

MACON COUNTY BOARD OF COMMISSIONERS
JANUARY 12, 2021
MINUTES

Vice-Chairman Beale 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. Chairman Tate participated in the meeting via telephone, and Vice-Chairman Beale conducted the meeting due to Chairman Tate's physical absence. The other commissioners were physically present and practiced social distancing. Also present were County Manager Derek Roland, Finance Director Lori Carpenter, Interim County Attorney Kim Carpenter, and members of the news media. Deputy Clerk Mike Decker watched the meeting via computer livestream.

ANNOUNCEMENTS: Mr. Roland told the board members that it is "that time of year again" to schedule the mid-year budget work session. He suggested that the board choose either Thursday, February 4, 2021 or Thursday, February 11, 2021 to hold this meeting, with a recommended starting time of noon, adding that it should be wrapped up by 5 p.m. Following brief discussion, the board agreed to hold the meeting on February 4, beginning at noon in the boardroom, and at the conclusion of this meeting to recess until that day and time.

MOMENT OF SILENCE: Prior to observing a moment of silence, Vice-Chairman Beale remarked on the passing of Dorothy Rose Crawford at the age of 102 and her impact on the community. Mrs. Crawford served 26 years as the director of the county's Department of Social Services (DSS), and in 2012, the Macon County Senior Services Center was renamed in honor of her and her husband, John.

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

ROAD NAME PUBLIC HEARING: At 6:05 p.m., Vice-Chairman Beale opened the public hearing on proposed names for new roads and changes to certain existing road names, assigning a range of road numbers to new roads and changes to certain ranges in connection with existing roads, as noticed. He recognized 911 Addressing Coordinator Angie Kinsland, and pointed out that no one had signed up to speak at the hearing. Mrs. Kinsland said that a list of the

roads in question could be found in the board's agenda packet, and a copy of that list is attached (Attachment 1) and is hereby made a part of these minutes. Mrs. Kinsland did bring up some additions to the list, namely to add the intersections of (1) Caledonia Drive at 650 John Teague Road and (2) Bartram Cove Lane at 125 Turtle Pond Road to the list. Vice-Chairman Beale asked if there were any objections and if anyone present wanted to speak on any matter related to road names, and hearing none, he closed the public hearing at 6:08 p.m. Upon a motion by Commissioner Shields, seconded by Chairman Tate, the board voted unanimously to approve the "January 12, 2021, Amendment to Macon County Road Naming and Numbering System Ordinance Theretofore Codified as Chapter 14 of the Macon County Code," a copy of which is attached (Attachment 2) and is hereby made a part of these minutes.

PUBLIC COMMENT PERIOD: No one signed up to speak.

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 add consideration of the release of an erosion control bond on behalf of Biltmore Church of Franklin, NC as the new Item 11F under New Business, per Mr. Roland.
- To add consideration of obtaining a survey of the Bateman property in the Nantahala community as the new Item 11G under New Business, per Mr. Roland.
- To add discussion/consideration of a proposed lease of office space to U.S. Representative Madison Cawthorn, per Mr. Roland.

4-H PRESENTATION: Tammara Cole Talley, the 4-H and Youth Development Agent for the Macon County Center of North Carolina Cooperative Extension, introduced 4-H members Kenleigh Deal, Abigail Angel, Barrett Holland and Ben Holland, who then told the board members about some of their recent 4-H experiences at lamb shows. Mrs. Talley said, "We have the best set of kids anywhere here in Macon County," and while those involved in livestock programs "had to work on their own a lot this year" due to COVID-19, she added that county 4-H representatives "had the most animals ever that were able to go to state fairs in the eight years I've been here." Joe Deal, an Agriculture Agent with the Macon center, gave the board a detailed report about participation in the Macon County Youth Livestock Programs during 2020, and told the commissioners, "We were able to knock it out of the park this year." No action was necessary.

FISCAL YEAR 2019-20 AUDIT PRESENTATION: Jill Vang with Martin-Starnes & Associates presented a PowerPoint presentation of the highlights of the firm's annual financial report for the fiscal year ended June 30, 2020. A copy of that

presentation is attached (Attachment 3) and is hereby made a part of these minutes. She said the firm provided an “unmodified opinion” which is a clean opinion with no material misstatements found, and she also noted the county’s “cooperative staff.” She said the county’s total fund balance in the general fund grew by more than \$2.2-million to a total of \$31,497,185, and that the available fund balance represents 51.5 percent of a years’ worth of county expenditures. The county’s top three general fund revenues are ad valorem taxes, restricted intergovernmental funds, and local option sales tax, which combined account for 89 percent of the county’s revenue. She pointed out that ad valorem tax revenue was up more than \$2-million, due to an increase in the tax rate, and that local option sales tax revenue was also up. The county’s top three general fund expenditures continue to be public safety, human services and education, which combined total 74 percent of total expenditures. Of those, public safety and education were up over the previous year, with human services being lower. In closing, she briefly reviewed the status of the county’s Solid Waste Enterprise Fund. The board members had no questions for Ms. Vang but requested copies of her presentation. Vice-Chairman Beale stated that the county has been “very frugal” and has done well even during the pandemic. No action was necessary.

INTRODUCTION OF NEW FRANKLIN FIRE CHIEF AND SUBSTATION

UPDATE: Franklin Mayor Bob Scott introduced Ben Ormond, the town’s new fire chief, to the commissioners, and gave them an overview of Mr. Ormond’s work history. In his comments to the board, Mr. Ormond said the plan “is to always get better” and improve services to the community. Town Manager Summer Woodard then updated the board on the town’s efforts to construct a substation for Franklin Fire and Rescue on property located on NP&L Loop. She presented a memo showing a timeline of the town’s progress on the project, which is attached (Attachment 4) and is hereby made a part of these minutes. She noted that this substation “will serve your constituents,” and explained that the town council voted in November of 2020 to award a construction contract to Western Builders for \$399,109 for the facility, and estimated that construction will begin in spring of this year. She also pointed out that no increase in the town’s fire tax rate will be needed to support the project. No action was necessary.

UPDATE ON COVID-19 TESTING AND VACCINATIONS: Prior to hearing from Public Health Director Kathy McGaha, Vice-Chairman Beale stated that he and other board members have received “lots of calls and emails about what’s going on” with the county’s COVID-19 testing and vaccination efforts. Mrs. McGaha said the county has seen an increase in positive cases in response to holiday gatherings, and she also noted that there were outbreaks in nursing homes in the county over the holidays. Mrs. McGaha said health officials are “seeing a surge in the community” which has prompted an increased need for testing. She said phone calls to the health department have come in at such a rate that it

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literally “took down” the Frontier Communications telephone system, and also talked about the need for additional staff, especially nurses. Vice-Chairman Beale responded by saying this board “will support what you need,” adding that “right now there’s nothing more important.” Mrs. McGaha said the health department has received 600 doses of the COVID-19 vaccine, with 400 of those available now. She said the department is “booked” for vaccinations through January 29th and is also performing COVID-19 tests, and reminded the board that the nurses who can do the vaccinations are also the ones who can perform those tests. Mr. Roland talked about how difficult it is for the county to hire additional nurses, adding that he and others are “using every available resource we have.” Emergency Management Director Warren Cabe shared how his department’s Emergency Medical Technicians (EMTs) are being used to help in this situation. Mrs. McGaha told the board she cannot take any more appointments, and reminded the board that she must plan and “make space” 28 days from now to administer the second dose of the COVID-19 vaccine to those who have had the initial injection. After a discussion regarding the use of staff time, Dr. Gus Wilde joined the conversation when questions about all of the vaccinations having to “go through” the health department arose. Mr. Cabe pointed out that the real issue is obtaining a supply of the vaccine, as there are “1,000 different pitfalls along the way.” Following questions about the “rapid” COVID-19 test and a health department press release, Mrs. McGaha said that the virus is “running rampant in our community,” and advised residents to either take precautions or stay at home. She said her department’s priority is vaccinations at this point, and there is “not enough time” to identify clusters. As to the potential for being exposed, she told the board it is “a good idea to assume it is everywhere.” Vice-Chairman Beale expressed his concerns about the lack of information available to the community regarding clusters and suggested that Mrs. McGaha coach her staff about their “rhetoric” while on the telephone with citizens. As the conversation continued, Vice-Chairman Beale said “this board is committed to support the health department,” but told Mrs. McGaha she would “need to make some changes.” The discussion then turned to funding. Chairman Tate reminded the board members of the commission’s appropriation of \$150,000 last year to address COVID-19 needs, and Lori Carpenter said that approximately \$100,000 of that was still available. Chairman Tate said that Mr. Roland should be given leeway to use those funds, and made a motion to authorize Mr. Roland to use the appropriated funds to assist the health department as needed. Commissioner Shields seconded the motion, and all favored. Vice-Chairman Beale asked Mrs. McGaha to provide the board with an update at its February 4th continued session. The continuing discussion then centered on positions, hiring incentives and overtime issues. It then turned back to the use of the \$100,000 appropriation, which led to discussion regarding payment of overtime to salaried employees, those who are “exempt” from the Fair Labor Standards Act (FLSA). Lori Carpenter said she would like to know what the parameters are for this. Mr. Roland said he wanted Mrs. McGaha to come up

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with a plan for this, and Lori Carpenter suggested that any such payments start with the next payroll period on January 18th. Vice-Chairman Beale made a motion to authorize Mr. Roland to work out the details regarding overtime pay for exempt employees at the health department, and Commissioner Shields later seconded the motion, and all favored. Mr. Cabe then shared the emergency services update on pandemic efforts and its effect on his staff, noting that at one point a sub-section of his department was identified as a cluster, but maintained services and prompted putting some contingency plans into place. He also presented a detailed statistical analysis of departmental activity, such as call volume to the dispatch center, comparing December 2019 to December 2020. However, he did point out that he has five, full-time vacancies for EMTs in Emergency Services, which places limits on how much those staff members can help with the testing and vaccination effort. He also noted that EMTs have spent more time on a call and completing that call, as well as “decontamination” efforts when it is over. Thankfully, though, he said the county hasn’t “seen those spots where we are over capacity in the medical system”. Following further discussion and questions from the board members, no action was taken.

Vice-Chairman Beale declared a recess at 8:16 p.m.

Vice-Chairman Beale called the meeting back to order at 8:26 p.m.

FORMAL ACCEPTANCE OF OFFER TO PURCHASE COUNTY PROPERTY: Mr. Roland explained that following submittal of an offer of \$185,000 by Edgar “Bud” Shope to purchase county owned property referred to as the old county garage, or more particularly described in deed reference D 13/141, PIN # 6584-36-9478, the upset bid process has been completed. He said that leaves the board in the position to either formally accept or reject Mr. Shope’s offer, which is below the appraised value of the property, which prompted the advertising of the upset bid process. Following brief discussion, Commissioner Shields made a motion to accept the offer, and it was seconded by Chairman Tate. Mr. Roland pointed out that the county has reached an agreement with Mr. Shope to allow the Macon County Housing Department to remain headquartered on the property for a period of time until a new location can be found. The board voted unanimously to approve the motion.

RESOLUTION SUPPORTING AN APPLICATION TO THE LOCAL GOVERNMENT COMMISSION: Lori Carpenter asked the board to consider a resolution that would allow her and Mr. Roland to move forward with an application to the state’s Local Government Commission (LGC) concerning LGC approval of a financial agreement for improvements to Macon Middle School (MMS) and other county loan re-financings. Upon a motion by Commissioner Shields, seconded by Commissioner Young, the board voted unanimously to

approve the resolution as presented, a copy of which is attached (Attachment 5) and is hereby made a part of these minutes.

PUBLIC HEARING ON PROPOSED FINANCING: In connection with the just-approved resolution, Lori Carpenter asked the board to set a public hearing date on the proposed financing as outlined in the resolution, and upon a motion by Commissioner Shields, seconded by Commissioner Beale, the board voted unanimously to schedule that public hearing for Tuesday, February 9, 2021 at 6 p.m. in the commission boardroom, with Lori Carpenter to advertise notice of the hearing as needed.

REVIEW FUNDING OPTIONS FOR MMS PROJECT AND LOAN REFINANCINGS: Ted Cole, a Senior Vice President with Davenport & Company, presented the board with the firm's recommendation regarding funding for the MMS renovation project and to refinance some existing county debt. A copy of the Davenport memo is attached (Attachment 6) and is hereby made a part of these minutes. He explained that Davenport distributed a Request for Proposals (RFP) on the county's behalf to secure a commitment for a direct bank loan to finance the school improvements and to refinance some existing county obligations for debt service savings. He outlined an overview of the RFP process, which asked for both 15- and 20-year proposals, and noted there were five responses. Meanwhile, he said Davenport also analyzed a public sale of limited obligation bonds as a means of financing the project and restructuring some of the outstanding debt. He explained that the estimate on the school renovation was \$16 million, or "new money," while another \$11-million-plus was being considered for refinancing, if it will save the county money. In comparing the banks to one another and the public bond market, he said the firm is recommending that the county pursue a 20-year public sale of limited obligation bonds, although the bank proposals were "very attractive." However, he said there is a \$1.4-million advantage to the county to go to the public bond market, which led to an extensive discussion. Lori Carpenter told the board that in this case, she believes "the reward outweighs the risk." Following more discussion, and upon a motion by Commissioner Higdon, seconded by Commissioner Shields, the board voted unanimously to go to the public bond market.

INTERLOCAL AGREEMENT WITH MACON COUNTY BOARD OF EDUCATION: Lori Carpenter began by explaining that former County Attorney Chester Jones worked on this item before he retired. In a nutshell, the school board must allow the county commission to use Macon Middle School as the collateral for the renovation project, and the interlocal agreement spells out how this will be accomplished. The agreement must be approved by both parties, she noted. Upon a motion by Commissioner Higdon, seconded by Commissioner Shields, the board voted unanimously to approve the "Interlocal Agreement" as presented,

a partially-executed copy of which is attached (Attachment 7) and is hereby made a part of these minutes.

NCACC VOTING DELEGATE: Upon a motion by Chairman Tate, seconded by Commissioner Shields, the board voted unanimously to select Vice-Chairman Beale as the board's voting delegate for the North Carolina Association of County Commissioners (NCACC) Legislative Goals Conference, which will be held virtually on January 14-15, 2021.

RELEASE OF EROSION CONTROL BOND: Based on a request from R L Wright Construction, Macon County Planning, Permitting and Development Director Jack Morgan recommended the release of the Sylva, NC company's erosion control bond related to the construction of Biltmore Church of Franklin in the amount of \$3,500. A copy of the letter to Mr. Morgan is attached. Upon a motion by Commissioner Higdon, seconded by Commissioner Shields, the board voted unanimously to approve the request.

SURVEY AT BATEMAN PROPERTY: Mr. Roland informed the board that as the county is performing its due diligence regarding the potential purchase of the Bateman property in the Nantahala community, the discovery of a potential well location in close proximity to the property line has prompted the need for a survey of the property. He said the approximate cost of the survey is \$1,200, and suggested that the board would need to approve a resolution exempting surveying services, as the cost is far below the \$50,000 threshold as outlined in the state statutes. He said funding for the survey can come out of contingency, and should not exceed \$1,500. Upon a motion by Commissioner Higdon, seconded by Commissioner Young, the board voted unanimously to approve a "Resolution Exempting Surveying Services for Potential Bateman Property Acquisition in Macon County, North Carolina, from the Provisions of Article 3D of Chapter 143 of the North Carolina General Statutes," a copy of which is attached (Attachment 8) and is hereby made a part of these minutes. The motion also included approval to fund the survey, not to exceed \$1,500, from contingency.

CONGRESSIONAL OFFICE LEASE: Mr. Roland told the board that the county had received a proposed lease agreement for office space for newly-elected U.S. Representative Madison Cawthorn, which would be provided free of charge. Upon a motion by Commissioner Higdon, seconded by Commissioner Shields, the board voted unanimously to authorize Mr. Roland to execute the lease agreement as presented.

CONSENT AGENDA: Upon a motion by Commissioner Higdon, seconded by Commissioner Shields, the board voted unanimously to approve the consent agenda as presented, which includes: (A) the minutes of the November 10, 2020

regular meeting, the December 7, 2020 special meeting and the December 8, 2020 regular meeting; (B) budget amendment #129 for the Board of Elections to allocate \$6,162 in bonus money for one-stop election workers funded by a CTCL grant obtained by the North Carolina Board of Elections; #130 for the Sheriff's Department to allocate a one-time donation from the Town of Franklin of \$15,000 for the "No Wrong Door" program; #131 for the Economic Development Reserve Fund to reverse a loan program appropriation of \$257,500 funded in Fiscal Year 2019-20; #132 for the Sheriff's Department to allocate \$7,300 from an insurance settlement for a wrecked vehicle; #133 for the Sheriff's Department to appropriate a \$25,870 donation to purchase Cellebrite equipment, which includes training and a three-year renewal, and #134 for the Health Department to appropriate \$77,509 in funding for ED Regional Prevention Support Teams (copies of the amendments are attached); (C) tax releases for the month of December in the amount of \$948.73; (D) received the monthly ad valorem tax collections report for the month of December, for which no action was necessary.

CLOSED SESSION: At 9:00 p.m., upon a motion by Commissioner Higdon, seconded by Commissioner Young, 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). At 9:31 p.m., upon a motion by Commissioner Higdon, seconded by Commissioner Shields, the board voted unanimously to come out of closed session and return to open session.

RECESS: With no other business, at 9:32 p.m., upon a motion by Commissioner Higdon, seconded by Commissioner Shields, the board voted unanimously to recess the meeting until Thursday, February 4, 2021 at 12 p.m. in the commission boardroom on the third floor of the Macon County Courthouse in Franklin, NC for the primary purpose of holding a mid-year budget work session.

Derek Roland
Ex Officio Clerk to the Board

Jim Tate
Board Chairman