

MACON COUNTY BOARD OF COMMISSIONERS
December 10, 2019
MINUTES

County Manager Derek Roland called the meeting to order at 6:00 p.m. and welcomed those in attendance. Vice Chairman Beale, Commissioner Higdon, Commissioner Shields, the County Manager, Deputy Clerk, Finance Director, County Attorney, members of the news media and interested citizens were present. Commissioner Beale informed those in attendance that Chairman Tate and Commissioner Gillespie would be absent from the December 10, 2019 meeting as each of them had conflicting obligations.

In accordance with the by-laws for the Macon County Board of Commissioners, the annual election of officers was held. Commissioner Beale made a motion to re-appoint Jim Tate as Chairman of the Macon County Board of Commissioners. Commissioner Shields seconded and the motion passed 3-0. Commissioner Shields made a motion to re-appoint Ronnie Beale as Vice Chairman, Commissioner Beale seconded and the motion passed 3-0.

ANNOUNCEMENTS: Commissioner Beale informed the board that he had traveled to Washington last week to discuss topics including Broadband and Payment in Lieu of Taxes (PILT), he then provided the Board with status updates on numerous Macon County transportation projects.

MOMENT OF SILENCE: Commissioner Beale asked those in attendance to observe a moment of silence.

PUBLIC HEARING: N/A

PUBLIC COMMENT PERIOD:

Diane Keener informed the board that December 19, 2019 would be her last day working for Macon County. Mrs. Keener thanked the Board for giving her the opportunity to serve the citizens through her position with Macon County. Commissioner Beale thanked Mrs. Keener for everything she had done throughout the years for the citizens of Macon County.

Jim Geary provided a brief presentation concerning “Down Memory Lane Toy Museum” which he owns and operates out of the Cowee School Arts and Heritage Center. The Museum contains approximately 2,000 toys valued at \$100,000-\$150,000 according to Mr. Geary. Mr. Geary went on to inform the board that while he enjoyed being at Cowee School, the toy museum was now outgrowing the 600 SF space. Mr. Geary felt that a 1,500-2,000 SF space is needed to accommodate the growing museum collection and any help the county could provide with acquiring this space would be greatly appreciated.

Andy Smar of the Macon County Public Library Board spoke concerning the Space Needs Assessment, presented by Moesely Architects at the November Commissioners Meeting. Mr. Smar stated the library board was in agreement with the Nantahala Library assessment contained in the report but would like to see higher priority given in the report to its replacement. Mr. Smar also felt that sentiment in the Nantahala Community was to have a stand-alone library rather than a combination library/community center as recommended in the Space Needs Analysis. Prior to the Space Needs Assessment being finalized, Mr. Smar felt that library representatives needed to be given the opportunity to provide additional comments. Lastly, Mr. Smar requested the board to consider raising the salaries of library employees during the coming budget process. Commissioner Beale reminded Mr. Smar that the library employees are employees of the Fontana Regional Library System, not Macon County and that Macon County would continue to place high priority on the library system, as it always has.

Jane Morgan requested the board to consider extending the one-year term, contained in Macon County’s current lease with the Gem and Mineral Society, to a five-year term which will enable them to make much needed improvements to the facility and prevent them from having to come back before the board each year to renew. Commissioner Beale informed the board that the Gem and Mineral Society is diligent, persistent and works hard and he could certainly see why a lease extension is needed. County Attorney Jones informed the board that he could have a revised lease ready to present at the next meeting.

Bob McCullum requested the board to consider extending the one-year term, in Macon County’s current lease with Cowee School Arts and Heritage Center to a five-year term, which will expand their opportunities for grant funding. Currently, according to Mr. McCullum, granting agencies are hesitant to provide multi-year funding to the Heritage Center as this extends beyond the current one-year lease period. County Attorney Jones informed the board that he could have a revised lease ready to present at the next meeting.

ADDITIONS, ADJUSTMENTS TO AND APPROVAL OF THE AGENDA: Upon a motion by Commissioner Shields, seconded by Commissioner Higdon, the Board voted 3-0 to adjust and approve the agenda, as follows:

- To add item 15B- Three appointments to the Economic Development
- To add item 11A(1)- Special Recognition of Miles Gregory

REPORTS AND PRESENTATIONS:

11A (1). Special Recognition of Miles Gregory: The Board of Commissioners recognized former County Commissioner, and longtime Chairman of the Airport Authority Mr. Miles Gregory. Mr. Gregory served on the Airport Authority since its inception over twenty-five years ago and is a primary reason the Macon County Airport has developed into the quality aviation facility it is today. After reading his resignation letter, Commissioner Beale presented Mr. Gregory with a painting recognizing him for his extraordinary leadership and dedication as Chairman of the Macon County Airport Authority. Mr. Gregory stated it has been “a great honor to serve on the Airport Authority” and as the old saying goes “when you’re walking down the road and see a turtle sitting on a fence post, you know it didn’t get there by itself.” In closing, Mr. Gregory again thanked the Board of Commissioners for the opportunity serve, reminding them that nothing could have been accomplished at the airport without their support. Airport Authority members Pete Haithcock and Jack Horton were present with Mr. Gregory to accept the award.

11A. Fiscal Year 2019 Audit Presentation: Brandi Fesperman with Martin Starnes and Associates presented the Fiscal Year 2019 Audit. Accompanying her from Martin Starnes and Associates was Yeng Klipp. Ms. Fesperman informed the board that Macon County received an unmodified opinion in the FY 18-19’ General Fund audit, which is the best opinion that can be rendered. Ms. Fesperan gave a brief power-point presentation highlighting the Fiscal Year 2019 Audit: Total fund balance in the general fund increased by \$634,000 to \$29.2M due to revenues exceeding expenditures. Available fund balance, which is total fund balance less non-spendable(s) and stabilization by state statute decreased by (\$206,261) to \$24.6M in FY 19’ primarily due to an increase in the stabilization by state statute. Available fund balance as a percentage of expenditures and transfers out decreased from 51.66% in FY 18’ to 48.83% in FY 19’. The LGC recommends counties retain a minimum of 8% fund balance, which is approximately 1 month of expenditures. In FY 19’ Macon County had approximately 6.1 months’ worth of expenditures in fund balance, which is a decrease from the 6.5 months’ worth of expenditures in the FY 18’ fund balance.

Revenues increased 1% or \$530,000 from 50.5M in FY 18’ to 51M in FY 19’. Ad Valorem Tax Revenue increased by .4% or \$119,000 from FY 18’-FY 19’,

Restricted Intergovernmental Revenue decreased by (\$208,000) or (2.4%) in FY 19' due to a decrease in Federal and State Grants. Local Option Sales Tax revenue increased by \$479,000 or 6.1% from FY 18'- FY 19' due to an increase in collections. These top three revenue sources account for approximately 89% of total revenue in the General Fund Budget at \$28.4M, \$8.6M and \$8.3M respectively.

Expenditures increased 5% or \$2.5M from 45.1M in FY 18' to 47.6M in FY 19'. Public Safety, Human Services and Education made up the top three expenditures in the FY 19' General Fund Budget at 29%, 24% and 20% respectively. Public Safety expenditures increased by \$182,000 or 1.3% to \$13.6M in FY 19' due to an increase in salaries and benefits at the Detention Center combined with increases due to the establishment of the Fire Task Force. Human Services expenditures increased by \$455,000 or 4.2% to \$11.2M in FY 19' primarily due to Social Work Services Special Programs increase. Education expenditures increased by \$1M or 11.5% to \$9.7M in FY 19' due to increases in current expense and capital outlay.

The Solid Waste Enterprise Fund had an increase in cash from \$12.6M to \$12.9M in FY 19'. GAAP Net Income decreased from \$509,000 in FY 18' to (\$611,000) in FY 19' mainly due to an increase in landfill closure and post-closure care costs. Cash flows from operations decreased from prior year and Unrestricted Net Position decreased from (\$279,000) in the prior year to (\$1.6M) in FY 19' due to increases in OPEB liability and post closure costs. A copy of the power point presentation given by Ms. Fesperman is attached (Attachment 1) and is hereby made a part of these minutes. County Manager Roland commented that we would not enjoy a glowing audit report such as the one received tonight without the hard work and dedication of the Macon County Employees.

OLD BUSINESS

12A. Amendment to Contract for Medical Services at the Macon County Detention Center: County Manager Roland stated that the Sheriff and his staff at the Detention Center are continuously evaluating ways to improve upon medical services provided to inmates while simultaneously reducing the medical responsibilities placed upon detention center officers. The manger went on to say that the amended medical services contract before the board tonight "would take giant steps towards accomplishing each of these goals" through adding the services of a registered nurse to the current Medical Services Contract between Macon County and Dr. Jason D. Creel. The additional services will result in a contract price increase from \$5,000 per month to approximately \$8,033 per month. The amended agreement is set to take effect on December 1, 2019, and sufficient funds are contained within the Sheriff's operating budget to

accommodate the increase in contract price. The manager went on to say that medical services in the detention center is something he and the Sheriff have discussed during multiple budget years and has included looking at outsourcing these services to larger companies. According to County Manager Roland “we have never had a competing proposal submitted that was less than \$260,000 annually, nor did any of these proposals include the accessibility to a medical doctor that Macon County currently has under the arrangement with Dr. Creel”. Sheriff Holland stated that Macon County is one of the only agencies in Western North Carolina that does not outsource medical services to a larger company, but has a great relationship with Dr. Creel and utilizing him “enables us to perform our medical services for half the price of that offered by a larger medical services company”.

County Attorney Chester Jones informed the board that the Registered Nurse would be present 5 days a week from 8:30-3:00 pm. and would assume responsibility of medication disbursement during this time-period. Motion by Commissioner Higdon to approve the amended Contract for Medical Services at the Macon County Detention Center, seconded by Commissioner Shields. Motion passed 3-0. A copy of the amended Contract for Medical Services at the Macon County Detention Center has been attached [\(Attachment 2\)](#) and is hereby made an official part of these minutes.

12B. Amendment to Memorandum of Transportation Agreement: County Manager Roland reminded the board that the original Memorandum of Transportation Agreement had been approved in September following changes to state legislation that were made concerning transportation of individuals who have been involuntarily committed. Macon County now desires to outsource its portion of involuntary commitment transportation to a third party provider in lieu of utilizing the Macon County Sheriff’s Department to conduct these transports, as stated in the original agreement. Prior to contracting with a third party transportation provider the Memorandum of Transportation Agreement as approved in September must first be amended to accommodate this “change in the way business will be done” according to County Manager Roland. County Attorney Chester Jones stated that he believed the county manager had negotiated favorable terms with the third party transportation provider and at this time, the board should consider adopting the amended Memorandum of Transportation Agreement, with the understanding that each municipality as well as the third party provider must approve the agreement prior to its becoming effective. Motion by Commissioner Shields to approve the amended Memorandum of Transportation Agreement as presented; motion seconded by Commissioner Higdon and passed 3-0. A copy of the amended Memorandum of Transportation Agreement has been attached [\(Attachment 3\)](#) and is hereby made an official part of these minutes.

NEW BUSINESS

13A. Resolution declaring old Macon County Jail (current location of Gem and Mineral Society) surplus property and accompanying lease to the Gem and Mineral Society for the Period of January 9, 2020-January 8, 2021:

Commissioner Beale referenced the discussion held during public comment concerning a term extension for the Gem and Mineral Society's current lease agreement, stating this topic would be coming back before the board soon. County Attorney Chester Jones informed the board that he would be working with the county manager and the Gem and Mineral Society to prepare a new five-year lease agreement. Motion by Commissioner Shields to approve the resolution declaring the old Macon County Jail surplus property, and the accompanying lease agreement with the Gem and Mineral Society for the period of January 9, 2020- January 8, 2021 as presented, motion seconded by Commissioner Higdon and passed 3-0. The surplus property resolution and lease agreement with the Gem and Mineral Society have been attached (Attachments 4&5) and are hereby made an official part of these minutes.

13B. Resolution declaring Cowee School Building surplus property and accompanying lease to Cowee School Arts and Heritage Center January 1, 2020-December 31, 2021:

Commissioner Beale again alluded to the discussion held during the public comment period concerning a term extension for the Cowee School Arts and Heritage Center's current lease agreement. County Attorney Chester Jones informed the board that he would be preparing a five-year lease agreement for Cowee School Arts and Heritage Center and would bring it before the board, along with the Gem and Mineral Society's extended lease agreement in January. Motion by Commissioner Higdon to approve the resolution declaring the Cowee School Building surplus property and the accompanying lease agreement with Cowee School Arts and Heritage Center for the period of January 1, 2020-December 31, 2021 as presented, motion seconded by Commissioner Shields and passed 3-0. The surplus property resolution and lease agreement with Cowee School Arts and Heritage Center have been attached (Attachments 6&7) and are hereby made an official part of these minutes.

13C. Request from VVA Chapter 994 to place and fly POW/MIA flag in unison below the United States Flag at the Macon County Courthouse:

Billy Jones (President VVA Chapter 994) and Rick Norton of the Vietnam Veterans of America Chapter 994 requested the board to consider flying the POW/MIA flag in unison below the United States Flag at the Macon County Courthouse. Mr. Jones stated that this gesture would be another way to recognize the many veterans living in Macon County. Rick Norton informed the board that today 1,500 soldiers remain missing in action from the Vietnam War. These individuals are still being located and brought home today. Mr. Norton went on

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to say that, 7,800 soldiers are missing in action from the Korean War and over 72,000 soldiers remain missing in action from World War II most of which, will never be coming home. “We wish for these individuals to be honored and respected by flying a POW flag under the American Flag at the Macon County Courthouse” stated Mr. Norton. Mr. Jones then informed the board that the Vietnam Veterans of America would supply the first flag. In closing, the men thanked Commissioner Shields for bringing the idea to them. Motion by Commissioner Shields to approve the placement and flying of the POW/MIA flag in unison below the United States Flag at the Macon County Courthouse, seconded by Commissioner Higdon, motion passed 3-0.

13D. Consideration of Contract with Mountain Area Transport and Security:

County Manager Roland presented a proposed contract with ABT Secure Solutions, LLC d/b/a Mountain Area Transport and Security to the board. Mountain Area Transport and Security is a third party transportation provider who seeks to assume the transportation role of the Macon County Sheriff's Department in the involuntary commitment process. According to the manager, negotiations with Mountain Area Transport and security have been ongoing for approximately six months. The transportation of involuntary commitment patients has continued to place increased demand on the Sheriff's Department, which is currently having difficulty filling vacant positions. Outsourcing the transportation of involuntary commitment patients will reduce demand currently placed on officers leading to increased efficiency and effectiveness within the department according to the manager. The manager went on to say the contract would be a trial run and the county would retain the option to end the contract by providing a 30-day notice. Through negotiations, the manager stated the parties have agreed upon a rate that would enable the county to contract with the provider for the same amount it is costing the Sheriff's Department to currently conduct the transports and funds for the contract would be taken from within the Sheriff's Department's operating budget. The manager stated that Mountain Area Transport and Security currently conducts transports for the Department of Social Services receiving reimbursement through the Medicaid system. Commissioner Beale felt the current way we are handling the involuntary commitment transportation process poses a liability to the county that continues to grow and was confident that more North Carolina Counties would be outsourcing this in the future. County Attorney Jones reminded the board that they could not begin operating under this agreement until the amended Memorandum of Transportation agreement as previously discussed, is approved by all parties. Motion by Commissioner Higdon to approve the contract with ABT Secure Solutions, LLC d/b/a Mountain Area Transport and Security authorizing the county manager to enter into the agreement on behalf of the County at the appropriate time, and to review the contract performance during the budget process, seconded by Commissioner Shields and passed 3-0. A copy of the

contract with ABT Secure Solutions, LLC d/b/a Mountain Area Transport and Security has been attached (Attachment 8) and is hereby made an official part of these minutes.

13E. Courthouse Security Discussion concerning the construction of a “Sally Port” at the Macon County Courthouse: Sheriff Robert Holland apologized to the board in advance for making a funding request outside of his approved budget, but felt the request necessary to ensure the safety of his officers and the public. The Sheriff went on to inform the board of a recent situation where an individual had escaped from custody of the Macon County Sheriff’s Office while being escorted out of the Macon County Courthouse. Following the escape, a “massive manhunt” ensued which resulted in the inmate being taken back into custody on the following day, according to Sheriff Holland. Sheriff Holland informed the board that he had contacted multiple companies following the escape, requesting quotes to construct a secure, “Sally Port” area to load and unload inmates at the Macon County Courthouse. Bids for the project, which the Sheriff distributed to the board, ranged from \$40,101 to over \$50,000. The Sheriff requested the Board of Commissioners to consider accepting the lowest of the five proposals he had received, submitted by Franklin Fence, and authorize construction to begin immediately. Commissioner Beale stated that all jails were having a problem with “runners” and this issue needed to be addressed. A representative from Franklin Fence was present to describe in detail the industrial strength, chain link fence that would make up the “Sally Port” area at the third floor entrance of the Macon County Courthouse. The Sheriff reiterated the purpose of this project was to provide a secure portal for inmates entering and exiting the Macon County Courthouse and was for the safety of the inmates as well as the public. Motion by Commissioner Shields to accept the bid of Franklin Fence for \$37,567, which according to Finance Director Lori Hall was the pre-tax amount of the project, and to appropriate these funds from fund balance, seconded by Commissioner Higdon, the motion passed 3-0.

CONSENT AGENDA: Upon a motion by Commissioner Higdon, seconded by Commissioner Shields, the Board voted 3-0 to approve the items on the consent agenda as follows: **(A)** the minutes of the November 12, 2019 Regular Meeting **(C)** Budget Amendments # 117 Sheriff’s Department, move money to cover the cost of 12 week K9 Handler training course \$17,500 #118 Health Department, insurance settlement from June/July claim for vaccine refrigerator losses, less deductible, used to pay repair invoices \$1,065 #119 Health Department, use Medicaid Cost Settlement funds to pay back reserves for CC4C, a program that serves the Medicaid population \$8,734 #120 Health Department, using Medicaid Cost Settlement funds to cover the enrollment costs for CCPN contract. This contract is to support the Medicaid Transformation efforts \$2,500 #121 Health Department, received new grant monies from Community Foundation of WNC,

need to increase budget in expenditures and revenue \$50,000 #122 Health Department, New subaward monies being received. NC State University subaward #2019-0812-03 \$9,935 year 1 of 3. **(D)** Tax releases for month of November in the amount of \$608.36**(E)** Tax Office Monthly Report (November)

APPOINTMENTS:

Board of Health: Interim Health Director Carmine Rocco informed the Board of Commissioners that the Board of Health has recommended Dr. Kevin Foley to fill the general public vacancy on the Health Board for the period of January 1, 2020-December 31, 2023. Motion by Commissioner Higdon to appoint Dr. Kevin Foley, seconded by Commissioner Shields, motion passed 3-0.

Ms. Gosia Tiger has also been recommended by the Board of Health to fill the vacant optometrist slot in lieu of an optometrist, for the period of January 1, 2020- December 31, 2023, as permitted by North Carolina General Statute 130A-35(b), unless a qualified optometrist comes forward to serve on the Board of Health before the end of Ms. Tigers term. Motion by Commissioner Higdon to appoint Ms. Gosia Tiger, seconded by Commissioner Shields, motion passed 3-0.

Economic Development Commission: Commissioner Higdon made a motion to accept the applications for re-appointment of Mr. David Hubbs and John Mira-Knippel as well as the application for new member Brett Rogers to the Economic Development Commission. Motion seconded by Commissioner Shields and passed 3-0.

CLOSED SESSION: Commissioner Higdon made a motion to enter closed session to preserve the attorney client privilege, seconded by Commissioner Shields, passed 3-0. At 7:54 pm the Board of Commissioners entered closed session.

The Board reconvened in open session at 8:16 pm and upon a motion by Commissioner Higdon, seconded by Commissioner Shields the Board of Commissioners voted 3-0 to adjourn.

Derek Roland
Ex Officio Clerk to the Board

Jim Tate
Board Chairman