

**MACON COUNTY BOARD OF COMMISSIONERS
DECEMBER 8, 2020
MINUTES**

Chairman Tate called the meeting to order at 6:01 p.m. and welcomed those in attendance. Due to Gov. Roy Cooper's Executive Order limiting the number of people at a mass gathering to 10 due to COVID-19, physical participation at the meeting in the boardroom was limited to that number. All five commissioners were physically present and practiced social distancing. Also present were County Manager Derek Roland, Interim County Attorney Kim Carpenter, and members of the news media. Deputy Clerk Mike Decker and Finance Director Lori Carpenter watched the meeting via computer livestream.

ANNOUNCEMENTS: Chairman Tate welcomed Commissioner Josh Young to his first-ever regular meeting. Chairman Tate also handed out a list of "2021 Commissioner Liaison Assignments," a copy of which is attached **Attachment 1** and is hereby made a part of these minutes.

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

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

PUBLIC COMMENT PERIOD: No one signed up to speak.

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

- To add discussion regarding the proposed lease of the former National Guard Armory facility as the new Item 10A under Old Business, per Commissioner Shields.
- To add consideration of tax releases for November and to remove consideration of the minutes of the November 10, 2020 regular meeting under the Consent Agenda, per Chairman Tate.
- To remove Agenda Item 10A (follow-up discussion regarding Natural Resources Advisory Committee) under Old Business, per Mr. Roland.
- To add discussion regarding a review of the county's subdivision ordinance as the new Item 9B under Reports/Presentations, per Mr. Roland.

- Commissioner Beale stated there would be a need for a closed session under Agenda Item 14.

CHANGE IN COUNTY'S 2021 NORTH CAROLINA DEVELOPMENT TIER DESIGNATION:

Macon County Economic Development Director Tommy Jenkins told the board that the state had released its tier rankings for 2021, and that Macon County was now a "Tier 3" county – meaning it is one of the 20 least distressed counties in North Carolina. Mr. Jenkins explained that 40 counties are designated as Tier 1, with those being the most economically distressed, and another 40 are designated as Tier 2. Macon County was a Tier 2 county and one of 11 that "moved up," while 11 others "moved down." He said the tier rankings are based on four factors – average unemployment rate, median household income, percentage growth in population and adjusted property tax base per capita. He said the county improved in three of those areas, adding that this presents something of a "double-edged sword." As a county, we compare well statewide, he said, but added that the higher tier ranking could present some challenges to obtaining grant funding. Commission Beale asked if Macon was the smallest Tier 3 county, and Mr. Jenkins said he believed that distinction went to Polk County. Chairman Tate told Mr. Jenkins that Commissioners Shields and Young would be the board's new liaisons to the county's Economic Development Commission. Mr. Young asked if the state did the tier rankings on an annual basis, and Mr. Jenkins replied that it did. No action was taken.

SUBDIVISION ORDINANCE REVIEW: Jack Morgan, the director of the county's Planning, Permitting and Development Department, said the county has an "excellent" subdivision ordinance, but it "targets new ones." He said that issues arise with older subdivisions that were not recorded, and then when they are, the existing rules must be applied to them. He outlined some of the problems this leads to, and asked the board to authorize the Macon County Planning Board to take a fresh look at the ordinance and figure out a means to address this, including the possibility of making "concessions" for those older subdivisions. Chairman Tate informed Mr. Morgan that Commissioner Young was the board's new liaison to the planning board. No action was taken.

LEASE OF NATIONAL GUARD ARMORY: Commissioner Beale initiated the discussion regarding the board's recent vote to lease the former National Guard Armory facility, now owned by the county, to Southwestern Community College (SCC) for a term of 25 years. He cited that action as one of the biggest, most expensive motions this board has made. He asked Mr. Morgan to address the board regarding a cost estimate to make needed improvements to the facility. Mr. Morgan told the board this would essentially be a remodel, not a renovation, noting that there are six bathrooms for men and only one for women, and added that there is no heating system. He said the building needs a new roof and considerable electrical work, and suggested using LED lights that would be more

cost efficient. The building also needs to be made handicap accessible. Mr. Morgan said the budget for all of the above items and more comes to approximately \$1.2-million. Commissioner Beale then asked Mr. Roland about the cost to maintain the building. Mr. Roland responded that the utility cost in the last year was approximately \$20,300 annually. He also pointed out that the annual cost of a custodian would be \$37,469, along with annual maintenance costs of \$19,200. Adding this together would put the “floor” of the county’s annual operational cost at just under \$80,000. Commissioner Shields stated his desire to make a motion to delay moving forward with the lease agreement and to delay that decision until July 1, 2021 in order to allow the board more time to review the county’s space needs analysis. However, Kim Carpenter told the board that the action taken at the November 10, 2020 regular meeting would need to be rescinded. Commissioner Shields then made a motion to rescind the motion made at the November 10, 2020 meeting to enter into a 25-year lease with SCC for the armory property, and Commissioner Beale seconded the motion. Chairman Tate opened the floor for discussion, and said, “I respectfully disagree on this.” He said the armory facility was “a perfect fit” for fire/law enforcement training, adding that he was “good with the cost” and “I’m comfortable with it.” Commissioner Young said allowing the building to sit vacant would only add to the expense. Commissioner Higdon asked if the roof could be patched or if it would need to be replaced. Commissioner Beale said it will cost the county a half million dollars every 10 years to take care of it, adding that the facility is a \$2.9-million asset that belongs to the people of the county and is an asset we need to be careful with. Following further discussion, the board voted 3-2 to oppose the motion, with Commissioners Beale and Shields voting in favor and Chairman Tate and Commissioners Higdon and Young opposing.

AMENDED FISCAL YEAR 2020-21 CONTRACT WITH “NO WRONG DOOR”:

Mr. Roland explained that the proposed amended contract with “No Wrong Door” was “a matter of housekeeping.” He said that “No Wrong Door” is a non-profit corporation providing mental health and substance abuse services to individuals within the county. As to the contractual relationship, he said it represents a partnership between “No Wrong Door,” the county and the Town of Franklin. The contract changes will establish a flat monthly fee payment schedule, allow unspent town funds from the previous year to be distributed to “No Wrong Door,” and to make the town a party to the agreement. There is no increase in the contribution amounts from either the county or town, he noted. Commissioner Beale said that “business is too good” at “No Wrong Door,” and he said the agency has remained open every day during the pandemic. Commissioner Beale made a motion to approve the amended Fiscal Year 2020-21 contract as presented, Commissioner Shields seconded the motion, and all favored.

BROADBAND COMMITTEE EVALUATION OF RFP RESPONSES: Mr. Roland said that, in response to the county's Request For Proposal (RFP) for the "Macon County High-Speed Internet Access Service Expansion Project," two proposals were received. He went on to explain that the Broadband Committee appointed by the board to review the proposals determined that between Balsam West and Morris Broadband, Balsam West offered the best value, particularly based on the number of potential customers that could be reached. He then reviewed the "Macon County Broadband Committee RFP Evaluation," a copy of which is attached **(Attachment 2)** and is hereby made a part of these minutes. That evaluation outlined the differences in the two proposals. Balsam West estimated that 2,600 to 5,500 unserved customers could be offered services during the first seven years of the project, compared to 317 to 550 by Morris Broadband. The overall dollar investment was roughly equal between the two, with Morris Broadband at \$1,030,250 compared to \$980,000 for Balsam West. However, the committee also reported that, "The Balsam West proposal offers a more technically diverse approach to delivery of broadband utilizing fiber and multiple wireless technologies including non-line of sight which will make deployment, service delivery and collaboration more cost effective." The committee concluded that Balsam West offers the "best value." Following a brief discussion that included Mr. Jenkins, Commissioner Beale suggested that the board authorize Mr. Roland to enter into negotiations with Balsam West to provide high-speed internet access service in the designated portion of Macon County. The contract document will come back before the board for final approval. Commissioner Beale expressed thanks to Commissioner Shields, who he said has "spent countless hours on this." Mr. Roland told the board that \$400,000 is currently budgeted for this project, and an additional \$180,000 would need to be moved from the economic development reserve fund, explaining that funding has to be part of the RFP process. Chairman Tate pointed out the need for a separate motion regarding the funding issue. Commissioner Shields made a motion to initiate the contract negotiations with Balsam West, Commissioner Beale seconded the motion, and all favored. Commissioner Beale made a motion for a budget amendment to move \$180,000 from the economic development reserve fund to provide a total of \$580,000 for the project. Commissioner Shields seconded the motion, and all favored.

AMENDMENT TO PICTOMETRY CONTRACT: Mr. Roland started the discussion regarding Amendment No. 1 to the county's pictometry contract with Pictometry International Corp. by reviewing a detailed explanation of the history of the contract and the current need for the amendment. The text of that explanation is as follows:

"Macon County entered into a contract with Pictometry International Corporation in December of 2016. The original agreement contained two separate projects to be conducted in Macon County, the first of which was

completed in January of 2017. Each of the projects in the original contract entailed an aerial flight, producing high quality oblique and orthogonal aerial imagery of Macon County and surrounding county boundaries, as well as a “Change Finder” option. “Change Finder” is a software add-on offered by Pictometry used to detect changes in property improvements, from one Pictometry flight to the next. The original contract amount for the two projects was \$195,232.99 (Project 1- \$97,571.04, Project 2 \$97,661.95). To date, Macon County has paid \$65,901.84 to Pictometry, which represents, the cost associated with the aerial flight and imagery produced for Macon County in 2017. Upon receipt of this imagery in 2017, the previous Tax Administrator opted out of the “Change Finder” option, as the majority of the imagery received was at a lower resolution than anticipated, thus the previous Tax Administrator felt the “Change Finder” option would be of little or no benefit to Macon County.”

“A subsequent decision was made by the previous Tax Administrator to postpone the flight associated with the second project as well, which was scheduled for January of 2020, due to the lower than anticipated quality of the imagery. Following Ms. Braswell’s appointment as Tax Administrator, she and GIS Analyst Wes Hall have worked with Pictometry to amend the flight map for the second project. The amended flight map will produce higher quality aerial imagery than was delivered by the first project, as all sectors of the county will be flown using 3inch (251 sectors) and 6inch (218 sectors) orthogonal frame images, as opposed to the first flight where the majority of the sectors (466) were flown using 9inch orthogonal frame images. While higher resolution imagery will be delivered, it will result in an increase of \$50,360.84 to the original contract price for Project 2. At \$148,023, Project 2 does not include the “Change Finder” option due to the lower than anticipated image quality produced by Project 1 but will lay the framework for implementation of “Change Finder” following the next flight.”

“As negotiations between the Tax Office and Pictometry were on going during the FY 21’ Budget planning process, the cost for the amended Project 2 was not included in the FY 21’ Recommended Budget. With negotiations now final and the revaluation approaching, the Tax Office feels it extremely important to conduct the Project 2 flight in January 2021, and has worked with Pictometry to keep Macon County on the 2021 flight schedule. With the project already being delayed one year and the 2022 Pictometry flight schedule full, time is of the essence.”

“While the \$148,023 amended project cost is significant, Pictometry brings about efficiency, which directly results in operational cost avoidance of hiring additional appraisers in the Tax Office. In addition, completion of this project will play a vital role in meeting the “Full List and Measure” requirement that the Department of Revenue has recommend to be completed with the upcoming revaluation. Aside from benefitting the Tax Office, the high quality imagery produced by Pictometry will benefit other departments, including Building

Inspections, Law Enforcement and Emergency Services. Lastly, this software has resulted in substantial revenue increases to numerous counties across North Carolina following implementation of the "Change Finder" option." "While Pictometry has agreed to hold delivery of the Project 2 imagery until July of 2021, so it can be incorporated into the FY 22' Budget Process, I would respectfully request for the Board to consider appropriating the \$148,022.79 from Fund Balance at this time to ensure the Tax Office has ample time to maximize the full benefit of this software as it pertains to the upcoming revaluation."

Tax Administrator Abby Braswell presented a PowerPoint presentation, which covered a number of technical details regarding pictometry as well as some of the information that Mr. Roland provided to the board. She noted in particular that the "full list and measure" requirement to assess the county's 43,757 parcels would require the hiring of four additional appraisers. The total cost of those additional appraisers for the time period they would be needed is calculated at \$774,480 versus the \$148,022 cost of the contract amendment. If the board was willing to move forward with the amendment, she said the county would have new imagery in March and would be billed in April. Following further explanation and discussion, Commissioner Beale made a motion to approve the contract amendment, contingent upon Kim Carpenter's review of the document, and to take the \$148,022 from the county's fund balance. Commissioner Shields seconded the motion, and following a question from Commissioner Young and a review of the county's four-year revaluation schedule, the board voted unanimously to approve the motion.

CONSENT AGENDA: Upon a motion by Commissioner Beale, seconded by Commissioner Shields, the board voted unanimously to approve the consent agenda as presented, which includes: (A) the minutes of the October 13, 2020 regular meeting; (B) budget amendment #111 for Senior Services to allocate \$9,980 for meals; #112 for Emergency Services to allocate \$6,092 from an insurance settlement for repairs to an ambulance; #113 for the Sheriff's Department to appropriate a total of \$32,500 from donations and calendar sales to be used for Shop with a Cop, Prime for Life, the department's Christmas dinner and new calendars; #114 for a non-departmental budget amendment to carry forward \$108,017 in funding for expenses related to COVID-19, and #115 for the Department of Social Services to allocate \$81,738 in LIEAP (pandemic) funds (copies of the amendments are attached); (C) tax releases for the month of November in the amount of \$1,784.51; (D) received the monthly ad valorem tax collections report for the month of October, which shows an overall 67.02 percent collection rate as of November 30, 2020, and for which no action was necessary.

APPOINTMENTS: Community Funding Pool: Chairman Tate tabled action regarding the staggering of terms for the members of the Community Funding

Pool task force. All of the members were reappointed to one-year terms in November, but new by-laws call for the members to be appointed to staggered terms of one, two and three years. **Vaya Health County Commissioner Advisory Board:** Following a brief explanation by Mr. Roland, upon a motion by Commissioner Shields, seconded by Commissioner Young, the board voted unanimously to reappoint Commissioner Beale to serve as the county's representative on the Vaya Health County Commissioner Advisory Board. **Economic Development Commission:** Upon a motion by Commissioner Beale, seconded by Commissioner Young, John Woods was appointed to the Macon County Economic Development Commission (EDC) for a term of three years. He replaces Bill Futral on the EDC.

CLOSED SESSION: At 7:41 p.m., upon a motion by Commissioner Higdon, seconded by Commissioner Beale, the board voted unanimously to go into closed session for the purpose of preserving the attorney/client privilege under NCGS 143-318.11(a)(3) and to discuss the acquisition of real property under NCGS 143-318.11(a)(5). At 8:50 p.m., upon a motion by Commissioner Beale, seconded by Commissioner Shields, the board voted unanimously to come out of closed session and return to open session. Kim Carpenter then explained that the county is making an offer to purchase the Brian Bateman property in Nantahala and would need to appropriate \$10,000 from the county's fund balance toward that purchase. Upon a motion by Commissioner Higdon, seconded by Commissioner Shields, the board voted unanimously to approve the appropriation. Kim Carpenter also pointed out that \$10,000 was not the purchase price of the property. Secondly, Kim Carpenter said that in regard to an offer from an individual to purchase the old county garage property located off the Old Murphy Road in Franklin, the county would need to publish notice of the upset bid process, noting that the property is to be sold "as is" and can continue to be used by the county for a period of time not to exceed one year. Upon a motion by Commissioner Beale, seconded by Commissioner Shields the board voted unanimously to move forward with the upset bid process as stated by the interim county attorney. Chairman Tate pointed out that the county would be interviewing for the county attorney position in the very near future and would be closer to a decision come January 2021. Commissioner Beale made a motion to authorize Mr. Roland and Kim Carpenter to work with the other attorneys involved to work toward an offer to purchase for the county to purchase the so called "co-op property," and Commissioner Shields seconded the motion. Discussion followed, and the motion was amended to allow Kim Carpenter to assemble the necessary information and documentation to bring back to the board with regard to an offer to purchase, and the board voted unanimously to approved the amended motion.

ADJOURN: With no other business, at 8:58 p.m., upon a motion by Commissioner Higdon, seconded by Commissioner Young, the board voted unanimously to adjourn.

Derek Roland
Ex Officio Clerk to the Board

Jim Tate
Board Chairman