

MACON COUNTY BOARD OF COMMISSIONERS
May 10, 2022
MINUTES

Chairman Tate called the meeting to order at 6:00 p.m. All Board Members, County Manager Derek Roland, Deputy Clerk Mike Decker, Finance Director Lori Carpenter, and County Attorney Eric Ridenour, members of the news media, county employees and interested citizens were present.

ANNOUNCEMENTS: Commissioner Shields reminded everyone that the annual Law Enforcement Memorial Tribute will be held this Friday, May 13, 2022 at noon at the Town Square Gazebo to honor law enforcement officers who have lost their lives in the line of duty. Chairman Tate announced that a retirement celebration for Vic Perry, Clerk of Superior Court, will be held on May 20, 2022 from 2:00 p.m to 5:00 p.m at the Franklin Town Hall. Mr. Roland reminded the board that Angie Kinsland had retired and expressed gratitude for her 30 years of service with Macon County. Commissioner Beale requested those in attendance remember the family of Paul Rondel, a former EMS employee who recently passed away from an extended illness.

MOMENT OF SILENCE: Chairman Tate requested that all in attendance rise and a moment of silence was observed.

PLEDGE TO THE FLAG: Led by Mr. Decker, the pledge to the flag was recited.

PUBLIC HEARING(S): None

PUBLIC COMMENT PERIOD: **Tim Shaw** provided an update on the fundraising efforts that have been completed for the SK828 skate boarding park with the next event occurring on May 13, 2022 at the Lazy Hiker. He shared that the Town of Franklin has also secured a grant to cover paving the parking lot and installing lights. **Jim Gaston** expressed his thanks for awards made to local agencies through the Community Funding Pool. He encouraged all non-profit requests come through the Community Funding Pool instead of to the board outside of that annual process. **Lee Walters** expressed his concern regarding lack of available landline phone service through Frontier in Nantahala. He stated there have not been any phone lines available for the past two years and requested assistance in getting phone service as well as broadband service in the Nantahala community. Commissioner Young said he would follow-up with Mr.

Walters and provide information on contacting the Utilities Commission in regard to phone service, and Commissioner Shields informed him that Dwight Houser of Nantahala is the representative for the broadband committee. **Tracey Dogan** shared her concerns about the proposed changes to the Animal Control Ordinance. She stated there are insufficient officers trained and that there is no follow-up on complaints. Ms. Duggan provided a handout of her concerns to board members and requested that special attention be given to items 2, 3, 6 and 9 on the handout provided by the health department at the last meeting. **Beatrice Bruckner** spoke about her experience with the poor condition of animals brought into the shelter at the Appalachian Animal Rescue Center. She asked board members to consider the amount of time it takes to get an animal removed from a bad situation. She also asked them to consider including the ability to make anonymous reports and stated she knows people do not report for fear of retaliation by the animal's owner.

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

- To add Item 11E, fireworks request from Starfire Pyrotechnics for a wedding on June 11, 2022, as requested by Mr. Decker.
- To add budget amendments 277-279 to the Consent Agenda as requested by Ms. Carpenter.
- To add item 10C Nantahala Library and Community Club as requested by Commissioner Higdon.

Proposed rate increases and request for an extension of the exclusive franchise agreement for J&B Disposal – Bonita Hamstra, owner of J&B Disposal, proposed a 5 percent monthly rate increase for commercial service and a 10 percent monthly rate increase for residential service to begin on July 1, 2022. After a brief discussion, Commissioner Beale made a motion, seconded by Commissioner Shields to approve the rate increases as requested. The vote was unanimous. Ms. Hamstra also requested a seven-year extension on her franchise agreement, which would extend the current agreement through November of 2030. After a brief discussion, Commissioner Beale made a motion, seconded by Commissioner Shields, to approve the extension contingent upon review by Mr. Ridenour. The vote was unanimous.

Update on Environmental Health Section staffing issues – Health Director Kathy McGaha reminded the board that a committee had been established at the last meeting to review the issues with staffing at the department's environmental health section and to report back to the board. She stated the committee had met on May 23, 2022 and discussed several options, including hiring environmental health technicians that can perform pre-site work, and to have support staff complete the data entry of information into the software program

used by the county' code enforcement section. Ms. McGaha said both of these approaches would reduce the amount of time the current environmental health specialists spend on these tasks. She said there are also active efforts to clarify paperwork requirements for applications, as well as making permits available online. Ms. McGaha reported that since the last meeting, two applicants have been recommended for hire to start on May 23, 2022, which will leave three vacancies.

OLD BUSINESS:

Change orders #018 and #019 on the Macon Middle School renovation project – Jack Morgan reviewed the details of change order #018 [Attachment 1] regarding the fire alarm configuration at Macon Middle School. Commissioner Shields made a motion, seconded by Commissioner Young, to approve the change order as presented along with the accompanying budget amendment in the amount of \$37,711. The vote was unanimous. Mr. Morgan reviewed the details of change order #019 [Attachment 2] regarding the replacement of concrete at the school's front entrance. Commissioner Shields made a motion, seconded by Commissioner Young, to approve the change order as presented and the accompanying budget amendment in the amount of \$127,471. The vote was unanimous. Ms. Carpenter stated that these two actions will leave a balance in the project contingency of approximately \$131,000.

Highlands Pre-K facility discussion – Chairman Tate requested the board move forward with hiring an architect for the Highlands Pre-K facility project so construction could begin. Upon a motion by Commissioner Beale, seconded by Commissioner Shields, the board voted unanimously to release a Request For Qualifications (RFQ) for architectural services.

Nantahala Library and Community building – Commissioner Higdon asked for an update on meeting with the architect and moving forward with getting the proposed Nantahala Library/Community Building ready for occupancy. Jack Morgan stated he has a meeting with the architect, recommended by Library Director Karen Wallace, scheduled for May 19, 2022 and will have more information to share after that time. Commissioner Higdon requested that work on the facility be subcontracted out instead of using county maintenance staff to perform the work. Ms. Carpenter stated there will be a discussion at the continuation meeting on May 26, 2022 about appropriating funds received from sales tax this fiscal year to capital projects, including this one. Members of the Nantahala community club who were in attendance stated they want to begin operating in the facility as soon as possible and do not need any architectural guidance on design for their section of the facility.

NEW BUSINESS:

Wine Springs Communication Site Renewal with USFS – Emergency Management Director Warren Cabe presented the lease agreement between the U.S. Department of Agriculture (Forest Service) and the county for a communications use lease for the Wine Springs site. [Attachment 3]. Following brief discussion and upon a motion by Commissioner Beale, seconded by Commissioner Shields, the board voted unanimously to approve the lease as presented, a copy of which is attached and will be made a part of these minutes.

Consideration of county acknowledgement letter for Burningtown Iotla Fire and Rescue – Burningtown Iotla Fire and Rescue Board Chair Mike Yacks stated the department is applying for a loan to purchase a 2,000-gallon supertanker and the lender is requesting this letter showing the county is aware of the pending purchase. He stated they have been trying to downsize their fleet of older equipment and this will be their first purchase of new equipment in 10 years. Mr. Cabe indicated a correction needed to be made in the letter and suggested it be signed at the next meeting. Upon a motion by Commissioner Beale, seconded by Commissioner Higdon, the board approved the letter with the revision as stated by Mr. Cabe, and the vote was unanimous.

Consideration of performance guarantee agreement for proposed subdivision road at Whiteside Cottages – Planning Director Joe Allen reviewed the details of the proposal regarding a performance guarantee agreement for a proposed subdivision road at Whiteside Cottages and requested approval of the agreement in the amount of \$110,361.00 in compliance with Macon County Subdivision Ordinance 159.24. Upon a motion by Commissioner Young, seconded by Commissioner Shields, the board voted unanimously to approve the agreement as presented, and a copy is attached [Attachment 4] and is hereby made a part of these minutes.

Consideration of fireworks display application / permit for JECO Pyrotechnics, Inc. – Mr. Decker indicated the requested fireworks display would be for a wedding on June 10, 2022 at Skyline Lodge in Highlands. Upon a motion by Commissioner Higdon, seconded by Commissioner Shields, the board voted unanimously to approve the permit as requested.

Consideration of fireworks display application / permit for Starfire Pyrotechnics - Mr. Decker indicated the requested fireworks display would be for a wedding on June 11, 2022 at Rockwood Lodge in Highlands. Upon a motion by Commissioner Higdon, seconded by Commissioner Beale, the board voted unanimously to approve the permit as requested.

CONSENT AGENDA: Upon a motion by Commissioner Higdon, seconded by Commissioner Young, the board voted unanimously to approve the consent

agenda as presented, which includes: (A) Minutes of the April 12, 2022 regular meeting, (B) Budget Amendments #259-268 and #277-279, (C) Tax releases for April 2022 in the amount of \$116.22, (D) Tax refund requests for Nelson Bates, Tim and Carol Bates, and Violet Klatt, (E) the Application for Public School Building Capital Fund North Carolina Education Lottery proceeds in the amount of \$355,758.15, and (F) the monthly ad valorem tax collection report for which no action is necessary.

APPOINTMENTS:

(A) Upon a motion by Commissioner Higdon, seconded by Commissioner Shields, the board voted unanimously to appoint Debbie Tallent as an Extra-Territorial Jurisdiction (ETJ) representative on the Town of Franklin Planning Board.

CLOSED SESSION – At 8:05 p.m., upon a motion by Commissioner Higdon, seconded by Commissioner Shields, the board voted unanimously to go into closed session as allowed under NCGS 143-318.11 (a)(5) to establish or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease; or (ii) the amount of compensation and other material terms of an employment contract or proposed employment contract. At 8:10 p.m., upon a motion by Commissioner Shields, seconded by Commissioner Young, the board voted unanimously to come out of closed session and return to open session.

RESOLUTION TO EXEMPT SURVEYING SERVICES: Upon a motion by Commissioner Shields, seconded by Commissioner Young, the board voted unanimously to approve a “Resolution Exempting Surveying Services for Old Gulf Station Property in Macon County, North Carolina, from the Provisions of Article 3D of the Chapter 143 of the North Carolina General Statutes,” a copy of which is attached [Attachment 5] and is hereby made a part of these minutes.

RECESS: At 8:12 p.m., upon a motion by Commissioner Beale, seconded by Commissioner Shields, the board voted unanimously to recess until Thursday, May 26, 2022 at 6 p.m. in the commission boardroom on the third floor of the Macon County Courthouse. The primary purpose of the meeting will be the county manager's presentation of the recommended budget for Fiscal Year 2022-23, and for any other business that may come before the board.

Derek Roland
Ex Officio Clerk to the Board

Jim Tate
Board Chair