS:** Dr. Chris Baldwin, the superintendent of Macon County Schools, outlined plans to open school on August 17, 2020. He explained that the state had initially come up with four possibilities – and thus four plans for administrators to prepare for. He said local officials learned today that school would start under what is known as “Plan B.” That plan will restrict schools to 50 percent capacity, although systems have the option to start under “Plan C,” which is all virtual learning. Dr. Baldwin then reviewed what would be needed to make the various scenarios work, as well as some of the complicating factors, and Vice-Chairman Beale responded, “On behalf of the board, we don’t envy your position.” No action was taken.

**RESOLUTION TO ABANDON A PORTION OF STATE ROUTE 1140 (MCCONNELL ROAD):** Vice-Chairman Beale read a letter from Andy Russell, the District Engineer for the North Carolina Department of Transportation,

asking the board to consider adoption of a resolution to abandon the final 2,680 feet of McConnell Road (SR 1140) from the State Maintained Road System at the request of the property owners. Mr. Jones explained that he had prepared the appropriate resolution, and upon a motion by Commissioner Higdon, seconded by Commissioner Shields, the board voted 4-0 to approve the resolution as presented, a copy of which is attached (Attachment 2) and is hereby made a part of these minutes.

**NEW FEES FOR MACON COUNTY PUBLIC HEALTH:** Following a brief explanation by Mrs. McGaha, and upon a motion by Commissioner Higdon, seconded by Commissioner Shields, the board voted 4-0 to approve a list of new fees at Macon County Public Health related to telephonic services and COVID-19. A copy of that list is attached (Attachment 3) and is hereby made a part of these minutes.

**MACON COUNTY COMMUNITY NEEDS ASSESSMENT REPORT:** Justin Setser, the chairman of the Macon County Planning Board, presented the Macon County Community Needs Assessment Report to the commissioners, and a copy of the report is attached (Attachment 4) and is hereby made a part of these minutes. Mr. Setser began by noting that at the February 21, 2019 meeting of the planning board, Commissioner Gillespie, the liaison to the planning board, charged the group with performing a community needs assessment by going throughout the county and assessing the needs of individual communities. The planning board voted to use sections of the revised comprehensive plan for the county to initiate discussion for these meetings, with the topics covering public service, housing, recreation, education, healthcare, transportation and economic development. These topics, and another labeled "other," were written on easel pads and placed on walls throughout the meeting room in each community, with those attending each given three differently-colored sticky notes on which to write one community need, with red ones being the most important, yellow second and blue third. In March of 2019, he said the planning board began the process with a meeting in Nantahala and visited 11 other communities throughout the county. The report lists the results from each individual meeting. Mr. Setser told the board that "10 most frequently appearing community needs" were as follows:

- Broadband Internet/Cell Phone Coverage
- NCDOT Road Maintenance (Paving, Mowing and Trash)/Road Improvements
- Healthcare/More Doctors and Specialists/Hospital
- New Library/Community Center in Nantahala
- Need Minimum Housing Standards/Garbage, Debris and Run-Down Houses
- Recycling Center Improvements
- Affordable Housing Options
- Little Tennessee River Access Point and Picnic Area on Riverside Road

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- Law Enforcement Presence Stationed within Communities
- Promote Business and Job Growth

Following general discussion on the report and other planning board topics, the board took no action.

**CONTRACT FOR “NO WRONG DOOR” FOR FISCAL YEAR 2020-21:** Following an explanation by Mr. Jones, and upon a motion by Commissioner Gillespie, seconded by Commissioner Shields, the board voted 4-0 to approve an “Agreement to Provide Substance Abuse and Mental Health Services” between the county and No Wrong Door for Support and Recovery, Inc. An unexecuted copy of the agreement is attached (Attachment 5) and is hereby made a part of these minutes.

**DESIGNATION OF VOTING DELEGATES FOR NCACC ANNUAL CONFERENCE:** Following discussion, and upon a motion by Commissioner Higdon, seconded by Commissioner Gillespie, the board voted 4-0 to designate Vice-Chairman Beale as the voting delegate – with Commissioner Shields to serve as the alternate – for Macon County for the annual conference of the North Carolina Association of County Commissioners (NCACC). The business session of the conference will be held virtually on August 6, 2020.

**DISCUSSION REGARDING UNDERGROUND STORAGE TANK REPLACEMENT AT MACON COUNTY SCHOOL BUS GARAGE:** Vice-Chairman Beale told the board that the school/county liaison committee had met regarding replacing the underground storage tank at the school bus garage, and the committee’s recommendation is to finish the project. Mr. Roland said he had spoken with companies regarding the installation of a new 12,000-gallon double-walled diesel tank, which would allow the school system to buy diesel in bulk and save up to \$75,000 a year. Mr. Roland said the cost of this tank would be \$108,175, and suggested passing this project to the school board, along with the funding to buy and install the tank. Following questions and discussion, upon a motion by Commissioner Shields, seconded by Commissioner Gillespie, the board voted 4-0 to approve Mr. Roland’s recommendation as presented, and to take \$110,000 from the county’s fund balance to pay for the project, with the Macon County Board of Education to be responsible for the project going forward.

**CONSENT AGENDA:** Upon a motion by Commissioner Shields, seconded by Vice-Chairman Beale, the board voted unanimously to approve the consent agenda as presented, which includes: (A) the minutes of the May 12, 2020 regular meeting; (B) budget amendment #9 for the Sheriff’s Department to appropriate \$20,875 for a fingerprint machine that was not delivered prior to end of the previous fiscal year (06.30.20); #10 for Emergency Services to appropriate \$19,844 from the Nantahala Health Foundation Grant for computer supplies; #11 for Emergency Management to appropriate \$5,000 from the Dogwood Health

Trust "PPE Distribution" Grant; #12 for Emergency Management to appropriate \$5,000 from the Dogwood Health Trust "Strike Team Innovation" Grant; #13 for Emergency Management to appropriate \$9,500 from a NCDEM Tier II Grant; #14 for a non-departmental amendment to carry forward \$833,421 in funds received from the State Coronavirus Relief Fund (through the CARES Act); #15 for a non-departmental amendment to carry forward \$41,636 in Disaster Relief Funds for expenses related to COVID-19; #16 for the Health Department to carry forward \$48,054 in funds from CARES Act provider relief funds to cover school nurses working on COVID-19; #17 for the Health Department to carry forward \$29,244 in unexpended grant money from the Community Foundation of WNC; #18 for the Health Department to carry forward \$1,571 in unexpended grant money from MountainWise Services; #19 for the Maintenance Department to carry forward \$8,620 in funds for repair of the town square clock, as the vendor was unable to perform the work prior to 06.30.20 due to COVID-19; #20 for the Tax Department to carry forward \$3,750 in funds for an appraisal of Lake Emory Dam; #21 for the Transit Department to move \$14,245 from an insurance settlement for vehicle repairs; #22 for the Transit Department to roll over \$30,470 in funds from Fiscal Year 2019-20 to complete a parking lot project; #23 for the Health Department to carry over \$21,078 in unspent funds for COVID AA from Fiscal Year 2019-20 to the current fiscal year; #25 for Senior Services to appropriate new allocations for eight line items; #26 for Education to carry forward \$25,910 in funds for the removal of underground storage tanks at the school bus garage; and #27 for the Department of Social Services to carry forward \$41,007 in adoption funds (copies of the amendments are attached); (C) approval of tax releases for the month of June in the amount of \$513.36; (D) approval of a refund stemming from a Property Tax Commission appeal in the amount of \$415.28 (memo from Tax Administrator attached); (E) ratification of Mr. Roland's email poll of the board members regarding approval of the Town of Franklin's July 4<sup>th</sup> fireworks display and (F) received the monthly ad valorem tax collections report for the month of June (no action necessary), which shows a collection rate of 98.35 percent collected on 2019 general taxes, late listing penalties, discoveries and deferred taxes as of 06.30.20.

**APPOINTMENTS: Highlands Tourism Development Commission (one seat):**

Upon a motion by Commissioner Gillespie, seconded by Commissioner Shields, the board voted 4-0 to appoint John Woods as a member of the Highlands Tourism Development Commission (TDC) representing the Highlands Chamber of Commerce. The term of office will be for three years and will expire July 14, 2023.

**CLOSED SESSION:** At 9:17 p.m., upon a motion by Commissioner Gillespie, seconded by Commissioner Shields, the board voted 4-0 to go into closed session as allowed under NCGS 143-318.11(a)(3) in order to preserve the attorney-client privilege and as allowed under NCGS 143-318.11(a)(5) regarding real property.

Upon a motion by Commissioner Higdon, seconded by Commissioner Beale, the board voted to come out of closed session and return to open session at 10:55 p.m.

**CONSOLIDATED CLAIM AUTHORIZATION:** Upon a motion by Commissioner Gillespie, seconded by Commissioner Higdon, the board voted 4-0 to authorize Mr. Jones to fill out the Consolidated Claim Authorization Form in the case against Purdue Pharma and to submit that form on the county's behalf. An unexecuted copy of that form is attached (Attachment 6) and is hereby made a part of these minutes.

**ADJOURN:** With no other business, at 10:57 p.m., upon a motion by Commissioner Higdon, seconded by Commissioner Gillespie, the board voted 4-0 to adjourn.

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Derek Roland  
Ex Officio Clerk to the Board

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Jim Tate  
Board Chairman