

MACON COUNTY BOARD OF COMMISSIONERS
October 12, 2021
MINUTES

Chairman Tate called the meeting to order at 6:01 p.m. All Board Members, County Manager Derek Roland, Deputy Clerk Mike Decker, Finance Director Lori Carpenter, County Attorney Eric Ridenour, members of the news media and a number of county employees and citizens were present.

ANNOUNCEMENTS:

- (A) Chairman Tate read a prepared statement reflecting on his service as a commissioner for Macon County since December 11, 2011. His statement included that his mission had been to work hard and be sure Macon County was proud of the work in which he had been entrusted. Chairman Tate stated he would not be seeking re-election for a fourth term. He emphasized how honored and humbled he is to have served, and expressed his appreciation for the support of the other board members and the community.

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

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

- (A) **PUBLIC HEARING REGARDING THE AMENDED AND REINSTATED SUBDIVISION ORDINANCE:** At 6:04 p.m. Chairman Tate called the public hearing on the amended and restated subdivision ordinance to order. Macon County Planning Board Chairman Aaron Garrett shared suggested changes to the ordinance as unanimously proposed by the Macon County Planning Board. Mr. Garrett referred to a handout provided to the board members [Attachment 1] which reflected the suggested changes and reviewed each of the suggestions in detail, including vested rights, grandfathering of subdivisions established prior to the implementation of the ordinance, the appeal process, phased development, density development, road standards and incidental subdivisions. Mr. Garrett introduced planning board member Kathy Tinsley, who was also in attendance, and thanked all the members for their work and efforts on the revisions. A few questions and comments were asked by board members and the

discussion was then turned over to Mr. Ridenour. Mr. Ridenour stated there were some other non-substantive changes made to the ordinance to meet the requirements of N.C.G.S. 160-D. After a brief explanation of the reason for the changes and the process for approval, and with no one from the public wishing to speak to the changes, at 6:21 p.m. Chairman Tate closed the public hearing. Commissioner Young made a motion, seconded by Commissioner Shields, to approve “An Ordinance of the Macon County Board of Commissioners for An *Amended and Restated* “Subdivision Ordinance of the County of Macon, North Carolina.” The vote was unanimous, and a copy of the ordinance is attached [\[Attachment 2\]](#).

(B) **PUBLIC HEARING REGARDING THE AMENDED AND RESTATED MACON COUNTY SIGN CONTROL ORDINANCE:** At 6:21 p.m., Chairman Tate called the public hearing on the amended and restated sign control ordinance to order. Mr. Ridenour stated there were no substantive changes to the ordinance, just some revisions referring to previous chapters of the N.C.G.S. which have now been changed to 160-D. With no one from the public wishing to speak on the ordinance, at 6:23 p.m. Chairman Tate closed the hearing. Commissioner Beale made a motion, seconded by Commissioner Shields to approve “An Ordinance of the Macon County Board of Commissioners for An *Amended and Restated* “Sign Control Ordinance of the County of Macon, North Carolina.” The vote was unanimous, and a copy of the ordinance is attached [\[Attachment 3\]](#).

(C) **PUBLIC HEARING REGARDING THE AMENDED AND RESTATED MACON COUNTY SEXUALLY ORIENTED BUSINESSES ORDINANCE:** At 6:23 p.m. Chairman Tate called the public hearing on the amended and restated sexually oriented businesses ordinance to order. Mr. Ridenour stated there were no substantive changes to the ordinance, just changes to reflect the new statute. With no one from the public wishing to speak on the ordinance, at 6:24 p.m. Chairman Tate closed the hearing. Commissioner Shields made a motion, seconded by Commissioner Beale to approve “An Ordinance of the Macon County Board of Commissioners for An *Amended and Restated* “Sexually Oriented Businesses Ordinance of the County of Macon, North Carolina.” The vote was unanimous, and a copy of the ordinance is attached [\[Attachment 4\]](#).

PUBLIC COMMENT PERIOD: [Peter Stern](#) provided a handout [\[Attachment 5\]](#) to the board along with a number of other documents and spoke about voter integrity. Mr. Stern stated he had also shared these exhibits with the Macon County Board of Elections and believes these support his position that the

machines and software used by Macon County are not safe, secure or reliable. Mr. Stern suggested the commissioners immediately order the equipment withheld from further use and execute a full forensic audit of the equipment, software and data by a competent, qualified and disinterested third party cyber security contractor. Mr. Stern stated that any further elections should be on serial number paper ballots by qualified voters whose identities are fully verified, and that ballots be manually counted, audited and verified in the presences of qualified observers from all stakeholder parties. Mr. Stern stated that mail-in ballots should be handled in the same manner. Commissioner Beale asked about the response from Mr. Stern's presentation to the Board of Elections. Mr. Stern stated they have not yet commented on it and that they seemed stunned when he presented it and have never heard of anything like this before. Mr. Stern stated that because their meetings are not open to public forum he has not been able to follow-up but has been told he will be on the agenda for the next public comment opportunity. **Brian Penland** with the Macon County GOP College Team and a student at Western Carolina University (WCU) majoring in Business Leadership and Entrepreneurship shared a project selected last fall by the team to raise awareness regarding the pay of the Macon County Sheriff's Department. Mr. Penland stated that there are currently 10 vacant deputy positions and approximately 13,000 calls per year which alone should raise awareness to the challenges to keep our community safe. Mr. Penland shared that local business supported leaving binders in their businesses, and high profile leaders like U.S. District 11 Representative Madison Cawthorn also supported the movement. He stated that so far over 3,000 signatures from those binders have been obtained supporting Sheriff's Deputies needing fair pay for their work. Mr. Penland thanked the board for allowing him to speak and consider the information provided. **Evan Pritikin**, a member of the Macon County GOP College Team and a Business and Entrepreneurship student at Southwestern Community College, stated the team and 3,000 citizens support the decision to improve the pay for sheriff's deputies. Mr. **Pritikin** stated that he has grown up in Macon County having attended elementary, middle and high school in Macon County before graduating in 2019. He shared that he has seen the effect that drugs have had on his fellow graduates as well as having worked in a restaurant where he has seen the effects of being down 10 deputies. He stated he was not placing all the blame for drug use in Macon County on the vacant positions but believes that the shortage has led to the 91 percent increase in drug investigations and the 157 percent increase in felony warrants in the past three years. He acknowledged that the sheriff's team is doing outstanding work with an overall decrease in crime which would only get better with a full staff. Mr. **Pritikin** indicated that the 13,000 calls answered by the department is 82 percent more than the Highlands Police Department and 29 percent more than the Franklin

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Police Department, all while being down 10 deputies. **Turner Page**, a member of the Macon County GOP College Team and a student at WCU majoring in Business Leadership and Entrepreneurship, shared that he works at a local funeral home and sees the effects of drugs in our county, having seen deaths from overdose or suicide due to their addiction and believes that we need as many deputies as possible in order to slow the drug problem. **Veronica Parrish**, a member of the Macon County GOP College Team, spoke about her experience as an intern with the Macon County Sheriff's Department this past summer. Ms. Parrish stated that once she finishes her criminal justice degree she would like to become a sheriff's deputy, but that she makes almost \$5 more per hour at her current job than the deputies do right now. She stated she does not believe this is fair to the deputies who are out risking their lives. **Narelle Kirkland** spoke about a complaint she presented about the Little Tennessee River Greenway in April and said the very next day someone was there to put a chain up to prevent use of the section. Ms. Kirkland stated she would like to get back to using the greenway but that section needs to be opened back up. She requested the board use emergency funding or whatever funding was available to repair the section even if a temporary fix that opens up part of the path can be accomplished. **Dylan Castle** reminded the board that he spoke about accountability at the last meeting. He stated he believes that accountability goes hand in hand with leadership and that any leader or team who does not experience accountability is not a true leader. Mr. Castle stated that his understanding is that most of the decisions with regard to COVID and the health crisis for those that want to buy in to that are being made by the health director. And, he said, a lot of her information specifically is being passed down through the North Carolina Health and Human Services who gets a lot of its guidance from the Centers for Disease Control (CDC) and unfortunately Dr. Anthony Fauci. Mr. Castle asked if the members were okay with this chain he has presented. He stated he feels the majority of Macon County would not be okay with this chain because the information provided is not accurate. Mr. Castle asked who is going to hold the health department and the leadership there accountable? He stated that he understands that the county board of commissioners has a level of accountability with the health director. Chairman Tate stated that it is the Macon County Board of Health and confirmed that this board (the commission) does not have any direct accountability for the health director, hiring or firing authority, nor listening to their recommendations. Mr. Castle stated his concern is that no one is pushing back or questioning the recommendations of the health director and that everyone is just complying with what she says. He shared that he believes a lot of the data and information is being manipulated and asked if this board planned to speak on behalf of the

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county as you represent us – where is the leadership showing you agree with what we agree with? **Rebecca Tipton** spoke about her concern for COVID treatment in Macon County. She shared her recent experience when her husband was hospitalized for COVID and that it was too late for him to receive the monoclonal antibody treatment. She asked if the board monitored the availability of that type of treatment because she does not feel it is well publicized. Ms. Tipton stated at the previous meeting that Public Health Director Kathy McGaha had said the vaccine was the answer instead of having a treatment center in Macon County. Ms. Tipton said she would submit that as a narrow-minded approach to COVID because a vaccine is not a treatment and as the research is showing, people who are fully vaccinated can still come down with the disease and still transmit the disease. Ms. Tipton requested someone look into the health department doing more to promote monoclonal antibody treatment for the public and to raise awareness about that. She referred to an article in the Washington Post several weeks ago that indicated that only about 30 percent of people who are eligible for the monoclonal antibodies are actually getting them which is really bad for the people having to go in to the hospitals. She shared that her husband almost got transferred to a hospital six to eight hours away because of the system being overtaxed. She further shared that her husband was hospitalized three different times, sent home and a couple of days later re-hospitalized because his condition would worsen. Ms. Tipton said she can't help but wonder if we are overtaxing our hospital resources unnecessarily by not having other options that are pushed in the public eye especially early treatment. Commissioner Young stated that he had spoken with the lady who administers the treatment and was told that she can treat three to four patients per day and he supports having the antibody treatment as an option. Commissioner Shields stated the health director had said the treatment was available at both Angel Medical Center and Highlands- Cashiers Hospital and it requires a doctor's order and the patient has to meet the eligibility risk factors. Commissioner Beale stated that there is a limited number of doses of the treatment to states and counties because it is an intravenous medicine. Ms. Tipton again requested a public relations push to make the community aware of what the benefits of early treatment are and the availability. Commissioner Higdon stated that he believed it would be good for the health department to make a public announcement as to sources and options for COVID treatment at its next board meeting and requested that Ms. Tipton attend that meeting and give the same presentation. He said he believed in the press releases regarding deaths or other information that equal weight should be placed on advertising treatment options and not just vaccines.

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

- The addition of Item 10C under Old Business regarding an update on the Nantahala Library and Community Club Building.
- The addition of Item 12G under the Consent Agenda for the Tax Settlement Report and Release of 2010 Taxes.

Macon County Airport Authority – Jack Horton, Vice-Chair of the Macon County Airport Authority, addressed the board in regard to two items:

- (1) Presentation of the annual report – Mr. Horton shared that the airport authority recently had a retreat/planning session for the first time. He stated that Mark Davidson, President of the North Carolina Airport Association, facilitated the retreat. Mr. Horton indicated that in addition to the board members, three engineers from WK Dickson, Caleb Whitby, Airport Project Manager at the North Carolina Department of Transportation (NCDOT) , and Bob Scott, photographer, were present. Mr. Horton stated that the airport authority will be making regular reports back to the board in the future. He emphasized the economic importance of the airport in our community, indicating the airport is responsible for 130 jobs, generating over \$6.5 million and more than \$700,000 in state and local taxes. Mr. Horton introduced Pete Haithcock, the secretary/treasurer for the authority, who gave an overview of some of the projects which have been completed at the airport as well as a usage report by businesses, private individuals, military and wildfire response teams. Mr. Haithcock also shared that the airport is part of the disaster recovery chain and is one of the only airports that can receive supplies flown in for emergency situations. He indicated that taxes are paid on the aircraft that are hangered here which brings in additional revenue as well. Mr. Horton shared that more events are going to be planned at the airport which can be enjoyed by the community, that the website is going to be updated and a new Facebook page is going to be created.
- (2) Request for matching funds for grant for fuel farm construction – Mr. Horton reviewed an application to repair the very outdated fuel farm at the airport. NCDOT approved the application for a fuel farm replacement and the funding requires only a 10 percent local. The cost of the project is going to be around \$1 million which will bring the facility up to date, offer more storage and accommodate self-service fuel options. Mr. Horton stated in the future they would like to pursue a WAAS (Wide Area Augmentation System) which allows pilots to access runway ends in poor weather conditions and those like ours where instrumentation does not work. A motion was made by Commissioner Beale, seconded by Commissioner Shields, to approve the budget amendment for the capital project, to approve the capital project ordinance and to authorize the finance director to sign a letter committing the funds, and the vote was unanimous.

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Consideration of revised county pay scale – Mr. Roland presented the outcome of the recent salary survey via a Prezi slide presentation. He stated that there has not been any adjustment to the county pay scale since the last pay study conducted by Springsted in Fiscal Year 2014 which only adjusted the pay of incoming employees. He indicated that in Fiscal Year 2017 the Pay Plan Committee addressed issues with compression. Mr. Roland shared the pay scale is now eight years old and with rising wages in both the public and private sectors the county is having difficulty recruiting highly qualified and trained individuals. He stated there are 21 public safety vacancies, 18 vacancies in health and human services and eight vacancies throughout other departments which equates to about 13 percent of the county’s 360 full-time employees. Mr. Roland indicated the goal was to develop a compensation program that is externally competitive and internally equitable. He indicated that the tools used to accomplish the goal included: (1) a market data survey analysis provided by Arthur J. Gallagher Consulting which included data from 22 responding organizations, (2) the UNC School of Government County Salary Study released in April 2021 which includes all North Carolina counties and all county positions, (3) Southwestern Commission salary study of all seven western counties and municipalities released in March 2021 providing a regional view, and (4) NCWorks job postings which were monitored daily. Mr. Roland emphasized the most valuable tool in this process was the Macon County Pay Plan Committee stating he could not express how hard each of those members worked to see the project through. He shared the members included the Sheriff, Emergency Management Director, IT Director, Solid Waste Director, Health Director, DSS Director, Finance Director, Purchasing Agent in Finance, HR Director, HR Analyst and HR Coordinator. Mr. Roland said the committee had gone to great lengths to include department heads and employees throughout the process. He indicated that we now have a market aligned pay-scale which is externally competitive and internally equitable with the employee’s placement within the pay grade dependent on years of service. Mr. Roland provided a handout **Attachment 6** of the new pay scale to board members which included the new as well as the current pay grades and classifications. After a review of how the implementation of the new structure works, Mr. Roland ended by stating “we have accomplished what we set out to accomplish and no new review is required” and indicated that of the \$1,876,758 budgeted for the reclassification reserve, a balance of \$189,028 will remain in non-departmental plus the \$896,503 approved with the tax increase which will be placed in contingency for a total of \$1,085,531 which can be used for one-time capital items such as the Macon Middle School Locker Room project, the Franklin High School project, the Southwestern Community College (SCC) “burn building,” and SCC renovations to the former National Guard Armory. After a brief discussion, Commissioner Young made a

motion, seconded by Commissioner Shields to approve the new pay scale as presented, and the vote was unanimous.

Use of American Rescue Plan Act Coronavirus Local Fiscal Recovery Funds (ARP/CLFRF)

– Mr. Roland reported that counties all across the state as well as in this region as well as counties in adjoining states are investing their American Rescue Plan funds into their employees. He indicated that the county will receive \$6.94 million and due to the trends in employment that we are seeing, if we do not follow suit and do the same we will leave here today in the same position we are currently in. Mr. Roland presented a plan detailing premium pay for essential employees which would provide \$2.00 per hour for all part-time and full-time employees for each hour worked from April 26, 2021 through October 20, 2024. He indicated lump sum payments would be issued every six months. Mr. Roland reviewed the other allowable uses for the funding, such as: (1) addressing COVID public health where this plan would cover payroll costs in the health department, (2) addressing COVID economic impact which has limited statutory authority, (3) replace lost revenue but, we have not experienced a loss, and (4) infrastructure investments like broadband but limited statutory authority also exists. He stated the funds must be obligated by December 31, 2024 and by investing the funds in our most valuable asset puts us across the goal line used in his analogy to recruit retain and equitably pay employees. Mr. Roland shared the policy which had been provided to board members for review had just been finalized on this date [Attachment 7] but that approval was crucial at this time to avoid continual loss of employees. After some discussion, a motion was made by Commissioner Beale, seconded by Commissioner Shields, to approve the premium pay plan as presented and the vote was unanimous.

Continuation of Work First (TANF) Program “Electing County” status

– Patrick Betancourt, the Director of the Department of Social Services, reminded board members that in September 2017 the board last voted to continue Electing County status. He stated that Macon is one of seven counties which must renew their status for the TANF (Temporary Assistance to Needy Families) program also known as Work First. Mr. Betancourt explained that electing county status gives counties the ability to implement additional state approved requirements on TANF applicants and recipients that document work accountability and requires they demonstrate progress toward self-sufficiency before they can receive any benefits. He indicated that Macon County has participated in this program for the past 24 years and that participation has allowed us to offset county dollars for services by more than \$5.5 million; receiving approximately \$183,176 to offset the county dollars. Commissioner Beale made a motion, seconded by Commissioner Shields, to approve Electing County status as presented by Mr. Betancourt and the representatives of the Welfare Reform Committee that had been provided. The vote was unanimous.

Macon County Transit plans and policies – Darlene Asher, Transit Assistant Director, told the board she was requesting approval for three items, each of which is described below:

- (1) System Safety Plan – Ms. Asher shared the results of their system safety review conducted in August. She indicated they had two deficiencies and the department has since put a system in place to correct those, which required an addition of a key control process. Ms. Asher said this addition has been vetted by the county attorney and NCDOT and there were no other changes to the plan and it will not have to be brought before this board again until next year. Commissioner Higdon made a motion, seconded by Commissioner Young to approve the plan as presented. The vote was unanimous.
- (2) Zero Tolerance Policy (Drug and Alcohol) – Ms. Asher stated that this policy has been updated to be consistent with the new template provided by FTA. She said they were no substantive changes and the policy has been vetted by NCDOT and the county attorney. Commissioner Higdon made a motion, seconded by Commissioner Beale, to approve the plan as presented. The vote was unanimous.
- (3) Title VI Policy – Ms. Asher stated this policy is required in order for the department to apply for grants. There are no substantive changes to this policy, which has also been vetted by the county attorney and NCDOT. Commissioner Young made a motion, seconded by Commissioner Higdon, to approve the plan as presented. The vote was unanimous.

Copies of all three documents are on file in the deputy clerk's office.

Change orders #011 and #010 on Macon Middle School Renovation – Planning, Permitting and Development Director Jack Morgan reviewed the details of the change order related to the fire alarm system at Macon Middle School (MMS) in the amount of \$36,790.95. A motion was made by Commissioner Beale, seconded by Commissioner Shields, to approve Change Order #011 and approve the corresponding budget amendment in the amount of \$36,791.00 from contingency. The vote was unanimous. Chris Coleman from SGA Architects indicated that information and a letter requested at the last meeting had been forward to Mr. Ridenour. Mr. Ridenour acknowledged receipt of that information and indicated it had been forwarded to the board members for review. Mr. Coleman stated the air handler in the basement cannot be replaced until a set of double doors are installed to allow access for the removal. He shared the current units are boiler units and are being replaced with gas-fired units which also required some additional modifications to existing equipment. The total for Change Order #010 is \$124,709. Commissioner Beale stated there has always been a problem regulating the heat and air conditioning in that facility and making these modifications is going to save us money in the future. Frank Harris with Mid Atlantic Contracting, Inc. shared that an issue with the electrical panels has been discovered in which the original drawings showed a 400-amp panel but at some point in time the panel was upgraded to a

600-amp panel. He stated they are trying to resolve the issue and have installed a monitoring system on the panel which will monitor activity for the next 30 days at which time they should have sufficient information to determine how to move forward. A motion made by Commissioner Shields, seconded by Commissioner Young, to approve Change Order #010 and approve the corresponding budget amendment in the amount of \$124,709 from contingency. The vote was unanimous. Finance Director Lori Carpenter shared that these actions leave a balance of \$473,544 in the project's contingency fund. Copies of the change orders are attached [Attachments 8 and 9 respectively].

Rejection of bids on the MMS locker room project – Commissioner Young stated that bids on the locker room project at MMS had been received and were much higher than expected, averaging around \$2.3 million. He shared that other options have now presented themselves which would allow for a 25 percent cheaper option. Commission Young made a motion, seconded by Commissioner Shields, to reject the bid received on August 18, 2021 from New Atlantic Contracting, Inc. in the amount of \$2,347,000, and the vote was unanimous.

Discussion/consideration of architect for Franklin High School project – Commissioner Young shared that a Request for Qualifications had been advertised with eight different companies responding. He said the planning committee had narrowed those down to three and those three were interviewed and LS3P was the firm recommended. Commissioner Shields stated that three school board members were a part of the committee and the final recommendation has to come from the school board to this board. Commissioner Shields made a motion, seconded by Commissioner Young, to enter into negotiations with LS3P contingent upon receiving authorization from the school board to move forward. The vote was unanimous.

Scheduling of public hearings for the November 9, 2021 regular meeting for the following:

- (1) Amendments to the Soil Erosion and Sedimentation Control Ordinance
- (2) Amendments to the Voluntary Farmland Preservation Ordinance
- (3) Amendments to the Watershed Protection Ordinance

Commissioner Beale made a motion, seconded by Commissioner Young, to hold a public hearing one each of the three ordinance amendments at the November 9, 2021 meeting, and the vote was unanimous.

CONSENT AGENDA: Upon a motion by Commissioner Young, seconded by Commissioner Shields, the board voted unanimously to approve the consent agenda as presented which includes: (A) Minutes of the September 14, 2021 regular meeting, (B) Budget Amendments #67-77, (C) Tax releases, (D) Updates to the Macon County Public Health fee plan, (E) the 2022 County Holiday

Schedule, and (F) the monthly ad valorem tax collection report, for which no action is necessary. The addition of Item (G), the Tax Settlement Report and Release of 2010 Taxes, was reviewed and discussed separately. Commissioner Shields made a motion, seconded by Commissioner Beale, to approve Item (G) as presented. The vote was unanimous.

APPOINTMENTS: None.

CLOSED SESSION – At 9:19 p.m., upon a motion by Commissioner Young, seconded by Commissioner Shields the board voted unanimously to go into closed session as allowed under NCGS 143-318.11(a)(5) regarding the acquisition of real property with a plan to take no action following the closed session. At 9:29 p.m. upon a motion by Commissioner Higdon, seconded by Commissioner Beale, the board voted unanimously to come out of closed session and return to open session. No action was taken.

ADJOURN: With no other business, at 9:29 p.m., upon a motion from Commissioner Higdon, seconded by Commissioner Young, the board voted unanimously to adjourn.

Derek Roland
Ex Officio Clerk to the Board

Jim Tate
Board Chair