

MACON COUNTY BOARD OF COMMISSIONERS
November 12, 2019
AGENDA

1. Call to order and welcome by Chairman Tate
2. Announcements
3. Moment of Silence
4. Pledge of Allegiance
5. Public Hearing(s)
6. Public Comment Period
7. Additions to agenda
8. Adjustments to and approval of the agenda
9. Reports/Presentations
 - A. Explanation of NCDOT population and employment growth projections, which will be used to forecast traffic volumes- *Rose Bauguess, Southwestern Commission*
10. Old Business
 - A. Presentation of Space Needs Analysis- *Dan Mace, Moseley Architects*
 - B. Discussion concerning Macon County's desire to remain part of the Federal Negotiation Class established for Opioid Litigation- *Chester Jones, County Attorney*
11. New Business
 - A. Discussion concerning Macon County's Water Resources- *Jim Tate, Chairman*
 - B. Appalachian Growers lease expansion- *Tommy Jenkins, Economic Development Director*
 - C. Proposed 2020 County Holiday Schedule. *Mike Decker, Human Resources Director*
 - D. Presentation and funding request regarding International Agriculture Study Trip to Denmark- *Jenny Collins, FHS Agricultural Teacher*

- E. Presentation regarding funding assistance needed for FHS Athletic facilities- *Bobby Bishop, FHS Varsity Softball Coach, Kyle Barrington, FHS Varsity Wrestling Coach*

12. Consent Agenda – Attachment

All items below are considered routine and will be enacted by one motion. No separate discussion will be held except on request of a member of the Board of Commissioners.

- A. October 8, 2019, July 9, 2019 Regular Meeting, July 30, 2019 Continued Session Board meeting minutes
- B. Rejection of Bid Request No. 4310 In Car System and Body Cameras
- C. Budget Amendments #101-111
- D. Tax Releases for October in the amount of \$608.36
- E. Tax Office Monthly Report

13. Appointments

- A. Macon County Planning Board (2 seats)
- B. Macon County Board of Health (2 seats)

14. Closed session (if necessary)

15. Adjourn/ Recess

MACON COUNTY BOARD OF COMMISSIONERS

AGENDA ITEM

MEETING DATE: November 12, 2019

DEPARTMENT/AGENCY: N/A

SUBJECT MATTER: Explanation of North Carolina Department of Transportation forecasting projections

COMMENTS/RECOMMENDATION:

Rose Bauguess, Senior Planner for the Southwestern Commission will review with the Board of Commissioners, NCDOT population and employment growth projections. Ms. Bauguess will further request an endorsement of these projections from the Board of Commissioners, prior to their incorporation into the upcoming NCDOT traffic forecast.

Attachments _____ Yes No

Agenda Item 9A

MACON COUNTY BOARD OF COMMISSIONERS

AGENDA ITEM

MEETING DATE: November 12, 2019

DEPARTMENT/AGENCY: Administration

SUBJECT MATTER: Space Needs Analysis

COMMENTS/RECOMMENDATION:

Representatives with Moseley Architects will present to the Board of Commissioners for review, the completed Macon County Space Needs Analysis. This project, which began in November of 2018, included both detailed building assessments and master planning services for Macon County Facilities. The goal of this project is to provide an orderly and objective assessment of department space needs both current and projected over the next 20 years. More information will be provided by Moseley Architects at the meeting.

Attachments _____ Yes No

Agenda Item 10A

MACON COUNTY BOARD OF COMMISSIONERS

AGENDA ITEM

MEETING DATE: November 12, 2019

DEPARTMENT/AGENCY: Legal

SUBJECT MATTER: Federal Negotiations Class/Opioid Litigation

COMMENTS/RECOMMENDATION:

County Attorney Chester Jones will discuss with the Board of Commissioners, the need to make a decision to remain in, or opt out of the Federal Negotiations Class which has been established for Opioid Litigation. This decision must be made prior to November 22, 2019.

Attachments Yes No

Agenda Item 10B

**CLASS ACTION NOTICE AND FREQUENTLY ASKED
QUESTIONS ("FAQs")**

**To: All U.S. Counties, Cities, and Local Governments as
listed at www.OpioidsNegotiationClass.info**

A court authorized this notice. This is not a solicitation from a lawyer.

- Counties and cities across the country have sued manufacturers, distributors, and retailers of prescription opiate drugs seeking, among other things, reimbursement for monies spent addressing the opioid crisis. All federal actions have been centralized into one court in Ohio and are entitled, In re: National Prescription Opiate Litigation, MDL No. 2804 (N.D. Ohio). Additional cases are pending in state courts.
- The Court in In re: National Prescription Opiate Litigation has certified a voluntary "Negotiation Class" ("Class"). The Class is defined as: **all counties, parishes, and boroughs (collectively, "counties"); and all incorporated places, including without limitation cities, towns, townships, villages, and municipalities (collectively "cities")**. The Class includes all counties and cities, whether they have filed a lawsuit or not. The complete current list of Class Members is available at the Class website: www.OpioidsNegotiationClass.info. This list may be updated as the Court may order.
- **NO SETTLEMENT HAS BEEN REACHED. HOWEVER, IF YOUR COUNTY OR CITY STAYS IN THE CLASS**, it will be bound if a Class settlement is approved in the future. Your county or city will likely **NOT** be provided another opportunity to be excluded from this Class action, so you should read this notice carefully and consult with your counsel regarding your county or city's rights.
- The Court has certified two Racketeer Influenced and Corrupt Organizations Act ("RICO") claims under Rule 23(b)(3) and two Controlled Substances Act ("CSA") issues under Rule 23(c)(4). (see FAQ 7). The Class is certified solely to consider and vote on any future settlement offers made to the Class by one or more of 13 defendants (see FAQ 5). The purposes of the Class are (a) to unify cities and counties into a single negotiating entity to maximize their bargaining power and (b) to provide finality to opioids litigation for any settling Defendant.
- This Negotiation Class will not decide any claims or defenses in opioids litigation on the merits. It is certified as a Negotiation Class only, to facilitate Class Members' approval or rejection of proposed settlements. There are no proposed settlements at this time, and no guarantee that there will be in the future. **However, your legal rights are affected and it is recommended that you consult with counsel regarding the choice you have to make now.**

Questions? Visit www.OpioidsNegotiationClass.info



YOUR LEGAL RIGHTS AND OPTIONS IN THIS LAWSUIT

<p>STAY IN THE CLASS</p> <p>REQUIRES NO ACTION</p>	<p>Stay in the Class. Await the negotiation outcome, but retain the right to pursue your own lawsuit in the meantime. Give up certain rights if a Class settlement is reached and approved by the Class and Court, but get a share of any Class settlement.</p> <p>By taking no action in response to this Notice, you remain in the Class. As a Class Member, you will still retain your right to pursue your own case unless and until any possible Class settlement is approved by the Court. As a Class Member, you have the right to vote on any settlement proposed to the Negotiation Class. A settlement will not be accepted unless supported by 75% of the voting Class Members, counted by number, population, and allocation, for both litigating and non-litigating entities, and approved by the Court. Settlement funds will be distributed at the county level and each county's share – and city's suggested share – can be viewed now by utilizing the Allocation Map at the Class website, www.OpioidsNegotiationClass.info. If the Court approves any settlement, that judgment will prohibit Class Members from suing the settling Defendant(s) about the claims and issues in the litigation.</p>
<p>REMOVE YOURSELF FROM THE CLASS</p> <p>REQUIRES ACTION BY NOVEMBER 22, 2019</p>	<p>Get out of the Class. Get no portion of any settlement. Keep rights.</p> <p>Those who exclude themselves from the Class cannot vote on, will not have the right to be paid under, and will not be bound by, any Class settlement. You keep any rights to negotiate separately about the same legal claims in this lawsuit, even if the Court approves a settlement for the Class. Class Members may exclude themselves from ("opt out" of) the Class by having an authorized officer or employee complete and sign the Exclusion Request Form enclosed here and submit it on or before November 22, 2019 by email or mail in accordance with the instructions in FAQ 26 below.</p>

- Class representatives and Class counsel will represent the Class in negotiations with Defendants who choose to do so. You may enter an appearance through an attorney (at your own expense) if you desire, but it is not required. Class Membership does not eliminate existing agreements with individual counsel. The procedure for payment of Class/common benefit attorneys' fees/costs in connection with any Class settlement must be approved by the Court. Details of the proposed options and procedures for fees and costs are posted on the Class website.
- For complete information on the Class; the settlement allocation formulas, the Class certification motion and Order, the list of included Class Members, the voting process to be used by the Class in accepting or rejecting any Class settlement offer, and an Allocation Map determining your allocation of any proposed settlement, go to www.OpioidsNegotiationClass.info. Important information on the Opioids-related litigation, including all pertinent Orders and Schedules, and Frequently Asked Questions, will be available on the Class website on an ongoing and current basis.

Your rights and options are further explained below.

Any questions? Read on and visit www.OpioidsNegotiationClass.info.

DO NOT WRITE OR CALL THE COURT OR THE CLERK'S OFFICE FOR INFORMATION

Questions? Visit www.OpioidsNegotiationClass.info

BASIC INFORMATION

1. Why is a Negotiation Class being formed? What is its purpose?

The purpose of the Negotiation Class is to create a cohesive group of cities and counties to negotiate Classwide settlements, on a voluntary basis, with Defendants who make, distribute, or sell opioids nationwide. Class Representatives and Class Counsel will represent the Negotiation Class. Class Members will vote on any Class settlement proposal. If 75% of those Class Members who vote (as described in FAQ 18 and 19 below) support a proposed Settlement, Class Counsel will ask the Court to approve it. The ultimate purpose of the Negotiation Class is to make settlement easier to obtain.

2. Is this the first Negotiation Class Action?

Yes. This is a new use of the Class action mechanism under Federal Rule of Civil Procedure 23, reflecting the unique nature of the national opioids litigation. Unlike any mass litigation before, thousands of cities and counties nationwide are pursuing claims against major defendants. The goal is to recover money to help fight the opioids epidemic, provide prevention and treatment services going forward, and change Defendants' practices.

3. Why use a Class mechanism?

Joining all cities and counties together as a Negotiation Class gives them maximum negotiating power, makes the negotiation of comprehensive settlements a more practical process, enables Defendants to know the group with which they are negotiating, and enables Class Members to vote on resulting settlement offers.

4. Who are the Class Representatives?

The Court has authorized the following 49 counties and cities to serve as the Negotiation Class's Class Representatives: (1) County of Albany, New York; (2) City of Atlanta, Georgia; (3) Bergen County, New Jersey; (4) City of Baton Rouge/East Baton Rouge Parish, Louisiana; (5) Broward County, Florida; (6) Camden County, New Jersey; (7) Cass County, North Dakota; (8) City of Chicago, Illinois; (9) Cobb County, Georgia; (10) City of Concord, New Hampshire; (11) Cumberland County, Maine; (12) City of Delray Beach, Florida; (13) Denver, Colorado; (14) Escambia County, Florida; (15) Essex County, New Jersey; (16) County of Fannin, Georgia; (17) Franklin County, Ohio; (18) Galveston County, Texas; (19) County of Gooding, Idaho; (20) City of Grand Forks, North Dakota; (21) County of Hennepin, Minnesota; (22) City of Indianapolis, Indiana; (23) County of Jefferson, Alabama; (24) Jefferson County/City of Louisville, Kentucky; (25) Jersey City, New Jersey; (26) Kanawha County, West Virginia; (27) King County, Washington; (28) City of Lakewood, Ohio; (29) City of Los Angeles, California; (30) City of Lowell, Massachusetts; (31) City of Manchester, New Hampshire; (32) Maricopa County, Arizona; (33) Mecklenburg County, North Carolina; (34) The Metropolitan Government of Nashville and Davidson County, Tennessee; (35) Milwaukee County, Wisconsin; (36) Monterey County, California; (37) City of Norwalk, Connecticut; (38) County of Palm Beach, Florida; (39) Paterson City, New Jersey; (40) City of Phoenix, Arizona; (41) Prince George's County, Maryland; (42) Riverside County, California; (43) City of Saint Paul, Minnesota; (44) City of Roanoke, Virginia; (45) County of Rockland, New York; (46) City and County of San Francisco, California; (47) County of Smith, Texas; (48) County of Tulsa, Oklahoma; and (49) Wayne County, Michigan.

5. Who are the Defendants?

The Court has authorized the Negotiation Class to negotiate with 13 Defendants (including their affiliates): (1) Purdue, (2) Cephalon, (3) Endo, (4) Mallinckrodt, (5) Actavis, (6) Janssen, (7) McKesson, (8) Cardinal, (9) AmerisourceBergen, (10) CVS Rx Services, Inc., (11) Rite-Aid Corporation, (12) Walgreens, and (13) Wal-Mart. The Negotiation Class is authorized to negotiate settlements with any of these 13 Defendants, on any of the claims or issues identified below in FAQ 7, or other claims or issues arising out of the same factual predicate. If Class Counsel seek to negotiate for the Class with any other defendants, they can file a motion asking the Court to amend the Class certification order.

6. Has a Class settlement been reached with Defendants yet?

No. No Class settlement has been reached yet with any Defendant. But the existence of a Negotiation Class makes the possibility of Class settlement more feasible because a Defendant will know the group with which it is negotiating. There is no guarantee, however, that there will be a Class settlement and it is possible that there will be settlements that do not encompass the Class, such as settlements between one or more Class Members and one or more Defendants.

THE CLASS CLAIMS AND ISSUES

7. What claims and issues are certified for the Negotiation Class?

In this Negotiation Class, the Court certified two federal Racketeer Influenced and Corrupt Organizations Act (“RICO”) claims and two federal Controlled Substances Act (“CSA”) issues. The RICO claims and the issues related to the CSA are similar across the country and the Class. The first RICO claim alleges that five Defendants misled physicians and the public about the need for and addictiveness of prescription opioids, all in an effort to increase sales. The second RICO claim alleges that eight Defendants ignored their responsibilities to report and halt suspicious opioid sales, all in an effort to artificially sustain and increase federally-set limits (quotas) on opioid sales. The CSA issues allege that the CSA required Defendants to create systems to identify, suspend, and report unlawful opioid sales, and that Defendants failed to meet those obligations. As noted in FAQ 5, above, the Negotiation Class is authorized to negotiate Class settlements concerning these claims and issues or other claims or issues arising out of the same factual predicate. **However, this Negotiation Class does not involve claims by State governments against the Defendants and no Class settlement will release or otherwise interfere with any State government’s current or future litigation. This Negotiation Class concerns claims only of counties and cities.** You can read more about these claims and issues in the Court’s Memorandum Opinion certifying this Class, which is posted at www.OpioidsNegotiationClass.info.

8. Has the Court decided any claims or issues?

No. The Court has not decided any Classwide claims or defenses on the merits and the Court will not render any Classwide decisions on the merits of any claims asserted by the Class or individual Members of it. By establishing this Negotiation Class and issuing this notice, the Court is not suggesting the Class would win or lose this case. This Class has been certified for negotiation purposes only.

Questions? Visit www.OpioidsNegotiationClass.info



WHO IS IN THE CLASS

9. What entities are included in the Negotiation Class?

The Negotiation Class is defined as:

All counties, parishes, and boroughs (collectively, “counties”); and all incorporated places, including without limitation cities, towns, townships, villages, and municipalities (collectively “cities”).

A complete current list of Class Members is available at www.OpioidsNegotiationClass.info. The list may be updated as the Court may order.

The terms “counties” and “cities” are used only as shorthand. The Class includes political subdivisions with other names, such as parishes, villages, towns, townships, etc. The list of Class Members was devised primarily from the U.S. Census Bureau lists of governmental entities that provide services to their residents. Check the Cities and Counties lists posted on the Class website to confirm whether you are a Negotiation Class Member.

10. Are counties and cities with state court-filed actions considered part of the Negotiation Class?

Yes. Counties and cities that sue in state court are Members of this Negotiation Class, with the option to opt out. However, nothing about Membership in the Negotiation Class interferes with the rights of any federal or state court plaintiffs to proceed with their own cases for litigation, trial, or individual settlement. Only if and when a Class settlement has been reached, has been approved by 75% of the voting Class Members as described in FAQ 19, and has been approved by the Court, would Class Members lose their ability to proceed on their own, in exchange for the settlement benefits that they would receive.

11. Will the Negotiation Class end the opioid litigation that my County or City has filed?

Not now and only if a Class settlement is later reached and approved. Your county’s or city’s Membership in the Negotiation Class will not immediately affect any opioid suit it has filed, whether in federal or state court. It also will not stop your county or city from filing or pursuing a lawsuit, and it will not affect any scheduled hearings or trials in any lawsuit. However, if there is a final Class settlement, approved by the required 75% of the voting Class Members and by the Court, the final settlement will likely end all other opioids-related litigation brought by Class Members. In the meantime, you do not need to opt out of the Class to file, continue to prosecute, or settle your own case, and you may keep any settlement or judgment you obtain. If any county or city obtains a judgment or settlement with a Defendant before the Negotiation Class does, however, it will not receive additional compensation through any later Negotiation Class settlement. But by remaining in the Class, your county or city does risk foregoing its own lawsuit (although it would obtain money from a Class settlement) if a Class settlement is reached and approved.

12. How does the Negotiation Class affect other types of opioid plaintiffs that are not counties or cities?

The Negotiation Class does not directly affect the litigation or settlement of the claims of other types of plaintiffs, such as Indian Tribes, third party payors, and others, that are proceeding in federal or state courts. These plaintiffs can organize themselves as groups or propose their own Classes, for trial or settlement purposes.

Questions? Visit www.OpioidsNegotiationClass.info

THE NEGOTIATION CLASS PROCESS

13. Now that the Court has approved this process, what will happen next?

The creation of the Negotiation Class has these next steps:

- On **September 11, 2019**, Judge Polster, the federal judge overseeing all of the national opioids litigation, certified the Negotiation Class to go forward.
- On or before **September 20, 2019**, Class Action Notice will be sent via First-Class mail and posted to the Class website www.OpioidsNegotiationClass.info to all Class Members.
- Class Members have until **November 22, 2019** to decide whether to participate or to opt out of the Class. This is the "opt-out period." All Class Members are automatically included in the Class. If a Class Member wants to participate, it does not need to do anything at this point. Only Class Members that wish to exclude themselves ("opt out") and not participate in the Class must act: they must submit a copy of the enclosed Exclusion Request Form on or before **November 22, 2019**, using the instructions in FAQ 26.
- After the close of the opt-out period, the Court will enter an order confirming the Membership of the Class, saying who is in and who is out of the Class.
- After that, the Class will operate if, and only if, one or more of the Defendants wishes to negotiate with the Class as a whole through the Negotiation Class mechanism.
- If a proposed Class settlement is reached, the proposal will be submitted to the entire Class Membership for its approval or rejection in accordance with the voting formula (described in FAQ 18 and 19 below). If no proposed settlement is reached, the Class will not vote and will have no other role.

14. If my County or City chooses to participate in the Negotiation Class, how will it know when there is a proposed Class settlement?

All Negotiation Class Members will be given advance notice of any Class settlement offer, including details on its terms and conditions, and they will have an opportunity to vote on each settlement offer. Class Members will be able to cast their vote securely, through the Class website, which will establish a voting identity and portal for each Class Member. Only Class settlements achieving 75% approval votes, by number, by allocation, and by population, of the litigating and non-litigating Class Members that vote (as described in FAQ 19) will be submitted to the Court, which will make the final determination of whether to approve the settlement.

15. If there is a proposed Class settlement, does the Court still have to approve it?

Yes. If there is a proposed settlement that is approved by 75% of the voting Class Members, as described in FAQ 18 and 19, the Court will review and decide whether to approve it, under the Class action settlement approval process set forth in Federal Rule of Civil Procedure 23(e). Generally, the Court will assess whether any settlement is fair, reasonable, and adequate. All applications for fees and costs also require court approval under Rule 23 procedures. (See https://www.law.cornell.edu/rules/frcp/rule_23.)

16. If there is a proposed settlement and my County or City is included in the Negotiation Class, but it disapproves of the settlement terms, can my County or City object to the settlement?

Yes. As a Negotiation Class Member, you will be entitled under Rule 23(e) to object to any settlement, even if it has received approval from the Class. However, as described in FAQ 27, you

Questions? Visit www.OpioidsNegotiationClass.info



will likely not be able to exclude yourself from the Class at that time. An objection explains your concerns to the Court for its consideration but does not remove you from the Class.

17. How long will the Negotiation Class last?

The Negotiation Class will last for 5 years from the date it is certified by the Court. The Court certified the Class on September 11, 2019 and the Negotiation Class will last until September 11, 2024. After that date, the Class will not exist as an entity with which a Defendant can negotiate. However, the Negotiation Class will continue to exist with regard to: (1) any Class settlements presented to the Negotiation Class for a vote before that date, to carry out the voting and approval process; and (2) any Class settlements reached before that date, to complete settlement administration and enforcement.

VOTING

18. If there is a proposed Class settlement, how will the voting be done?

Each Class Member will vote only once on any particular Class settlement proposal. The vote will simply be yes-or-no, in favor of or against the proposed settlement. Class Members that do not vote will not be counted as either yes or no votes; as with an election for government office in the United States, the only votes that are counted are those of the voters who actually cast votes. Class Members' votes will be tabulated mechanically within each applicable voting pool, to make sure that 75% of each pool is in favor of the proposed settlement before it is presented to the Court. The voting pools are described in FAQ 19. Voting tabulation does not require any effort by the Class Members. The requirement of 75% support of voting Class Members across the different voting pools ensures that no settlement will go forward without a wide cross-section of support from cities and counties of all sizes and interests.

19. If there is a proposed Class settlement, how many votes are needed to approve it?

The agreement to be bound by a supermajority vote means that no settlement can be reached that would bind the Negotiation Class without the approval of 75% of the voting Class Members, defined in several ways. To be binding, 75% of those voting in each of the following six categories must approve a proposed settlement:

- 75% of the total number of voting Class Members that had filed suit as of June 14, 2019 ("litigating entities"). This number is based on all individual Class Members who had suits on file regardless of size, so that each voting entity has one vote;
- 75% of the total number of voting Class Members that had not filed suit as of June 14, 2019 ("non-litigating entities"). This number is based on all individual Class Members who had not filed suit, regardless of size, so that each voting entity has one vote;
- 75% of the total population of all voting Class Members that had filed suit as of June 14, 2019. For this computation, the vote of the county or city is weighted according to its population, with each person in a voting city and each person in a voting county equal to one vote. Thus, by way of example, if a county votes yes and has a population of 20,000, and a city within the county votes yes and has a population of 10,000, the county's vote is weighted as 20,000 votes in favor, and the city's vote is recorded as 10,000 votes in favor. The population for each County or City will be based on current census data. The current data is presented on the Class website, www.OpioidsNegotiationClass.info. Individual residents in this category may be counted twice, once as a resident of a municipality, and once as a resident of a county;

Questions? Visit www.OpioidsNegotiationClass.info

- 75% of the total population of all voting Class Members that had not filed suit as of June 14, 2019. For this computation, the vote of the county or city is weighted according to its population, with each person in a voting city and each person in a voting county equal to one vote. Thus, by way of example, if a county votes and has a population of 20,000, and a city within the county votes yes and has a population of 10,000, the county's vote is weighted as 20,000 votes in favor, and the city's vote is recorded as 10,000 votes in favor. Again, the population for each County or City will be based on current census data. The current data is presented on the Class website, www.OpioidsNegotiationClass.info. Individual residents in this category may be counted twice, once as a resident of a municipality, and once as a resident of a county;
- 75% of the litigating Class Members casting votes, weighted by their settlement fund allocations as shown at the Allocation Map posted at opioidsnegotiationclass.info; and
- 75% of the non-litigating Class Members casting votes, weighted by their settlement fund allocations as shown at the Allocation Map posted at opioidsnegotiationclass.info.

For purposes of counting votes, only votes cast will be considered. In order for a proposed settlement to be binding on the Negotiation Class, 75% of those Class Members who cast votes in each of these six categories must be in favor. No settlement will be submitted to the Court for final approval unless 75% of those voting in each of the six categories are in favor. No county or city that is not a Class Member as of the deadline for a vote on a proposal will be allowed to vote on that proposal.

ALLOCATION OF CLASS SETTLEMENT FUNDS

20. If there is a Class settlement, how will my County or City's share of the settlement be determined?

Any Class settlement funds will be distributed in three steps:

Step 1: Each county's share of the settlement will be distributed in accordance with an "allocation model." The allocation model uses three factors, based on reliable, detailed, and objective national data, to determine the share of a settlement fund that each county will receive. These factors address the most critical causes and effects of the opioids crisis, and are each weighted equally (1/3-1/3-1/3): (1) the amount of opioids distributed within the county, (2) the number of opioid deaths that occurred in the county; and (3) the number of people who suffer opioid use disorder in the county. This model is designed not to favor either small or large counties based solely on population. Ultimately, the model allocates settlement funds in proportion to where the opioid crisis has caused actual harm.

Step 2: Counties and their constituent cities, towns, and boroughs may distribute the funds allocated to the county among all of the jurisdictions in any manner they choose. If the county and cities cannot agree on how to allocate the funds, the Class website reflects a default allocation that will apply. The default allocation formula uses historical federal data showing how the specific county and the cities within it have made opioids-related expenditures in the past. Any of the affected jurisdictions may ask a Special Master to apply a different formula.

Step 3: If the default allocation is used and a city's share is less than \$500, then that amount will instead be distributed to the county in which the city lies to allow practical application of the abatement remedy. Affected cities could seek recovery through intra-county allocation described in Step 2, or from the Class Members' Special Needs Fund (see FAQ 24). In the rare circumstance that a city with a share of less than \$500 lies in a county that does not have a county government, the amount would instead go to the Class Members' Special Needs Fund, and Class members could seek recovery from that Fund.

Further information about the allocation formulas and their data sources are available at the Class website.

Questions? Visit www.OpioidsNegotiationClass.info



21. What happens if a county and its constituent cities make different decisions about staying in the Class?

- If a county and all of its constituent cities remain in the Class, each entity's share will be determined as explained in FAQ 20.
- If a county remains in the Class, but one or more cities within the County are not in the Class, there are a variety of ways that a Class settlement might address that situation, but it is possible that a Class settlement would require that the County's allocation be reduced.
- If a county is not in the Class, but cities within that county remain in the Class, there are a variety of ways a Class settlement might address that situation. One possibility is that a city would receive no direct monetary allocation because its county has opted out, but that it could seek monetary relief through the Special Needs Fund (see FAQ 24). If a settlement provides a city no possibility of monetary relief because its county has opted out, Class Counsel anticipates the city would not be required to release its claims against the settling Defendant.

22. If there is a settlement between a Defendant and a State or States, what impact will this Negotiation Class have on the division of monies between a State and the cities and counties within the State?

The Negotiation Class process does not interfere with a Defendant's ability to settle directly with one or more States. If a Defendant reaches a settlement directly with a State, nothing about this Negotiation Class process would affect the distribution of those settlement funds between the State and its own cities or counties. The Court has explicitly ordered that the Class's lawyers not involve themselves or the Class in the process of allocating monies secured by States between themselves and their counties and cities.

23. Will Negotiation Class Representatives receive anything more than other Class Members?

Negotiation Class Representatives do not receive preferential treatment under any settlement simply for serving as Class Representatives. Their allocation will be calculated in precisely the same manner as every other Class Member's. However, they can apply to the Court for reimbursement of costs and expenses incurred by reason of serving as Class Representatives. Also, courts often award a modest amount to Class Representatives, called an incentive or service award, so as to encourage Class Representatives to step forward on behalf of others. Any such awards are subject to Class notice and Court approval.

24. What is the Special Needs Fund?

Fifteen percent (15%) of any Class settlement fund will be put into the "Special Needs Fund." Any Class Member may apply for a distribution from the Special Needs Fund: (1) to recover its costs of litigating its own opioids lawsuit, if that case was filed before June 14, 2019; and/or (2) to obtain additional relief for any local impact of the opioids crisis that is not captured by the Class Member's allocation. Applications will be made to and approved by a court-appointed Special Master, on a case-by-case basis. Any unawarded amount remaining in this Special Needs Fund would revert to the Class.

YOUR RIGHTS AND OPTIONS

25. Can my county or city exclude itself from the Negotiation Class?

Yes. You have a **one-time** opportunity to exclude your county or city from the Class and you must do so before November 22, 2019. You must follow the procedure set forth in FAQ 26 below to

Questions? Visit www.OpioidsNegotiationClass.info

exclude your county or city. As explained in FAQ 27, you will likely **not** be given a second opportunity to exclude your county or city from the Class if a settlement is later reached and you should not count on such an opportunity being available at that time.

26. How does my county or city exclude itself from the Negotiation Class?

You may exclude your county or city ("opt out") by signing and sending, either by email or by first-class U.S. mail, the enclosed Exclusion Request Form.

- If submitted by email, the form must be sent to info@OpioidsNegotiationClass.info on or before **November 22, 2019**.
- If submitted by mail, the form must be postmarked on or before **November 22, 2019** and sent by first-class U.S. mail to:

NPO Litigation
P.O. Box 6727
Portland, OR 97228-6727

The Exclusion Request Form must be signed by an **authorized** official or employee of the county or city itself, under penalty of perjury pursuant to 28 U.S.C. § 1746, and is subject to verification by the Court. If you exclude your county or city from the Negotiation Class, your county or city will not be bound by any Orders or Judgments regarding the Class, and it will have no right to share in any settlement reached by the Class.

27. If my county or city stays in the Negotiation Class, can it exclude itself later if it doesn't like a proposed settlement?

Not under the current Court Order. The Court's Order certifying the Negotiation Class provides only one opportunity for a county or city to exclude itself from the Class. The exclusion deadline ends on November 22, 2019. If a settlement is reached and proposed to the Class for its approval, Class Members who do not support the settlement may (1) vote against it and/or, (2) if the settlement is nonetheless approved by the Class votes, file objections with the Court. Rule 23 permits a court to offer a second opportunity for Class Members to opt out when a settlement is proposed, but the Rule does not require the Court to give Class Members a second opportunity to opt out. In this case, it is anticipated that the Court will not give Class Members a second opportunity to opt out. Therefore, Class Members should not rely on that possibility. Class Members should expect that there will be no opportunity to opt out of the Class after **November 22, 2019**.

THE LAWYERS REPRESENTING THE CLASS

28. Who are the Class Counsel?

The Court has authorized the following six lawyers to jointly represent the Negotiation Class: Jayne Conroy and Christopher A. Seeger are Co-Lead Negotiation Class Counsel and Gerard Stranch, Louise Renne, Mark Flessner, and Zachary Carter are Negotiation Class Counsel. Each of these six lawyers represents only cities or counties in Opioids-related litigation.

29. How do Class Counsel get paid?

Class Counsel will apply to the Court for approval of fees and costs under Rule 23(h). As a Class Member, you will receive notice and have an opportunity to object to any such application. The Court may appoint fee committees to make recommendations of any fee awards, to avoid duplication of payment, and to ensure appropriate compensation of those whose efforts provided a common benefit. The Court will make the final decision about all fees paid out of the Class's recovery to any lawyer.

Questions? Visit www.OpioidsNegotiationClass.info



30. Under this proposal, what happens to my County or City's current fee agreement with outside counsel?

The current fee agreement that a county or city has with its outside counsel remains in effect. Membership in the Negotiation Class does not change that. In the event of any settlement that achieves Class and Court approval, there would be a "Private Attorneys Fund" from which outside counsel for Class Members that had signed retainer agreements for opioid epidemic-related litigation before June 14, 2019 could apply for fees and costs in lieu of any current fee agreement. That would be a voluntary decision between the county or city and its outside counsel. A total of up to 10% (maximum) of any approved Class settlement amount will be held in the Private Attorneys Fund. Any unawarded amount remaining in this Fund would revert to the Class. The Court must approve all payments from this Fund.

GETTING MORE INFORMATION

31. How can my County or City keep up with what's going on in this case?

Pertinent news and information will be posted at the Class website, www.OpioidsNegotiationClass.info on an ongoing basis. As a Class Member, you also will have the opportunity to sign up, through the Class website, for email notices alerting you to the fact that new information has been posted to the Class website.

**DO NOT WRITE OR CALL THE COURT OR THE
CLERK'S OFFICE FOR INFORMATION**

DATE: September 11, 2019.



4539000678042

**IF YOU WANT TO EXCLUDE YOUR COUNTY OR CITY
YOU MUST ACT BY NOVEMBER 22, 2019**

EXCLUSION REQUEST FORM

Read this page carefully then turn to Page 2 if you want to sign and send

Complete this form **ONLY** if your County or City does **NOT** want to remain a Class Member and does not want to share in any potential negotiated Class settlement. If your County or City does not complete and submit this form, it will be deemed to be a Class Member so long as it is a County or City in the United States as those terms are described in the Class Notice and is on the list of Class Members found at www.OpioidsNegotiationClass.info.

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO**

_____	X
In re NATIONAL PRESCRIPTION	:
OPIATE LITIGATION	:
_____	X

1:17-md-2804 (DAP)

Class Notice Administrator
NPO Litigation
P.O. Box 6727
Portland, OR 97228-6727

Dear Class Notice Administrator:

My County or City does **NOT** want to be a member of the Negotiation Class certified in the *In re National Prescription Opiate Litigation*. I understand that by completing the information requested on page 2, signing, and submitting a copy of this form by email (to the email address on page 2) sent on or before **November 22, 2019** OR by first-class U.S. mail (to the mailing address on page 2) post-marked on or before **November 22, 2019**, I am opting my County or City out of the Negotiation Class and it will **NOT** be a Class Member. I understand that by timely submitting this form, my County or City is foregoing the right to share in any Class settlement that may be obtained. I understand that my County or City is **NOT** guaranteed an opportunity to opt back in if there is a Class settlement, so this is our final decision. I also understand that by opting out, my County or City will not be bound by any judgment entered as part of any Class settlement.

I understand that if my jurisdiction is a Class Member and wants to remain a Class Member, it does not need to do anything now. I understand that I should **NOT** return this Exclusion Request Form if my jurisdiction wants to remain a Class Member.

I understand that, if I have any questions, I may contact Class Counsel at 1-877-221-7468, or visit www.OpioidsNegotiationClass.info **BEFORE** I mail this form to you and **BEFORE** November 22, 2019.

**TURN TO PAGE 2 IF YOU WANT TO SIGN EXCLUSION/OPT-OUT FORM
AND FOR EMAIL AND MAILING ADDRESSES**



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**IF YOU WANT TO EXCLUDE YOUR COUNTY OR CITY
YOU MUST ACT BY NOVEMBER 22, 2019**

EXCLUSION REQUEST FORM
Read Information on Page 1 carefully before signing

Having read and understood the information on page 1, the County or City (**circle one**) entitled _____ in the State of _____ hereby excludes itself from the Negotiation Class certified by the United States District Court in the Northern District of Ohio in *In re National Prescription Opiate Litigation*, MDL 2804. Under penalty of perjury and in accordance with 28 U.S.C. § 1746, I declare that I am an official or employee authorized to take legal action on behalf of my County or City.

Signature: _____

Print name: _____

Title: _____

City or County Represented: _____ (Circle one); City / County

Address: _____

City: _____ State: _____ Zip Code: _____

Phone: _____ Email: _____

Date: _____

BY NOVEMBER 22, 2019

EMAIL TO:

**OR SEND BY
FIRST CLASS MAIL TO:**

info@OpioidsNegotiationClass.info

NPO Litigation
P.O. Box 6727
Portland, OR 97228-6727

NPO Litigation
PO Box 6727
Portland, OR 97228-6727



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Chief Legal Officer
MACON COUNTY
PO BOX 288
FRANKLIN NC 28744-0288

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MACON COUNTY BOARD OF COMMISSIONERS

AGENDA ITEM

MEETING DATE: November 12, 2019

DEPARTMENT/AGENCY: Board of Commissioners

SUBJECT MATTER: Discussion concerning Macon County Water Resources

COMMENTS/RECOMMENDATION:

Chairman Tate would like to share with the Board of Commissioners his thoughts and concerns regarding Macon County's water resources.

Attachments _____ Yes No

Agenda Item 11A

MACON COUNTY BOARD OF COMMISSIONERS

AGENDA ITEM

MEETING DATE: November 12, 2019

DEPARTMENT/AGENCY: Economic Development

SUBJECT MATTER: Appalachian Growers Lease Expansion

COMMENTS/RECOMMENDATION:

Appalachian Growers has applied to occupy Unit A (7360 SF) in the Business Development Center, as they have outgrown their current 1000 SF space in Unit D. They anticipate increasing their job numbers accordingly: Original 3 year projections call for 7 FT and 3 PT positions. With the expanded space they anticipate being able to grow to 12 FT and 14 PT positions respectively.

Attachments _____ Yes No

Agenda Item 11B

MACON COUNTY BOARD OF COMMISSIONERS

AGENDA ITEM

MEETING DATE: November 12, 2019

DEPARTMENT/AGENCY: Human Resources

SUBJECT MATTER: 2020 Holiday Schedule

COMMENTS/RECOMMENDATION:

Mike Decker, Director of Human Resources, will present the proposed 2020 Holiday Schedule to the Board for consideration.

Attachments Yes No

Agenda Item 11C

Macon County



Macon County 2020 Holiday Schedule

<u>Holiday</u>	<u>Observance Date</u>	<u>Day of Week</u>
New Year's Day	January 1	Wednesday
Martin Luther King Jr. Birthday	January 20	Monday
Good Friday	April 10	Friday
Memorial Day	May 25	Monday
Independence Day	July 3	Friday
Labor Day	September 7	Monday
Veterans Day	November 11	Wednesday
Thanksgiving	November 26 & 27	Thursday/Friday
Christmas	December 24, 25 & 28	Thursday/Friday Monday

NOTE: Observance dates follow North Carolina Office of State Human Resources schedule

MACON COUNTY BOARD OF COMMISSIONERS

AGENDA ITEM

MEETING DATE: November 12, 2019

DEPARTMENT/AGENCY: N/A

SUBJECT MATTER: Presentation and funding request regarding International Agriculture Study Trip to Denmark

COMMENTS/RECOMMENDATION:

Jenny Collins, FHS Agricultural Teacher, will discuss the upcoming trip to Denmark, in addition to the fundraising efforts which have helped to make it possible. In addition, Ms. Collins will request a donation from the Macon County Board of Commissioners, which will be placed towards the Denmark Study Trip.

Attachments Yes No

Agenda Item 11D

International Agriculture Study Trip:

Denmark

Purpose of the trip:

To unite Agricultural students from Western North Carolina with Agricultural students in Denmark; to allow these students to understand cultures, and advance personal growth.

Objectives:

1. Giving a presentation to three different Agricultural colleges. Our presentations will consist of our culture in America and in Western North Carolina, in turn they will present their culture to us.
2. Visiting the capital of Denmark - Copenhagen. We explore their culture by riding on a Viking ship, taking a bicycle ride through the city and touring a castle.
3. Homestays at different farms to immerse ourselves in the Danish culture.
4. Flying on a plane—10 out of the 15 students going have never flown before.

Cost:

\$2,200 per person—includes: food, airfare, charter bus and accommodations

Total cost for 5 chaperones and 15 students = \$44,000

We have raised \$26,270

Upcoming fundraisers: Haunted Corn Maze, Chicken boxes, Jaxon's, Sonic and Zaxby's night.

MACON COUNTY BOARD OF COMMISSIONERS

AGENDA ITEM

MEETING DATE: November 12, 2019

DEPARTMENT/AGENCY: N/A

SUBJECT MATTER: Presentation regarding funding assistance needed for FHS Athletic Facilities

COMMENTS/RECOMMENDATION:

Bobby Bishop, FHS Varsity Softball Coach and Kyle Barrington, FHS Varsity Wrestling Coach will request funding assistance from the Board of Commissioners to make improvements at each of their respective sports facilities

Attachments _____ Yes _____ X No

Agenda Item 11E

MACON COUNTY BOARD OF COMMISSIONERS

AGENDA ITEM

MEETING DATE: November 12, 2019

DEPARTMENT/AGENCY: N/A

SUBJECT MATTER: Consent Agenda

COMMENTS/RECOMMENDATION:

- **12A.** Minutes of the October 8, 2019 & July 9, 2019 Regular meeting, July 30, 2019 Continued Session
- **12B.** Rejection of Bid Request No. 4310 In Car System and Body Cameras
- **12C.** Budget Amendments #101-111
- **12D.** Tax Releases in the Amount of \$608.36 for the month of October
- **12E.** Tax Office Monthly Report

Attachments X Yes No

Agenda Item 12A-12E

MACON COUNTY BOARD OF COMMISSIONERS
October 8, 2019
MINUTES

Chairman Tate called the meeting to order at 6:00 p.m. and welcomed those in attendance. All Board Members, the County Manager, Deputy Clerk, Finance Director, County Attorney, members of the news media and interested citizens were present.

ANNOUNCEMENTS: Commissioner Beale reminded those in attendance that the Veterans Stand Down would take place on October 10, 2019 at the Robert C. Carpenter Building. Commissioner Shields asked for everyone to remember the family of Mr. Lee Whitaker, a Macon County Veteran, and long-time leader in the Macon County School System, who recently passed away. Chairman Tate personally thanked the Planning Board for making the effort to hold their monthly meetings within our local communities.

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

PUBLIC HEARING:

PUBLIC COMMENT PERIOD: **Diane Dodge** requested that the Board of Commissioners reconsider their decision to not require camouflaging on the telecommunication tower which was recently approved at 575 CR Cabe Road. Chairman Tate reiterated the fact that he did not vote for camouflaging because he has never seen a good camouflaging product. **Narelle Kirkland** again requested for the Board of Commissioners to consider making repairs to the Greenway. Ms. Kirkland then gave the board a brief presentation with her suggestions as to how the traffic congestion problem at the Wells Grove Rd. and Clarks Chapel Rd. intersection could be addressed. Commissioner Beale informed her that the North Carolina Department of Transportation has been made aware of this issue and is currently looking for solutions. **Paul Maynard** provided the Board of Commissioners with an update on the Freedom House Outreach Program. The goal of this program, according to Maynard, is to give individuals freedom from drug addiction. Mr. Maynard has been running the Freedom Addiction Ministry Program for approximately six months. The Freedom House is located off of Love Street, and currently has five residents

who are recovering from addiction. Mr. Maynard stated that he realized there would be some resistance to this program, but because of it, the community would be a safer place. Commissioner Beale informed Mr. Maynard that “No Wrong Door” located on Thomas Heights would be having Peer to Peer Counseling Sessions every Saturday in October at 9:00 am and invited him to attend. **Dr. San Ho Choi** thanked the board for their support of the libraries in Macon County and shared a personal experience with the board of how libraries had influenced him during childhood.

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

- To add a second appointment to the Macon County Planning Board under Agenda Item # 13 Appointments.
- To add Vaya Funding Resolution as Agenda Item #9B under Reports and Presentations

REPORTS AND PRESENTATIONS:

9A. Region A Broadband Update: Sarah Thompson, Executive Director of the Southwestern Commission provided the board with an update on their broadband expansion efforts in Western North Carolina. Ms. Thompson thanked the Board of Commissioners for their “taking matters into their own hands” referring to the September 10, 2019 vote to grant broadband funding to the Town of Highlands and “Little T” Broadband, if legally permissible. Ms. Thompson went on to say that the Southwestern Commission views broadband availability as critical infrastructure in Region A and as a consequence has made it a top priority.

Region A has broken their broadband efforts down into two phases, phase I which is now complete, consisted of demand aggregation for Region A which highlighted unserved and underserved areas. As part of phase I the Southwestern Commission also encouraged counties in the region to create Broadband Committees to further study unserved and underserved areas within their communities. Phase II, according to Ms. Thompson, will consist of identifying all vertical assets in the region. Aside from identifying these vertical assets, information including the ability of each tower to provide co-location will be provided as well. Essentially, both phase I and phase II efforts have been geared toward making it easier for providers to enhance or expand broadband coverage within the region.

The Southwestern Commission, according to Ms. Thompson, has made themselves available to assist providers with grant writing, should they decide to pursue funding opportunities from the State. While some progress has been

made, certain obstacles still stand in the way of broadband expansion. Today continues to be more expensive to run fiber in the mountains due to the topography and there is less potential for return on investment due to the less dense population of Region A when compared to more urban areas. In closing Ms. Thompson reminded the board that a Broadband Workshop would be held at Southwestern Community College on October 25th.

9B. Consideration of VAYA Resolution: Shelly Foreman, Regional Representative with VAYA Health, requested for the Board of Commissioners to consider approving a resolution titled "*Resolution in Support of funding to meet the Mental Health Intellectual/Developmental Disabilities, and Substance Use Disorder Service Needs of the Citizens of Macon County.*" Ms. Foreman stated that over the last four years VAYA alone has had \$48 Million dollars cut from its indigent fund by the General Assembly and another \$9M has been proposed in the coming budget. Ms. Foreman reminded the board that 100% of VAYA indigent care funding goes back into the community. Ms. Foreman stated the cumulative effect of these funding reductions will have a significant impact on what services will be available to those in our community without insurance. Ms. Foreman went on to say that there has been some "good movement" recently, with respect to attention being brought to the funding reductions, as the VAYA Commissioner Advisory Board and all six counties in the west, with the exception of Macon, have passed resolutions requesting the state to reconsider funding reductions as well as funding formulas used for mental health. Representative Corbin, as well as the House Appropriations Chair Josh Dobson have been made aware of the negative impact these funding reductions could have on the far west according to Ms. Foreman.

Commissioner Beale stated that he appreciated the candor of Representative Josh Dobson, citing a recent Macon County News Article where Mr. Dobson was quoted saying; "they had just missed it" referring to the proposed funding reductions in Mental Health. Commissioner Beale went on to say that recent changes to the mental health funding formula will devastate Macon County as well as all counties in the far west. Commissioner Beale made the motion to approve the resolution titled "*Resolution in Support of funding to meet the Mental Health Intellectual/Developmental Disabilities, and Substance Use Disorder Service Needs of the Citizens of Macon County.*" Commissioner Shields seconded this motion. Commissioner Tate stated that he had discussed this resolution with Representative Corbin last week and while he stands behind the gist of this resolution and restoring mental health funding, he does take issue with the way the resolution was written, and thus could not support it at this time. The motion to approve the resolution failed 2-3 with commissioners Tate, Gillespie and Higdon opposing.

OLD BUSINESS

10A. Greenway Connector Project: Jack Morgan informed the Board of Commissioners that the North Carolina Department of Transportation had offered to provide 70% of the funding required for the Greenway Connection Project. The project cost is estimated to be \$70,000 as of September 10, 2019. The Greenway Connection Project will join the northern and southern portions of the Greenway by placing a 10 ft. wide connection under the Town Bridge in East Franklin, as shown on the map provided to the board by Mr. Morgan. Both the cost estimate and map are attached (Attachments 1&2) and hereby made a part of these minutes. County Manager Roland informed the board that all the NCDOT was requesting at this time was for the county to affirm their desire to be the lead agency on this project. Following this affirmation, Mr. Morgan would be able to work with the NCDOT to draft an agreement which will be brought back before the board at a later date. Commissioner Gillespie made the motion to designate Macon County as the lead agency on the Greenway Connector Project, and the motion was seconded by Commissioner Higdon. Motion passed unanimously.

10B. Update on Macon Middle School RFQ for Architectural Services: Todd Gibbs, on behalf of the Macon County Central Office, informed the Board that the seven member selection committee (comprised of Terry Bell, Todd Gibbs, Fred Goldsmith, Tracy Tallent, Jack Morgan, Gary Shields and Scott Maslin) established to evaluate responses to the Request for Qualifications issued for architectural services at the Macon Middle School Renovation Project would like to recommend SGA Narmour Wright as the Chief Architect for the MMS renovation project. Five responses to the Request for Qualifications were submitted and evaluated by the selection committee. Of those five responses three were selected for interview. Following the interviews, SGA Narmour Wright was felt by the committee to be the most qualified firm. Commissioner Shields said he felt the committee had taken a very clear minded approach in making this selection. Commissioner Beale who had discussed the proposal with Mr. Morgan and Commissioner Shields felt that the recommended firm was very experienced in this line of work. Commissioner Shields made a motion to approve the selection committee's recommendation of SGA Narmour Wright to provide architectural services for the Macon Middle School Renovation Project and authorize county representatives to begin contract negotiations with this firm contingent upon approval of the same by the Macon County School Board. The Motion was seconded by Commissioner Beale and passed unanimously.

10C. Revision to SCC Paving Agreement: County Manager Roland informed the board that the Southwestern Community College Paving Agreement which was previously approved by the Board of Commissioners listed the incorrect

Minutes

10.08.19

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Chairperson as the signatory for SCC. This comes following a change in the Chairmanship of the Southwestern Community College Board of Trustees from Terry Bell to Lambert G. Wilson. The manager stated that the signatory for SCC and the date of the agreement were the only changes made. A motion was made to approve the revised agreement by Commissioner Gillespie, seconded by Commissioner Shields. The motion passed unanimously. A copy of the agreement is attached (Attachment 3) and is hereby made a part of these minutes.

NEW BUSINESS

11A. Mainspring Request for temporary use of County Property: Jason Meader of Mainspring Conservation and Trust requested permission to use county owned property on Siler Road to access the adjoining property which Mainspring recently purchased, formerly known as the Dills Tract, as they are wishing to make property improvements. The County Manager informed the board that in speaking with the county attorney this permission could be granted in the form of an agreement rather than a temporary easement. Commissioner Beale requested that Mainspring proceed with caution when using heavy equipment to improve their property, paying particular attention to the sewer line and the sewer taps which were installed as part of the Cartoogechaye Sewer Line Project. Mr. Meader informed the board that the sewer line had been previously identified in a survey and they were very aware of its location. Commissioner Gillespie asked what the anticipated duration of the project would be to which Mr. Meader responded two-three weeks assuming good weather conditions. Commissioner Gillespie made a motion to authorize the County Attorney to proceed with developing an agreement and upon completion, further authorizing the County Manager to execute the agreement to give Mainspring Conservation and Trust permission for temporary use of County Property to access the adjoining parcel for the purpose of making property improvements. The motion was seconded by Commissioner Shields and passed unanimously.

11B. Fire District Change Request: Warren Cabe provided the Board with a map illustrating a request from the owners of four parcels of property on Sunrise Ridge Road, located off of Sanders road to change their fire department response area from West Macon Fire and Rescue to Clarks Chapel Fire and Rescue. Both the map and letter illustrating this request have been attached (Attachments 4&5) and are hereby made a part of these minutes. Mr. Cabe stated that both Fire Departments were in agreement with this change as these properties were more easily accessible by Clarks Chapel Fire and Rescue. This issue has come to light following development in this area which occurred after the service maps had been drawn and adopted. Mr. Cabe went on to say that the protection class would remain the same for these properties, but the

change to the Clarks Chapel Fire District would result in a slightly higher service fee to the properties. The property owners however, were aware of this service fee increase and were willing to accept it. Mr. Cabe stated that he was requesting approval of the map change so it could then be sent to the Office of the State Fire Marshall for approval. Commissioner Higdon made a motion to approve the map change as presented. Commissioner Gillespie seconded this motion and the motion passed unanimously.

11C. Review of Fire Department Contracts: Warren Cabe informed the Board that Macon County's current contracts with the Volunteer Fire Departments which went into place in 2014 were in need of review. In the coming months, Macon County Emergency Management will be reviewing these contracts, looking for needed changes. Mr. Cabe is in hopes the revised contracts will be ready for review by the Board of Commissioners in January. The changes according to Mr. Cabe, will address things such as verbiage changes, changes to personnel standards which are no longer valid following changes at the state level, and potentially offering some type of benefits to volunteer fireman. No action was taken.

11D. Nantahala Health Foundation Grant Request: Permission was requested by Warren Cabe for Macon County Emergency Management to apply to the Nantahala Health Foundation for grant funding. The Nantahala Health Foundation is the funding arm of the Dogwood Trust which was established following the purchase of Mission Health by HCA. The grant request would be for \$100,150 and would not require a funding match. If received, funding would be used to update laptop computers in trucks, purchase an additional cardiac monitor, update reporting software and update pediatric assessment tools. Mr. Cabe stated that Macon County Emergency Management has been very successful in grant requests such as this in the past. Commissioner Higdon made a motion to approve the grant request for Macon County Emergency Management to the Nantahala Health Foundation. Motion was seconded by Commissioner Shields and passed unanimously.

11E. Appointment of new Tax Administrator: Richard Lightner informed the Board that he would be retiring on December 16, 2019 after 35 years of leading the Macon County Tax Department. Mr. Lightner recommended that Abby Braswell be appointed as tax administrator, effective upon his retirement to fill the remainder of his term which expires on July 1, 2021. Mrs. Braswell has served 15 years in the Macon County Tax Office and has obtained certifications as both an appraiser and tax administrator. County Manager Roland complimented Mr. Lightner for the excellent job he has done in leading the Macon County Tax Office for the past 35 years, including the succession planning that has went into recommending his successor. Commissioner Beale made a motion to appoint Abby Braswell as tax administrator, effective upon

Richard Lightner's retirement on December 16, 2019 for the remainder of his current term which expires on July 1, 2021. The motion was seconded by Commissioner Shields. Mrs. Braswell then approached the board to express her gratitude to Mr. Lightner for providing her with the tools necessary to succeed as a tax administrator. Mrs. Braswell stated that she has an excellent team in the Macon County Tax Office and will gladly accept this position. The motion made by Commissioner Beale and seconded by Commissioner Shields and passed unanimously.

11F. 2019 Tax Software Update: Richard Lightner informed the Board that the Tax Department's operating software was in need of replacement and that he was requesting authority to move forward with a request for proposals for a replacement system. According to Mr. Lightner, the current software was developed in the late 1970's in Orange County North Carolina and purchased by the Macon County Tax Department in 1982. Today, only four counties in North Carolina remain on the operating software including Macon and Jackson, as it is outdated and becoming increasingly harder and more expensive to maintain. Last year alone, approximately \$63,000 was spent in maintenance costs on the aging tax software. Commissioner Beale asked Mr. Lightner for his best estimate on the new software cost? According to Lightner, a new tax operating software can be purchased for \$350,000 to \$400,000 which can be paid over time, and includes an initial payment as well as annual maintenance costs thereafter of approximately \$60,000 per year.

Mr. Lightner stated that it was very important to perform the tax software upgrade at the beginning of a reappraisal cycle which we are currently in, so a full conversion of the software will have taken place prior to the year of the next revaluation. Otherwise two separate software systems would have to be run simultaneously during the revaluation which would be extremely difficult. Commissioner Beale commended Mr. Lightner on the savings brought to Macon County over the years thanks to an efficient Macon County Tax Office. Commissioner Gillespie made a motion to authorize Mr. Lightner to move forward with a Request for Proposals for new tax operating software, the motion was seconded by Commissioner Beale and passed unanimously. Finance Director Lori Hall reminded the Board that funds for this purchase had not been budgeted in FY 19-20' and this would need to be addressed prior to selecting a proposal.

11G. Community Care Clinic Service Contract: The County Manager informed the Board that the Agreement for Services with the Community Care Clinic was simply memorializing the funding which the Board voted to provide the clinic in September. "In exchange for the funding we provide to them they will provide medical services to low income individuals within the community as stated in the contract" said Roland. The Agreement to Provide Medical Care Services to Low Income Individuals has been attached [Attachment 6] and is

hereby made a part of these minutes. Commissioner Beale made a motion to approve the agreement as presented; the motion was seconded by Commissioner Shields and passed unanimously.

11H. Reject Bid request No. 4310-09: The County Manager requested for the Board to reject Bid No. 4310-09 for In Car and Body Camera Systems. According to the Manager, the bid received did not provide the county with important information which was specified in the County's bid request. County Attorney Chester Jones stated that he felt the county did not have to reject the bid, as it did not meet the standards and thus was not a qualifying bid. No action was taken by the Board.

11I. Frank Myatt Occupancy Tax Penalty Waiver Request: Finance Director Lori Hall presented a request from Frank Myatt, owner of the Carolina Motel to waive occupancy tax penalties assessed upon the Carolina Motel in the amount of \$930. A motion was made by Commissioner Shields to waive the penalty amount of \$930 assessed upon Carolina Motel for good cause shown. Motion was seconded by Commissioner Beale and passed unanimously.

Prior to discussing the Consent Agenda, Commissioner Beale asked the County Attorney if any progress had been made towards disbursing funds to those entities for Broadband expansion as approved by the Board in September, pending legal review? The County Attorney informed Commissioner Beale that considerable research has been undertaken on this topic and while the door had not yet been closed, we have ran into some difficulties. Commissioner Beale requested for the County Attorney to send him an email outlining his concerns so he could present it next Thursday in Raleigh and hopefully have the concerns addressed. The County Attorney said he would be happy to share his concerns in closed session if the Board desired.

CONSENT AGENDA: Upon a motion by Commissioner Beale, seconded by Commissioner Gillespie, the board voted unanimously to approve the items on the consent agenda as follows: **(A)**the minutes of the September 10, 2019 regular meeting **(B)** Budget Amendment # 74 South Macon Elementary School Project Transfer \$17,929 from project contingency for purchase of Playground Equipment. **(C)** the following budget amendments: #75 EMS Grant Received from Highlands Cashiers Health Foundation \$50,000; #76 EMS Grant received from Homeland Security Assistance to Firefighters Grant program to purchase 3 power lift systems for front line ambulances \$69,955 #77 Health Department Opioid/RCORP Grant \$60,000; #78 Health Department using Medicaid Cost Settlement funds to cover purchase of computers, replenishing contingency money used for Smart Start \$12,000 #79 Social Services increase in allocation Crisis Funds \$9,268: #80 Solid Waste Moving money for insurance settlement

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\$516. #81 Health Department rolling unexpended ECU Funds into Current FY \$12,338 (D) #84 Reverse appropriating economic development fund balance for Highlands Performing Arts Center that was approved on August 13, 2019 (\$30,000)#85 Appropriate general fund balance for Highlands Performing Arts Center \$30,000; Authorize County Manager to enter into appropriate agreement for disbursement of funds to Highlands Performing Arts Center (E) Tax releases for month of September in the amount of \$2,166.34 (F) Tax Office Monthly Report (September) (G) Macon County Public Health billing guide and fee changes for FY 19-20'. (H) Brantley Construction Change Order #2 South Macon School Project \$60,123.98

APPOINTMENTS: Commissioner Gillespie indicated that there were currently two vacancies on the planning board for which the applications of Mark Berry and Jean Owen had been submitted and received. Commissioner Gillespie made a motion to approve the two applications, seconded by Commissioner Higdon and the motion passed unanimously.

Chairman Tate informed the Board that he had switched Liaison Assignments with Commissioner Higdon. Commissioner Higdon will take the place of Chairman Tate as Liaison to the Health Board, and Chairman Tate will take the place of Commissioner Higdon as Liaison to Macon Program for Progress.

CLOSED SESSION: Commissioner Gillespie made a motion to enter closed session to discuss potential property acquisition. Motion was seconded by Commissioner Higdon, passed unanimously and at 7:50 pm. the Board entered into closed session.

The Board reconvened in open session at 8:20 pm. County Manager Roland informed the Board that the due diligence period which accompanied the contract previously entered into for purchase of the 1.75 acre Stauffer property in Highlands for \$71,138 would lapse tomorrow. The manager went on to say that during the due diligence period neither he nor the county attorney encountered anything that would throw up a red flag which would prevent the county from moving forward with this purchase as contemplated in the contract. The manager indicated that he had not yet received the completed survey but would have it the following morning on October 9, 2019. Commissioner Beale made a motion to move forward with the purchase of the Stauffer property contingent upon the survey being received and approved by the County Attorney, County Manager and Chairman of the Board and to approve a budget amendment in the amount of \$71,380 from general fund balance to purchase the property. Commissioner Gillespie seconded the motion. The county attorney then posed the question what if the survey had not been completed tomorrow? Commissioner Beale stated he did not feel this would be the case, but if for some reason the survey was not received tomorrow

to move forward with the purchase of the property, as it would be a tremendous recreational asset for the Town of Highlands. The motion passed unanimously.

ADJOURN: With no other business, and at 8:23 p.m. upon a motion by Commissioner Higdon, seconded by Commissioner Gillespie Chairman Tate adjourned the October 8, 2019 meeting.

Derek Roland
Ex Officio Clerk to the Board

Jim Tate
Board Chairman

MACON COUNTY BOARD OF COMMISSIONERS
JULY 9, 2019
MINUTES

Chairman Tate called the meeting to order at 6:00 p.m. and welcomed those in attendance. All Board Members, the County Manager, Deputy Clerk, Finance Director, County Attorney, members of the news media and interested citizens were present.

ANNOUNCEMENTS: The County Manager said he had received an email from the Town of Franklin regarding a joint meeting between the town council, the board, and the Town of Highlands Board of Commissioners. The meeting is scheduled for Tuesday, July 30, 2019 at 6 p.m. at the Franklin Fire Department, and the County Manager noted that the board would recess this meeting at the completion of tonight's business.

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

PLEDGE TO THE FLAG: Led by Finance Director Lori Hall, the pledge to the flag was recited.

PUBLIC HEARING ON TELECOMMUNICATION TOWER APPLICATION:

Chairman Tate called the public hearing on the telecommunication tower application from Verizon Wireless for a 175-foot monopole at 575 CR Cabe Road to order at 6:02 p.m. Planning, Permitting and Development Director Jack Morgan provided a brief overview of the project, explained that the applicant had complied with the ordinance requirements, and recommended approval of the application to the board. At the recommendation of the County Attorney, the County Manager read aloud for the record two letters from Diane Dodge, who resides at 267 CR Cabe Road. Copies of both letters are attached (Attachments 1 and 2, respectively) and are hereby made a part of these minutes. She was in attendance at the meeting. In her first letter, dated June 28, 2019, Ms. Dodge asked for three things, (1) for the board to not vote on the application at this meeting, (2) for a reduction in the tower's height, and (3) for the tower to be disguised. In her second letter, dated July 10, 2018, she asked that the board make the applicant "lay out the benefits" of the proposed tower. **Jim LaPann**, who said he was a zoning specialist engaged by Verizon Wireless,

then went over items in what he referred to as an ordinance compliant statement. He noted that unless someone comes forward with “substantial evidence” as to why the tower should not be allowed, the board should not deny the application. This led to questions from board members, with Commissioner Shields and Commissioner Beale asking about what happens with “dead” towers that are constructed and then go unused for years. Mr. LaPann said that removal of such a tower could be a condition for board approval. Commissioner Gillespie then addressed Ms. Dodge’s concerns and asked Mr. LaPann to respond to those. Following this exchange and other questions from board members, Mr. LaPann stated that – after others had the opportunity to speak – he would ask that action on this matter be put off until the next meeting. The County Attorney told the board members that they can issue special conditions in conjunction with approval of the application, and that while they have that authority, changes at the state level have taken away certain matters of “decision making authority” from local boards. He further advised that the board members needed to be aware there are certain things they could not ask of the provider/applicant. He explained that the board can use some of the information that Mr. LaPann has provided in order to make its decision, and that the hearing could be continued to a “date and time certain.” Ms. Dodge then addressed the board, saying that under the provisions of the ordinance, there are some things the county can demand, and asked for proof that the tower needed to be 175 high. She also wanted to know the owner of “the tower across the valley” from her. **Geoff Studds** told the board that he lives at 285 CR Cabe Road, and that while he was not against the construction of the proposed tower, he did have two primary concerns. One is the proposed location, he said, and the other is the proposed height. He said the location hurts home values and added that the tower could be moved to the east side of CR Cabe Road. He also stated there is no proof that a 175-foot tower is needed. He asked the board to use the “special conditions” language in the ordinance to make the tower more compatible. **Chuck Sutton**, a resident of the Clarks Chapel community with a view of the site, told the board that he supports planned and deliberate development for economic growth, and that connectivity is now just as important as power, water or sewer. Following Mr. Sutton’s comments, Chairman Tate asked for responses from the audience to what others had said. Emergency Services Director Warren Cabe briefly discussed issues about other tower locations, and Diane Dodge addressed the board as well. At this point, the County Attorney said that additional evidence needs to be submitted in the context of this hear, and warned the board members that they cannot investigate this matter on their own, since “you sit as judges.” After further discussion, Commissioner Beale made a motion to continue the public hearing until Tuesday, August 13, 2019 at 6 p.m. in the commission boardroom on the third floor of the Macon County Courthouse in Franklin, NC, and Commissioner Gillespie seconded the motion. Chairman Tate asked for any final comment. Commissioner Gillespie thanked Mr.

Minutes

07.09.19

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LaPann, noting he “has been very forthcoming with information.” The board voted unanimously to approve the motion, and the public hearing was recessed at 7:01 p.m.

PUBLIC COMMENT PERIOD: **Bob McCollum** gave the board a “brief update on how things are going at Cowee School.” He said that after more than seven years into the experiment at the Cowee School Arts and Heritage Center, things are going very well, with the addition of a music program and textile classes. He also spoke of grant opportunities, including a \$45,000 grant from the Cherokee Preservation Foundation “to tell the story of Cowee Valley.” He addressed the need to update recreation facilities at the center and asked if the board would be interested in helping with that.

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 remove Item 9A, “Update on VAYA Health and Community Crisis Plans,” per the County Manager.
- To add an additional item as Item 10A(1) under “Correction to Resolution Amending in part the bylaws for the Highlands Area TDC,” per the County Manager.
- To add a new item under New Business as Item 11D regarding approval of the Satulah Radio Communications Site, per the County Manager and County Attorney.
- To add a new item under New Business as Item 11E regarding a plaque designating the Women’s History Trail, per the County Manager.

SOUTHWESTERN COMMISSION ANNUAL REPORT: Sarah Thompson, the executive director of the Southwestern Commission, provided the board members with a copy of the organization’s “Year in Review” for 2018. The Southwestern Commission is the council of government, or COG, for North Carolina’s Region A, which covers Macon and the six other westernmost counties in the state and the 17 municipalities in those counties. Ms. Thompson outlined the agency’s structure, how it funded, and the three main areas in which it functions. No action was necessary.

UPDATE ON LBJ JOB CORPS CENTER: Author Phalo, the center director for the LBJ Job Corps Center, gave the board an update on center and concerns over continued federal funding for it. He repeatedly thanked the board for the county’s support of the center. He explained that some at the federal level believe that centers such as LBJ didn’t play a major role as part of the Department of Agriculture under which they are administered. He noted the many times the center has assisted the county with various projects and the continued need to “show our worth.” Following Mr. Phalo’s remarks,

Minutes

07.09.19

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Commissioner Beale briefly outlined a possible agreement with the center that would allow students to get on-the-job training in county offices under the direction of the County Manager. No action was taken.

CORRECTION TO RESOLUTIONS REGARDING TOURISM DEVELOPMENT

COMMISSIONS: Following a brief explanation by the County Attorney, and upon a motion by Commissioner Gillespie, seconded by Commissioner Beale, the board voted unanimously to approve the following documents: a “Resolution Amending in Part the Bylaws for the Highlands Area Tourism and Development Commission” and a “Resolution Amending in Part the Bylaws for the Franklin-Nantahala Area Tourism and Development Commission. These versions correctly refer to each as a “commission” and not a “district” as in the previous versions. Copies of each resolution (Attachments 3 and 4, respectively) are attached and are hereby made a part of these minutes.

SCC PARKING LOT PAVING PROJECT: The County Manager began by reminding the board that, at its meeting on June 11, 2019, a vote was taken to appropriate the remaining Fiscal Year 2018-19 contingency amount of \$46,365 to Southwestern Community College (SCC) to go towards the repaving of the parking lot at the Jerry Sutton Public Safety Training Center. However, the option to have Parker Paving Company, Inc. of Sylva to apply a tack coat and overlay on the existing pavement has been replaced with the option of removing and replacing the existing asphalt. The company’s proposal for the latter option is \$62,900, meaning that \$16,535 would be needed to move forward with the project. The County Attorney noted that the previous agreement with SCC would need to be amended. Following discussion, Commissioner Gillespie made a motion to appropriate the additional sum to cover the low bid and to change the contract from applying a tack coat and overlay to remove and replace the existing pavement. The motion also authorized the County Attorney to prepare a revised agreement and to authorize the County Manager to execute it, and to take the additional money from contingency. Commissioner Shields seconded the motion, and following additional discussion, the board voted unanimously to approve the motion as stated.

APPROVAL OF LOAN APPLICATION REQUEST FOR OTTO VOLUNTEER

FIRE AND RESCUE: Terry Rholetter, chief of Otto Volunteer Fire and Rescue, requested the board’s approval for the department to apply for a loan in the amount of \$404,238 for the purchase of a new fire engine. Chief Rholetter explained that the new vehicle will be the “first out truck” and that the department has the funds available to make the annual payment. He said the finance company requires the board’s approval in order to purchase the 2019 model pumper. Upon a motion by Commissioner Beale, seconded by Commissioner Shields, the board voted unanimously to approve the request as presented.

NCACC VOTING DELEGATE: Upon a motion by Commissioner Shields, seconded by Commissioner Gillespie, the board voted unanimously to designate Commissioner Beale as the voting delegate for the 112th annual conference of the North Carolina Associate of County Commissioners (NCACC), to be held in Guilford County on August 22-24, 2019.

OCCUPANCY TAX PENALTY WAIVER REQUEST: Following a brief explanation by the Finance Director, and upon a motion by Commissioner Gillespie, seconded by Commissioner Beale, the board voted unanimously – for good cause shown -- to waive an occupancy tax penalty in the amount of \$450 as requested by Linda Moore.

INTERLOCAL AGREEMENT REGARDING SATULAH RADIO COMMUNICATIONS SITE: Following brief comments by the County Attorney, who noted some small changes made by the Town of Highlands, upon a motion by Commissioner Higdon, seconded by Commissioner Shields, the board voted unanimously to approve a “Resolution Concerning Approval of the Entry and Execution of the Interlocal Agreement Concerning Cooperation and Joint Use of the Satulah Radio Communications Site. A copy of the resolution (Attachment 5) and the accompanying interlocal agreement (Attachment 6) and attached and are hereby made a part of these minutes.

WOMEN’S HISTORY TRAIL: Following an explanation by the County Manager, and upon a motion by Commissioner Shields, seconded by Commissioner Beale, the board voted unanimously to approve the placement of a plaque at the courthouse regarding the Women’s History Trail.

CONSENT AGENDA: Upon a motion by Commissioner Higdon, seconded by Commissioner Shields, the board voted unanimously to approve the following items on the Consent Agenda: the minutes of the May 14, 2019 regular meeting, the May 21, 2019 continued session and the June 3, 2019 continued session; the following budget amendments: #1 for the Department of Social Services to carry forward \$1,119 in foster care donations; #2 for the Department of Social Services to carry forward \$13,942 in federal adoption funds; #3 for Transit to appropriate fund balance amounts of \$9,959 and \$51,916 from Fiscal Year 2018-19 to Fiscal Year 2019-20; #4 for Solid Waste to carry forward \$222,863 for equipment that was not delivered by June 30, 2019 and to carry forward \$89,025 for improvements to recycling convenience centers that were placed on hold for various reasons; #5 for the Sheriff’s Department to carry forward \$25,930 in funds to Fiscal Year 2019-20; #6 for Macon County Schools to carry forward \$6,300 for the Franklin High School walkway resurface project and #7 for Special Appropriations to carry forward \$18,720 for the Upper Cartoogechaye Community Development Club’s Gillespie Chapel project (copies of each are attached); a Capital Project Ordinance

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Amendment for the Radio Communications Upgrade in the amount of \$1,395,360 (a copy of the document is attached); tax releases for June of 2019 in the amount of \$922.00 and the monthly ad valorem tax collection report, for which no action was necessary.

APPOINTMENTS: **(1) Macon County Airport Authority:** Upon a motion by Commissioner Gillespie, seconded by Commissioner Shields, the board voted unanimously to affirm the reappointment of Miles Gregory and Pete Haithcock to the Macon County Airport Authority, each for a term of six years. **(2) Town of Franklin Planning Board:** Upon a motion by Commissioner Beale, seconded by Commissioner Shields, the board voted unanimously to affirm the reappointment of Dave Jones to serve as the Extra-Territorial Jurisdiction (ETJ) representative on the Town of Franklin Planning Board. Term of appointment is for three years. **(3) Social Services Board:** Upon a motion by Commissioner Beale, seconded by Commissioner Shields, the board voted unanimously to appoint Anne Hyder as the county commission's appointment to the Social Services Board, replacing Darlene Green. **(4) Community Funding Pool Task Force:** Upon a motion by Commissioner Higdon, seconded by Commissioner Shields, the board voted unanimously to accept the resignation of Robert Smith from the Community Funding Pool Task Force and to accept Mr. Smith's recommendation that Bonnie Potts, the executive director of the Highlands Literacy Council, be appointed to take his place.

RECESS: With no other business, and at 7:58 p.m., upon a motion by Commissioner Higdon, seconded by Commissioner Gillespie, the board voted unanimously to recess the meeting until Tuesday, July 30, 2019 at 6 p.m. at the Franklin Fire Department, located at 49 Maple Street in Franklin, NC for the purpose of holding a joint meeting the with Franklin Town Council and the Town of Highlands Board of Commissioners.

Derek Roland
Ex Officio Clerk to the Board

Jim Tate
Board Chairman

**MACON COUNTY BOARD OF COMMISSIONERS
CONTINUED SESSION
JULY 30, 2019
MINUTES**

Chairman Tate reconvened the meeting at 6:12 p.m. at the Franklin Fire Department located at 49 Maple Street in Franklin, NC as recessed from the July 9, 2019 regular meeting. All board members (with the exception of Commissioner Shields), the County Manager, Deputy Clerk, Finance Director, County Attorney and members of the news media were present.

The purpose of the meeting was to hold a joint meeting with the Franklin Town Council and the Town of Highlands Board of Commissioners, with the Town of Franklin hosting. In attendance from the Town of Franklin were Mayor Bob Scott, Vice Mayor Barbara McRae, and Council Members Joe Collins, Brandon McMahan, Dinah Mashburn and Adam Kimsey. Town Manager Summer Woodard, Town Clerk/HR Director Travis Tallent, Town Fire Chief Matt Breedlove were also in attendance. Attending from the Town of Highlands were Mayor Patrick Taylor, Commissioners Eric Pierson, Amy Patterson and Donnie Calloway and Town Manager Josh Ward.

Mayor Scott welcomed everyone to the meeting, and following a welcome and invocation from Chief Breedlove, the group enjoyed a meal together.

Mayor Scott then introduced those representing Franklin and gave an update on a variety of items. Chairman Tate introduced those representing the county and also gave an update on a number of issues. Mayor Taylor introduced those representing Highlands, provided an overview of current town topics and addressed a number of issues involving possible partnerships with the county. No action was taken.

With no other business, at 7:40 p.m. upon a motion by Commissioner Higdon, seconded by Commissioner Beale, the board voted 4-0 to adjourn.

Derek Roland
Ex Officio Clerk to the Board

Jim Tate
Board Chairman

~~MACON COUNTY BUDGET AMENDMENT~~
AMENDMENT # 105

Date: 10/29/2019

DEPARTMENT: HEALTH

EXPLANATION: Using Medicaid Cost Settlement funds to cover the purchase of dictation software for provider use in the clinic. This is in preparation for Medicaid Transformation to increase productivity and streamline documentation on patient charts for billing accuracy.

ACCOUNT	DESCRIPTION	INCREASE	DECREASE
113511-438551	Medicaid Cost Settlement Funds	\$ 1,649.00	
115110-556011	Admin Operating Supplies	\$ 1,649.00	

REQUESTED BY DEPARTMENT HEAD Carmel Horro

RECOMMENDED BY FINANCE OFFICER Levin Hill

APPROVED BY COUNTY MANAGER _____

ACTION BY BOARD OF COMMISSIONERS 11/12/19 meeting

APPROVED AND ENTERED ON MINUTES DATED _____

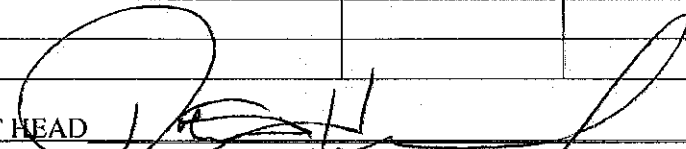
CLERK _____

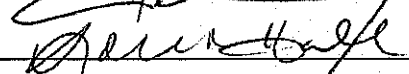
MACON COUNTY BUDGET AMENDMENT
AMENDMENT # 111

FROM: Robert L Holland

DEPARTMENT: Sheriff
EXPLANATION: Insurance Settlement

ACCOUNT	DESCRIPTION	INCREASE	DECREASE
11-3839-4850-00	Insurance Settlement	\$2300.00	
11-4310-5565-03	Vehicle Repairs	\$2300.00	

REQUESTED BY DEPARTMENT HEAD 

RECOMMENDED BY FINANCE OFFICER 

APPROVED BY COUNTY MANAGER

ACTION BY BOARD OF COMMISSIONERS 11/12/19 meeting

APPROVED AND ENTERED ON MINUTES DATED

CLERK

Tax Collections
11/01/19

Detail Transactions by Group

RTC020303
Page 1

Group Number REL*19*10 Abatement Effective Date 10/01/19

Seq Nbr	Date	Account Number	Taxbill Number	Tax Code	Transaction Amount	Levy Amount	Penalty Amount	Addl Chgs	Interest Amount	Discnt Amount	Trn Cde	Check Number	Trans Rev Descriptn
3	10/28/19	135844	19A7504487724	G01 F04	155.15- 23.06-	155.15- 23.06-	0.00 0.00		0.00 0.00				
***		DENNIS, L. D. TRUSTEE			178.21-	178.21-	0.00	0.00	0.00	0.00	R	CLERICA	
5	10/31/19	139556	19A139556.12	G01 F01	20.96- 3.05-	20.96- 3.05-	0.00 0.00		0.00 0.00				
***		HUNTINGTON TECHNOLOGY			24.01-	24.01-	0.00	0.00	0.00	0.00	R	CLERICA	
2	10/21/19	76739	19A6583004777	L01	95.00-		0.00	95.00-	0.00				
***		MCCONNELL, JAMES B LIFE ESTATE			95.00-	0.00	0.00	95.00-	0.00	0.00	R	CLERICA	
4	10/31/19	18168	19A18168.07	L01	95.00-		0.00	95.00-	0.00				
***		NORRIS, HARRY LORAN			95.00-	0.00	0.00	95.00-	0.00	0.00	R	CLERICA	
1	10/01/19	101966	19A6567826686	G01 F07	168.62- 47.52-	168.62- 47.52-	0.00 0.00		0.00 0.00				
***		WELCH, CHRISTOPHER ERVIN			216.14-	216.14-	0.00	0.00	0.00	0.00	R	CLERICA	

Tax Code Totals	
F01*19- FR FIRE	3.05- 3.05- 0.00 0.00 0.00 0.00
F04*19- CULL FR	23.06- 23.06- 0.00 0.00 0.00 0.00
F07*19- BT FIRE	47.52- 47.52- 0.00 0.00 0.00 0.00
G01*19- GEN TAX	344.73- 344.73- 0.00 0.00 0.00 0.00
L01*19- RES FEE	190.00- 0.00 0.00 190.00- 0.00 0.00

Total for Group REL*19*10 608.36- 418.36- 0.00 190.00- 0.00 0.00

*****	Totals By Tax Cycle	*****
Cycle	Current	Delinquent
A	608.36-	0.00

MACON COUNTY MONTHLY
AD VALOREM TAX COLLECTIONS REPORT

Oct-19

Month to Date	Beginning Balance	Levy Added	Less Releases	Less Write-Offs	Equals Adj Levy	Gross Payments	Less Refunds	Misc Dr/Cr	Net Payments	Outstanding Balance
General Tax	15999676.59	646818.67	-1194.96	-13.16	16645287.14	-1822516.06	13475.44	1693.61	-1807347.01	14837940.13
Fire Districts	2284462.7	118102.49	-182.41	-2.24	2402380.54	-264695.25	0	350.94	-264344.31	2138036.23
Landfill User Fee	1578580.72	0	-95	-0.03	1578485.69	-182586.75	0	114	-182472.75	1396012.94
Totals	19862720.01	764921.16	-1472.37	-15.43	20626153.37	-2269798.06	13475.44	2158.55	-2254164.07	18371989.3

Year to Date	Beginning Balance	Levy Added	Less Releases	Less Write-Offs	Equals Adj Levy	Gross Payments	Less Refunds	Misc Dr/Cr	Net Payments	Outstanding Balance	Collection Percentage
General Tax	0	28995524.85	-12209.53	-1152.84	28982162.48	-14191758.16	28567.23	18968.58	-14144222.35	14837940.13	48.8
Fire Districts	0	3995716.94	-1756.65	-170.87	3993789.42	-1857819.47	0	2066.28	-1855753.19	2138036.23	46.47
Landfill User Fee	0	2554455	-1045	-8.21	2553401.79	-1158706.18	0	1317.33	-1157388.85	1396012.94	45.33
Totals	0	35545696.79	-15011.18	-1331.92	35529353.69	-17208283.81	28567.23	22352.19	-17157364.39	18371989.3	48.29

The Collection Rate is 48.8% collected on 2019 general taxes, late listing penalties, discoveries and deferred taxes as of 10/31/2019 as compared to 48.56% on 2018 taxes as of 10/31/2018

MACON COUNTY BOARD OF COMMISSIONERS

AGENDA ITEM

MEETING DATE: November 12, 2019

DEPARTMENT/AGENCY: N/A

SUBJECT MATTER: Appointments

COMMENTS/RECOMMENDATION:

- A. Macon County Planning Board (2 Seats)
- B. Macon County Health Board (2 Seats)

Attachments Yes No

Agenda Item 13A-B

Application for Appointment to Macon County Authorities, Boards, Commissions and Committees

The Macon County Board of Commissioners believes all citizens should have the opportunity to Participate in governmental decisions. The Board wants to appoint qualified, knowledgeable and dedicated people to serve on authorities, boards and committees. If you have an interest in being considered for an appointment to any advertised vacancy, please thoroughly complete the form below before the advertised deadline and choose from the following options.

Mail to: County Manager's Office
5 West Main Street or FAX to: 828-349-2400
Franklin, North Carolina 28734

Any Questions, please call the County Manager's Office at (828) 349-2025

Name of Authority, Board or Committee applying for: Planning Board

Name Elizabeth (Betty) Waldrup

Address 12660 MURPHY Rd. City FRANKLIN NC Zip 28734

Telephone: Home (828) 524-8116 Work (828) 421-1158

Occupation Retired / Part time tax preparer

Business Address N/A

Email Address ewaldrup@gmail.com

Briefly explain any anticipated conflict of interest you may have if appointed:
None Known

Educational Background
MB Ed School Admin. BSED Business Education

Business and Civic Experiences/Skills:
Finance Officer Macon County Schools, Planning Board, Kids Place Bd.

Areas of Expertise and Interest/Skills:
Finance, Environment, Education

List any Authorities, Boards, Commissions or Committees presently serving on:
Macon County Planning Board, Kids Place Board

SIGNATURE: Elizabeth Waldrup DATE: 10/15/19

Application for Appointment to Macon County Authorities, Boards, Commissions and Committees

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5 West Main Street
Franklin, North Carolina 28734

or FAX to: 828-349-2400

Any Questions, please call the County Manager's Office at (828) 349-2025

Name of Authority, Board or Committee applying for:

Macon Co. Planning Board

Name

Kathy S. Tinsley

Address

151 Valley Lane

City

Franklin

NC Zip

28734

Telephone: Home

828-524-7392

Work cell

828-421-6052

Occupation

Retired

Business Address

Email Address

ktinsley@martinandslagle.com

Briefly explain any anticipated conflict of interest you may have if appointed:

None anticipated.

Educational Background

AA. Brevard College B.A. UNC-Greensboro

Business and Civic Experiences/Skills:

Education, Various Board Experience, Environmental

Areas of Expertise and Interest/Skills:

Assessment

Environment, Agriculture

List any Authorities, Boards, Commissions or Committees presently serving on:

Board of Elections (Macon) Ag. Extension Advisory
St. John's Vestry

SIGNATURE:

Kathy S. Tinsley

DATE:

Oct 17, 2019



Application for Appointment to Macon County Authorities, Boards, Commissions and Committees

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Mail to: County Manager's Office
5 West Main Street
Franklin, North Carolina 28734

or

FAX to: 828-349-2400

One page

Any Questions, please call the County Manager's Office at (828) 349-2025

Name of Authority, Board or Committee applying for: Board of Health

Name: Joe B. Whinton, PhD

Address: 260 Ray Downs Rd City: Franklin NC Zip: 28734

Telephone: Home: 828-347-6555 Work: 828-347-6555

Occupation: Mental Health & Substance Abuse Clinician (Licensed: Marriage & Family Therapist, Clinical Addictions Spe

Business Address: Mobile Crisis Team, 100 Thomas Heights Rd, Franklin, NC, 28734

Email Address: whitecloudjoe@yahoo.com

Briefly explain any anticipated conflict of interest you may have if appointed:
None anticipated

Educational Background
B.A. in Psychology - Gullford College. M.A. in Sociology - University of West Georgia
Ph.D. in Sociology (Social Psychology) - Fla. State University

Business and Civic Experiences/Skills:
1) 40 years of experience working with nonprofit and private mental health and substance abuse treatment organiza-
tions. 2) Supervising, motivating, and retaining employees. 3) Domestic animal care and control.

Areas of Expertise and Interest/Skills:
1) Family relationships. 2) Dangerousness to self or others. 3) Drug abuse. 4) Relationship between physical illness,
nutrition, and mental health. 5) Disaster preparedness. 6) Home construction and remodeling. 7) Macro economics. 8)
Civil and criminal law.

List any Authorities, Boards, Commissions or Committees presently serving on:
None

SIGNATURE: Joe B. Whinton

DATE: 9/23/2019

Application for Appointment to Macon County Authorities, Boards, Commissions and Committees

The Macon County Board of Commissioners believes all citizens should have the opportunity to Participate in governmental decisions. The Board wants to appoint qualified, knowledgeable and dedicated people to serve on authorities, boards and committees. If you have an interest in being considered for an appointment to any advertised vacancy, please thoroughly complete the form below before the advertised deadline and choose from the following options.

Mail to: County Manager's Office
5 West Main Street
Franklin, North Carolina 28734

or FAX to: 828-349-2400

Any Questions, please call the County Manager's Office at (828) 349-2025

Name of Authority, Board or Committee applying for:	Board of Health		
Name	Gina Ledford Gribble		
Address	501 Windy Ridge Rd	City	Otto NC Zip 28763
Telephone: Home	828-369-2222	Work	828-369-4197
Occupation	Registered Nurse, Certified Case Manager		
Business Address	120 Riverview Street Franklin North Carolina		
Email Address	gina.gribble@hcahealthcare.com		

Briefly explain any anticipated conflict of interest you may have if appointed:

none

Educational Background

Bachelor of Science in Nursing (WCU) 2017, Associate of Applied Science in Nursing (SCC) 1989

Business and Civic Experiences/Skills:

I have been the Case Manager at Angel Medical Center for the last 11 years. I have experience as a bedside Nurse as well as managing all aspects of care, such as dealing with insurance companies, setting up community services and

Areas of Expertise and Interest/Skills:

Community resources, Community relations

List any Authorities, Boards, Commissions or Committees presently serving on:

none

SIGNATURE:

Gina Ledford Gribble

DATE:

9/10/2019

Application for Appointment to Macon County Authorities, Boards, Commissions and Committees

The Macon County Board of Commissioners believes all citizens should have the opportunity to Participate in governmental decisions. The Board wants to appoint qualified, knowledgeable and dedicated people to serve on authorities, boards and committees. If you have an interest in being considered for an appointment to any advertised vacancy, please thoroughly complete the form below before the advertised deadline and choose from the following options.

Mail to: County Manager's Office
 5 West Main Street or FAX to: 828-349-2400
 Franklin, North Carolina 28734

Any Questions, please call the County Manager's Office at (828) 349-2025

Name of Authority, Board or Committee applying for: Board of Health: General Public member

Name Harvey Fouts

Address 448 Roland Rickman Rd. City Franklin NC Zip 28734

Telephone: Home 828 349 6113 Work 828 342 7862

Occupation retired District Director, NC State University, College of Agriculture & Life Sciences, NC Cooperative Extension

Business Address

Email Address harveyfouts@gmail.com

Briefly explain any anticipated conflict of interest you may have if appointed:
 Son Jon works in Health Dept / Daughter Jenn works for Southwestern Child Development: in case of any specific personnel issue I would abstain

Educational Background
 NC State University: BS Agricultural Edu. (1972), MS Adult Edu. (1987), Ed.D Adult & Community College Edu. (2004).

Business and Civic Experiences/Skills:
 Macon Co. Arts & Heritage Center at Cowee School – steering committee 2010 - 2014

Areas of Expertise and Interest/Skills:
 Educational & organizational administration. Community development.

List any Authorities, Boards, Commissions or Committees presently serving on:
 None

SIGNATURE: Harvey M. Fouts DATE: Sept. 10, 2019

Application for Appointment to Macon County Authorities, Boards, Commissions and Committees

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Franklin, North Carolina 28734

Any Questions, please call the County Manager's Office at (828) 349-2025

Name of Authority, Board or Committee applying for: General Public positions on the Board of Health.

Name Malgorzata (Gosia) Tiger

Address 420 K Orchard View Dr. City Franklin NC Zip 28734

Telephone: Home 828-371-7230 Work 828-369-4211

Occupation ER Registered Nurse

Business Address 120 Riverview Street

Email Address tigerm18@students.ecu.edu

Briefly explain any anticipated conflict of interest you may have if appointed:

do not think that I may have any anticipated conflict of interest. However, I am employed by HCA. I truly do not believe there should be any conflict of interest as we all want to work together in improving health outcomes of our community.

Educational Background

See attached CV
August 2018 - Present East Carolina University Degree: Doctor of Nursing Practice
Major: Family Nurse Practitioner

Business and Civic Experiences/Skills:

Emergency nursing, and med/surg nursing
ENPC, TNCC, BSL, ACLS, PALS

Areas of Expertise and Interest/Skills:

Medicine, nursing, genetcis, public health

List any Authorities, Boards, Commissions or Committees presently serving on:

Board of Directors for Macon Program for Progress

SIGNATURE: Malgorzata Tiger

DATE: 09/13/2019

CURRICULUM VITAE

September 13, 2019

Malgorzata Maria Tiger

420 K Orchard View Dr.
Franklin, NC 28734
Tel: 828- 371-7230
Email: gosiakups@yahoo.de
SS 4 Last # 2232

Education

- August 2018 - Present** East Carolina University
Degree: Doctor of Nursing Practice
Major: Family Nurse Practitioner
- August 2016 – December 2017** Western Carolina University
RN to BSN Nursing/ Major: Nursing, Minor: Mathematics
Summa Cum Laude
- August 2014 – May 2016** Southwestern Community College
ADN RN Nursing
- January 2012 – January 2016** Western Carolina University
Major: BS Nursing
Minor: Mathematics
- September 2000-May 2004** Free University, Berlin, Germany
Major: Chemistry
Minor: Ancient History and History of Eastern Europe
- February 2003-October 2003** Societal University of Enterprise & Management,
Lodz, Poland
Major: Diplomacy
Minor: Political Science
- September 1993 – May 1997** High School: I Liceum Ogólnokształcące
im. F. Fabiani, Radomsko, Poland
Major: Mathematics & Physics

Internships and Residencies

July 18, 2016 – August 3, 2017 Mission Health COHORT RN Residency Program

August 2014 – May 2016

- Critical care preceptorship in the ER at the Swain County Hospital in Bryson City, NC (120 Hours)
- Medical – surgical care in Skyland Nursing Home in Sylva, NC, Harris Regional Hospital in Sylva, NC, and Memorial Mission Hospital in Asheville, NC (about 800 hours)

Licensure and certificates

June 21, 2016 North Carolina Board of Nursing Registered Nurse License #287785

April 23, 2019 Emergency Nursing Association ENPC certification

March 5, 2019 Emergency Nurses Association TNCC certification

April 27, 2018 American Heart Association PALS certification

March 01, 2018 American Heart Association ACLS certification

January 21, 2019 American Heart Association BLS certification

April 2014 NC CNA I certification

November 2003- January 2004 Vocational and Foreign Language Training Center
LABORA, Belchatow, Poland – Health and Safety at Work Basic for Managers

March 2003- April 2003 Vocational and Foreign Language Training Center
LABORA, Belchatow, Poland – IBM Computer Basic Skills

January 1996- May 1996 Vocational and Foreign Language Training Center
LABORA, Belchatow, Poland – Certificate of Secretary & Executive Assistant (286 hours)

Honors

July 2016 Judy Moore Memorial Scholarship

July 2016 The Rotary Club of Franklin, NC – Sen. Bob & Helen Carpenter Nursing
Scholarship

May 2016 Southwestern Community College – Award of Excellence in Nursing

January 2014 Western Carolina University School of Nursing- NN CAT Mentoring
and Scholarship Award

October 2014 Mission Health – Service Excellence Achievement Award

June 2014 Southwestern Community College President’s List

January 2013 Western Carolina University – The Honors College

Professional Experience

January 2018 – Present Mission Health / Angel Medical Center
RN BSN in Emergency Department

January 2018 – March 2018 Mountain Lakes Medical Center Clayton
RN BSN Med.-Surg. Unit

July 2016 – January 2018 Mission Health / Angel Medical Center
RN in Med.- Surg. Unit

January 2014 – October 2015 Mission Health
IT Ambulatory Operations Specialist

December 2012 – January 2014 Angel Medical Center/ Angel Physician Practices
APP IT Tech Support

December 2010 – December 2012 Angel Medical Center/ Angel Physician Practices
Patient Access Specialist

November 2008 – September 2010 MCH Macon Citizens for Handicapped
Habilitation Assistant

January 2005 – June 2008 Discover Native America, Inc.
Marketing and PR Secretary / Assistant

August 2000 – May 2004 Apartment Hotel Dahlem Berlin, Germany
Front Desk Manager

Professional Societies

- *The American Nursing Association*
- *The International Nursing Association*
- *The North Carolina Nursing Association*
- *The American Nursing Informatics Association*
- *The National Society of Leadership and Success*
- *The National Technical Honor Society*

Languages

- *English*

- *Polish*
- *German*
- *Russian*

Other Public Service

- *Member of Board of Directors for Macon Program for Progress, Franklin, NC*
- *Volunteering in Smoky Mountains Veterans Stand Down*
- *Because of Ashton Fundraising*
- *March of Dimes*
- *Sky Strong Fundraising*
- *Make a Wish Foundation*
- *Personal donations to children's and families in need, MANNA, AIDS etc.*
- *Member of Mission Health Philanthropy*
- *Volunteering in Special Olympics*
- *Providing swimming lessons to special needs children*
- *Ballroom dancing with people on a wheelchair*

Publications

- *January 2014 Photo credit for poster for Western Carolina 12th Annual Spring Literary Festival at Western Carolina University*