

**MACON COUNTY BOARD OF COMMISSIONERS**  
**MARCH 9, 2021**  
**MINUTES**

Chairman Tate called the meeting to order at 6 p.m. All Board Members, County Manager Derek Roland, Deputy Clerk Mike Decker, Finance Director Lori Carpenter and members of the news media were present, as were a number of citizens. Interim County Attorney Kim Carpenter was absent.

**ANNOUNCEMENTS:** With Gov. Roy Cooper’s Executive Order limiting the number of people at a mass gathering to 10 due to COVID-19 having been lifted, Chairman Tate pointed out that it had been “too long since we’ve had several people in the audience.” Chairman Tate said he had been notified by North Carolina Department of Transportation (NCDOT) officials that a section of U.S. 64 would be closed the last week of March from 9 a.m. to 6 p.m. due to “significant road maintenance near Bridal Veil Falls.” Lori Carpenter updated the board regarding the sale of bonds, held on the Monday prior to the meeting, to finance the Macon Middle School (MMS) renovation project and to refinance some existing county debt. She said there were orders for \$125-million in bonds, or 6.5 times the amount of bonds that were available. She said the county would receive an interest rate of 1.81 percent and the bond sale/refinancing would save the county some \$672,000 over the life of the loan. She told the board, “We rolled the dice and it paid off.”

**MOMENT OF SILENCE:** Prior to observing a moment of silence, Commissioner Beale remarked on the passing of the mother of Interim County Attorney Kim Carpenter, and also that of Town of Franklin Vice-Mayor Barbara McRae.

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

**PUBLIC COMMENT PERIOD:** **James Clink**, the chair of the Board of Directors of the Friends of the Greenway, provided the board with what he termed as a “periodic update” on the activities of the non-profit organization. Established some two decades ago, he said the 130+-member group currently has seven board members and is actively seeking others. He said the Friends of the Greenway, known as FROGS, is funded through annual membership fees, coffee shop and gift shop sales, donations, and by two annual local artisan craft fairs. He gave the board an overview of several projects FROGS is working on this year,

including: moving forward with new landscaping and a garden at FROG headquarters at 573 East Main Street in Franklin, the addition of educational signage at the Tasse, Nickajack and Nonah bridges that cross the Little Tennessee River along the greenway, securing the boundary of the Cartoogechaye Creek “Bluff” area and providing educational signage, partnering with the Nikwasi Initiative Heritage Apple project, implementing a Native American hops project and making improvements to the FROGS headquarters. He told the board there is “no shortage of projects for us to get involved in,” and noted there are several areas of the greenway that are in “significant disrepair” and “need some money put at them.” For now, Mr. Clink told the board that the organization is not “sticking our hand out for money.” In closing, he introduced other members of the FROGS board of directors who were in attendance. **Narelle Kirkland** reminded the board that she has been “coming at you for years talking about the greenway,” adding that, “We’ve really got to do something” for the safety of the people who walk the Little Tennessee River Greenway. She handed out copies of a map that indicate nine different points along the greenway that she says need “major work,” and that should cost the county less than \$20,000.

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

- To remove Item 9C, Update regarding thermal well system at Iotla School, from Reports/Presentations, per Mr. Roland.
- To remove Item 11F, Grant agreement with Balsam West to expand broadband services, from New Business, per Mr. Roland.
- To add a new item under Old Business as Item 10A regarding “Sky Runner” broadband connectivity for the LBJ Job Corps Center, per Mr. Roland.
- To add an additional matter to Item 11E under New Business, per Mr. Roland, that would grant Mr. Roland the authority to execute the proposed lease agreement between the county and the Macon County Board of Education with regard to Macon Middle School.

**MACON COUNTY VOLUNTEER WEEK:** Jennifer Hollifield, the Administrative Officer II with Macon County Senior Services, presented a proposed resolution for the board’s consideration that would recognize “our amazing volunteers” at the Crawford Senior Center. She told the board that during the COVID-19 pandemic, about 50 volunteers remained active alongside the staff at the center, a number that was down by half from the previous year. During 2020, she said those volunteers logged 4,386 hours, a value of some \$119,000 to the county. She then spoke of how the center’s programs were adjusted to meet new demands and concerns, including how Macon County Transit stepped up to help deliver meals, and continues to do so now. She noted that most of the volunteers themselves are 70 to 80 years old, adding they are “tremendous.” Commissioner

Beale pointed out that in many cases, the volunteer that dropped off the home-delivered meal was likely “the only person that individual [receiving it] saw all day,” and he made the motion to approve the “Resolution in Recognition of Macon County Crawford Senior Center Volunteers.” Commissioner Shields seconded the motion, and all favored. A copy of the resolution is attached (Attachment 1) and is hereby made a part of these minutes. Chairman Tate pointed out that all of the volunteers would be given a county pen set as a gesture of the board’s appreciation.

**WOMEN’S HISTORY TRAIL PROJECT:** Ann Hyder, the chair of the Folk Heritage Association of Macon County, requested that the board revisit an earlier request to help fund a sculpture entitled “Sowing the Seeds of the Future” as part of the Women’s History Trail. She provided the board with a one-page overview of the project, a copy of which is attached (Attachment 2) and is hereby made a part of these minutes. Ms. Hyder also spoke of the late Barbara McRae and her work on the trail project and this sculpture. Noting that the association asked for \$15,000 back in November of 2020, she said the project was now “short about \$19,000.” Commissioner Beale made a motion to fund the \$19,000 in memory of Barbara McRae, with the money to come from the contingency line item, and Commissioner Shields seconded the motion. During discussion, Commissioner Higdon questioned if the association applied for funding through the county’s Community Funding Pool, and when Ms. Hyder responded with a no, he described this situation as a “quandary,” noting that non-profit organizations go through it for county funding, adding that it needs to be “either one or the other.” Commissioner Higdon suggested taking the funding pool money and giving it to this project, prompting Mr. Roland to explain the current status of the funding pool, which already has more in requests than the \$37,500 allocated to it. Commissioner Beale said this project is different and would not have met the funding pool criteria. He reiterated his support for the sculpture project, describing it as a “powerful point in our history” and a “one-time gift.” Commissioner Higdon again stated his belief that the board needs to either have the funding poll or abandon it and fund individual requests. Chairman Tate commented that he could “see Barbara [McRae] sitting out there smiling at us,” and added that the allocation to the project would be “a nice tribute to her.” The board voted 4-1 to approve the motion, with Commissioner Higdon opposing.

**SKY RUNNER:** Macon County Economic Development Director Tommy Jenkins explained that the LBJ Job Corps Center on Wayah Road struggles to have internet connectivity and has had this problem for years, and currently is paying “a lot for very little service.” He said the center has received permission from the U.S. Department of Labor to get broadband to the center. He said this can be provided by a system called “Sky Runner,” which would involve placing equipment on the top floor of the courthouse and then using two “relays” located on private property to get the signal to the LBJ Job Corps site. He told the board

this will not cost the county anything but space, but he said a letter is needed granting permission to put the equipment in place, and credited Commissioner Shields for his help on the project. Commissioner Shields made a motion to continue with the project, and it was seconded by Commissioner Young. Commissioner Higdon asked if service could be enhanced for county residents in between the courthouse and the center, and Mr. Jenkins explained that it could. Chairman Tate suggested it would be wise to have Emergency Services Director Warren Cabe and IT Director Andy Muncey weigh in on the project, and Mr. Jenkins said they have already done so. Chairman Tate also questioned if placing the private equipment on the courthouse would set a precedent, and it was noted that Dnet already has a “presence” on top of the building. The board voted unanimously to approve the motion.

**COWEE SCHOOL ARTS AND HERITAGE CENTER REQUEST:** Stacy Guffey, the director of the Cowee School Arts and Heritage Center, requested funding from the county for a \$10,000 match to repair the outdoor basketball court at the old Cowee School. He told the board that the center provides the only public recreation facility in this part of the county, and there are craters and holes where the school trailers used to sit. He said the preliminary cost estimate to repair the court is in the \$15,000 to \$18,000 range, but there will also need to be barriers to keep vehicle traffic off of the court. Commissioner Beale made a motion to match the \$10,000, with the funds to come from contingency, and Commissioner Shields seconded the motion. Commissioner Young questioned how to “bring in more people” to the facility, and Commissioner Higdon asked about the deadline for the matching funds and suggested to the board members, “Let’s work this through the budget.” Following additional discussion, the board voted 4-1 to approve the motion, with Commissioner Higdon opposing. Bob McCollum then addressed the board, and said he wanted to acknowledge the assistance the county has given the center over the past eight years, noting that this continued support is important to non-profit organizations. He explained that “county money” helps us get “grant money,” adding that it must come from the county “to show the doors aren’t going to close,” and that money is “leveraged over and over.” He also announced that he has been chosen to take Barbara McRae’s place on the Nikwasi Initiative.

**SUTTON BROADCASTING LEASE AGREEMENT AMENDMENT:** Mr. Roland gave a brief history of the arrangement to lease space on the Cowee Bald Communications Site and said there has been a request to amend the agreement to allow a second sublease, this one to Blue Ridge Broadcasting. He said the amended arrangement has been approved by the Federal Communications Commission (FCC) and the U.S. Forest Service and will not impact the county’s emergency management communications. Sean Gibson, the Vice President and General Manager for 104.1 WNCC, said there will be no physical changes on the tower, but the county will receive an additional \$250 per month in revenue.

Following some questions from the board, Commissioner Beale made a motion, seconded by Commissioner Shields, to approve the amendment to the “Use of Space on Communications Tower and Use of Associated Transmitter Building Sublease Agreement” as presented, a copy of which is attached (Attachment 3) and is hereby made a part of these minutes.

**INSTALLATION OF WELL AND UPGRADE TO WATER FEATURE AT WESLEY’S PARK:** Jack Morgan, the county’s Director of Planning, Permitting and Development, started by explaining that the county has two water services at Wesley’s Park along the Little Tennessee River Greenway. Noting that the water bills from the Town of Franklin are “huge,” he proposed that the county furnish its own water by drilling a well on the property. For five months in 2019, Mr. Morgan said the county paid \$15,044.17 for water, and had paid \$13,174.32 for a similar time period in 2018. Drilling a well would allow the county to disconnect from town water, but Mr. Morgan said the yield from the well would need to be determined and that the water would need to be treated. If the yield is not sufficient, he said the county could put in a reservoir. He told the board he had a quote of \$4,200 for the engineering plans to accomplish the switch. Chairman Tate commented that it “irks me to no extent” regarding the charges for the town water, and Commissioner Beale asked if county officials had spoken with town officials about this. Mr. Morgan responded that he could not do anything without the board’s permission. Following further discussion, Mr. Roland and Commissioner Beale agreed to attend the town council’s April meeting to address the issue. No action was taken.

**CONSTRUCTION BID FOR GREENWAY CONNECTOR:** Mr. Morgan informed the board that he had met with representatives of the North Carolina Department of Transportation (NCDOT), Brian Burch and Andy Russell, and had learned that NCDOT was willing to spend up to the initial \$70,000 estimate on the cost of the so-called “greenway connector” that would go under the town bridge on East Main Street in Franklin. However, Mr. Morgan also noted that the anticipated cost was now \$12,000 over the amount NCDOT would provide, and that he was told “anything above \$70,000 is ours.” Following discussion, and upon a motion by Commissioner Shields, seconded by Commissioner Beale, the board voted unanimously to approve a budget amendment that would fund the additional amount and to take the \$12,000 from contingency.

**CARSON RECYCLING CENTER PROJECT:** Solid Waste Director Chris Stahl asked the board to consider a proposal from McGill Associates to perform various engineering tasks related to the relocation of a new recycling convenience center for the Cartoogechaye and Carson communities. The proposed new location would be on property donated to the county by Phil and Sharon Drake late in 2020. Mr. Stahl noted that, as the property was donated, the county did not perform the normal due diligence investigation related to the construction and

use of a convenience center at this site. McGill Associates provided Mr. Stahl with a proposed scope of work and cost estimate to perform this for the county, and as the estimate is less than \$50,000, Mr. Stahl said he was also requesting a resolution to exempt the project from certain provisions of the state's general statutes. He asked the board to approve the resolution and to authorize Mr. Roland to execute the contract with McGill Associates. Upon a motion by Commissioner Higdon, seconded by Commissioner Shields, the board voted unanimously to approve a "Resolution Exempting Engineering Services for Macon County Solid Waste Carson Center Project in Macon County, North Carolina from the Provisions of Article 3D of Chapter of the 143 of the North Carolina General Statutes" and to authorize Mr. Roland to execute the services proposal from McGill Associates. A copy of the resolution is attached (Attachment 4) and is hereby made a part of these minutes.

**GEOTECHNICAL SERVICES FOR RECYCLING PROCESSING CENTER:** Mr. Stahl made a similar request of the board for a project concerning the replacement and expansion of the Recycling Processing Center (RPC) located on Lakeside Drive in Franklin. Mr. Stahl explained that he had received a proposal from Bunnell Lammons to perform a geotechnical investigation at the RPC, a structure in which several of the support beams have been damaged. He noted that the board has previously authorized funds to construct a replacement building that would give full-span clearance of the working area. He also noted that the building was constructed over an agricultural lagoon, which was filled with castings from a local mica plant. As the new structure will require new footings to carry the increased weight of the building, Mr. Stahl said he felt it was in the best interests of his department to confirm the sub-soil conditions prior to the design and construction of the new facility. He again asked the board for an exemption similar to the convenience center relocation and for Mr. Roland to be authorized to execute the necessary agreement. Upon a motion by Commissioner Higdon, seconded by Commissioner Young, the board voted unanimously to approve a "Resolution Exempting Geotechnical Services for Macon County Solid Waste Recycling Processing Center Project in Macon County, North Carolina from the Provisions of Article 3D of Chapter of the 143 of the North Carolina General Statutes" and to authorize Mr. Roland to execute the services proposal from Bunnell Lammons in the amount of \$11,700. A copy of the resolution is attached (Attachment 5) and is hereby made a part of these minutes.

**LEASE OF MACON MIDDLE SCHOOL:** Following a brief explanation from Lori Carpenter, and upon a motion by Commissioner Beale, seconded by Commissioner Shields, the board voted unanimously to approve a lease agreement between the county and the Macon County Board of Education with regard to Macon Middle School. Mrs. Carpenter noted this was essentially a formality, as the school board will deed the property to the county as collateral

for the loan for the planned improvements to the school, and the county in turn will lease it back to the school board. A copy of the lease is attached (Attachment 6) and is hereby made a part of these minutes. Upon a motion by Commissioner Beale, seconded by Commissioner Shields, the board voted 4-1, with Commissioner Young opposing, to grant Mr. Roland the authority to execute the lease agreement between the county and the Macon County Board of Education with regard to Macon Middle School.

**LEASE AGREEMENTS WITH SOUTHWESTERN COMMUNITY COLLEGE:** Mr. Roland started the conversation by asking the board to look at a recently completed survey that divides the former National Guard Armory property into two tracts, with Tract “A” being the armory building itself and Tract “B” as the parking lot behind the building where the new “burn building” for Southwestern Community College (SCC) would be constructed. He noted that bond money from the state will be used to finance the burn building as part of SCC’s Public Safety Training Center complex. He pointed out that the lease agreement for the former armory building is directly between the county and SCC, and he explained in detail the need to separate the two properties. He also pointed out that the planned 25-year term of the lease for the property between the county and SCC had changed as both parties received word from the state that a long-term lease is considered to be 40 years in length, and this will affect both tracts. He said this same information will be presented to the college’s board of trustees on March 23<sup>rd</sup>. Commissioner Young made a motion to approve both lease agreements (Attachments 7 and 8, respectively) as presented, and Commissioner Higdon seconded the motion. During discussion, Commissioner Beale commented that he continues to think “this is the worst financial move this board has made,” and Chairman Tate commented that his remarks were “duly noted.” Commissioner Beale did express his desire to see the burn building constructed and his need to vote in favor of it. Commissioner Shields stated he was in favor of the burn building as well and has some reservations about the National Guard Armory but as Commissioner Beale stated, he is in. Motion passed unanimously.

**APPROVAL OF ARCHITECTURAL SERVICES CONTRACT FOR PROPOSED MACON TRANSIT FACILITY EXPANSION:** Kim Angel, Director of Macon County Transit stated that at last month’s meeting she asked for a resolution for exemption for the architectural and engineering services on the facility expansion. Ms. Angel stated that on February 25, 2021 she received an email from NC DOT that said the request for exemption was grandfathered in and meets the requirements of the NC General Statue and we were free to move forward under that exemption. She stated that as of today she had received a formal letter from NC DOT congratulating us on the project even though it goes back to fiscal year 2019 and, that we do have pre-award authority so we can go ahead and incur costs and the should be covered under the grant. Ms. Angel

referred to a contract from Mr. Ritter (Attachment 9) which did qualify under the exemption for \$19,000. She stated that Mr. Morgan will be helping to guide us through the project which consists of 80% federal money, 20% local money which is already in the current budget and, we have to follow the federal public transportation law described in FTA Third Party Guidance therefore, we will be following local, state and federal guidance for the expansion. Ms. Angel indicated that the plans have to be drawn and submitted to NC DOT before the project can be put out to bid. Motion made by Commissioner Beale, seconded by Commissioner Shields for Mr. Roland to sign the contract as presented. Most passed unanimously.

**RESOLUTION REGARDING ABANDONMENT OF A PORTION OF OLD DOWDLE MOUNTIAN ROAD:** Mr. Roland presented a request from Andy Russell, NC DOT District Engineer which had been submitted by Mark Berry to abandon 275 feet of road along Dowdle Mountain (State Road 1659). NC DOT investigated the request and found no ill effects to the remaining highway systems and is therefore requesting a resolution to approve the abandonment. Commissioner Higdon made a motion to approve the resolution as presented (Attachment 10), seconded by Commissioner Young. Motion passed unanimously.

**DISCUSSION REGARDING POSSIBLE CHANGE IN AGENDA FORMAT CONCERNING CLOSED SESSION:** Chairman Tate stated that closed sessions are always at the end of the meetings and that probably some of the most important topics are discussed at that time. He asked if the board should consider having these discussions at the beginning of the meetings instead when board members might be a little more prompt and fresh. Commissioner Shields stated he has observed the school board having executive sessions at the beginning of their meetings which leaves the public to just sit which can often be for a very long period of time. Commissioner Beale shared that closed sessions has occurred in the middle of the meeting but he is not aware of them ever being done at the beginning. Chairman Tate requested flexibility in changing the format at meetings in which a controversial topic was going to be discussed, if needed. No action was taken.

**CONSENT AGENDA:** Upon motion by Commissioner Beale, seconded by Commissioner Shields, the board voted unanimously to approve the consent agenda as presented with the removal of Item C (Refund to Dr. Nathan Brenner for panoramic X-ray machine) as follows: (A) the minutes of the February 2, 2021 continued session, (B) budget amendments #185 for Macon Transit to allocate \$3,093.00 from an insurance settlement for a wrecked vehicle; #186 for the Sheriff's Department to appropriate \$3,600 in donations for lunches for the COVID-19 Call Center staff and officers; #187 for the Soil & Water Department to appropriate \$92,513 of Environmental Enhancement Grant funds to for the

Cove Branch Project; #188 for the Board of Elections to appropriate \$36,335 of 2020 Election Security Grants HAVA funds to improve the administration of federal elections, and #189 for the Housing Department to realign \$117,444 in their budget to various other lines in their budget; (C) Refund to Dr. Nathan Brenner for panoramic X-ray machine – **REMOVED**; (D) Tax Releases for the month of February in the amount of \$858.15; and (E) Monthly ad valorem tax collection report – no action necessary. In discussion, Commissioner Young requested to read aloud a portion of the purchase agreement for Item C which indicated no refund of monies previously paid would be given after removal from the premises. He stated he was concerned about the precedent being set due to the contract being signed and the commit to tax payers when selling assets and why he voted against the refund earlier. Commissioner Higdon stated this was also his logic when he voted against the refund as well. Commissioner Beale stated he can attest to the general practice of the county not giving refunds when assets are purchased. He asked if Commissioner Young and Higdon would agree to give half of the money back based on the contributions that Dr. Brenner has made to this community. Commissioner Higdon indicated he sits on the Board of Health with Dr. Brenner and knows the contributions he makes and still could not support the request because we can't vote on emotion. Commissioner Shields said we should look at the wording of the contract which he had not heard until Commissioner Young just read it and that the wording could not be argued with. Chairman Tate said he had personally spoken with Dr. Brenner and heard him plead his case and that he was in favor of granting the refund. Upon final vote of 3-2 with Commissioners Beale, Shields and Tate in favor of the refund and Commissioners Young and Higdon opposed, the refund was approved.

**APPOINTMENTS:**

- (A) Board of Equalization and Review (5 seats) - Commissioner Beale made a motion, seconded by Commissioner Shields to appoint Dwight Vinson, Donald Holland, Gary Drake, Kristine Flaig, Richard Lightner for the period of one year. Motion passed unanimously.
- (B) Planning board (2 seats) – Commissioner Young, seconded by Commissioner Beale to appoint Glenn Hedden and Carroll Poindexter for the period of three years. Motion passed unanimously.

**CLOSED SESSION:** At 8:00 p.m., upon motion by Commissioner Higdon, seconded by Commissioner Young the board voted unanimously to go into closed session as allowed under NCGS 143-318.11(a)(3) for attorney-client privilege and 143-318.11(a)(6) to consider the qualifications of a public officer or employee. At 8:48 p.m. upon a motion by Commissioner Higdon, seconded by Commission Shields the board voted unanimously to come out of closed session and return to open session.

**CONTRACT WITH RIDENOUR & GOSS:** Mr. Roland announced that a contract had been received to move forward with the selection of a full-time county attorney. He stated that an interview process had been completed with many reputable legal professionals and law firms and that an appointment and fee agreement from the firm of Ridenour and Goss to appoint Eric Ridenour. Mr. Roland stated that by review of the fee agreement, the inclusion of “not to exceed amount” would need to be added. Lori Carpenter recommended wording to be added to the first section “whereas, billing over a twelve-month period shall not exceed \$120,000”. Commissioner Young made a motion, seconded by Commissioner Higdon to approve Mr. Ridenour as the new attorney and to make the recommended change in wording to the contract. Motion passed unanimously.

**ADJOURN:** With no further business, and at 8:51 p.m. upon a motion made by Commissioner Beale, seconded by Commissioner Shields, the board voted unanimously to adjourn the meeting.

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Derek Roland  
Ex Officio Clerk to the Board

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Jim Tate  
Board Chair