



MACON COUNTY BOARD OF COMMISSIONERS
July 9, 2024
REGULAR MEETING MINUTES

Chairman Shields called the meeting to order at 6:00 p.m. All Board Members, County Manager Derek Roland, Deputy Clerk Tammy Keezer, Finance Director Lori Carpenter, and County Attorney Eric Ridenour were present, as were a number of county employees, media, and citizens.

At 6:01 p.m. Chairman Shields made a motion, seconded by Commissioner Antoine, to move the meeting to Courtroom A on the fourth floor of the Macon County Courthouse, located at 5 West Main Street, Franklin, N.C. due to the large number of citizens present. Motion by Shields, seconded by Antoine to recess to Courtroom A. The vote was unanimous. Chairman Shields called the meeting back to order at 6:13 p.m.

ANNOUNCEMENTS:

(A) Ms. Keezer announced that an inspection had been performed on the Senior Services Center and that no ADA issues were found. The safety inspection team has a meeting to discuss the inspection scheduled for the end of July with DSS Director Patrick Betancourt and Senior Services Administrator Jennifer Hollifield. The inspection results will be discussed at this meeting and the team will work with Mr. Betancourt and Ms. Hollifield to identify any other programmatic, space, or parking issues the Senior Center try and come up with ideas for addressing the same. Ms. Keezer said she will plan on bringing the report to the Board of Commissioners in August to discuss potential next steps.

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

PLEDGE OF ALLEGIANCE: Led by Commissioner Young, the pledge to the flag was recited.

PUBLIC HEARING(S):

Proposed Amendment to the Macon County Soil Erosion and Sedimentation Control Ordinance – Commissioner Shields opened the public hearing at 6:25 p.m. and Mr. Roland introduced Caleb Gibson as the County Planner who will be appointed tonight as the Ordinance Administrator. Mr. Gibson gave an overview of the changes to the ordinance saying that the proposed change is to increase the area requiring a sediment and erosion control plan from a design professional from a half acre to one acre. He said this proposed change has already been approved by the Planning Board. The public comment portion of the hearing included the following: **Sarah Johnson** spoke in opposition to changes to the ordinance and talked about protected species living in the waters that are impacted by soil erosion and sedimentation. **Susan Irvin** said we have

all seen muddy waters in the area and requested the Board take things slower and choose to have clear water treating land as more than a commodity, but with respect and as the land we love. **Kelly Moore** said she was representing Mountain True and asked that the ordinance remain as it is. She clarified that the change is about disturbing a half acre of land not about developing a half acre of land. **Rob James** said he was opposed to the proposed changes to the soil erosion ordinance and shared memories of fishing on the Little Tennessee and never catching a fish due to the dirty waters and of the aftermath of Hurricane Ivan and how dirty, thick, and orange the river was. **Don Reece** said his passion is clean water, and clean streams for everyone and stated he wonders why the Board would want to loosen the current restrictions. He said he hopes the Board will do the right thing and speak to the experts and FEMA. **Angela Faye Martin** said she has pictures showing violations of soil erosion and sedimentation control and had spoken to Planning Director Joe Allen in the past and was told she needed to come in and file a complaint. She asked that no changes be made to the ordinance. **Pam Walker** said she is a new resident of Macon County and is here because of the people and how they appreciate the land. She requested no changes to the ordinance. **Brian Almedia** was not present when his name was called so his wife Stephanie spoke on his behalf. She said she lives by a wetland that Josh Young just sold and that before the sale the piece of property was landlocked and she is upset about that changing. She then spoke about wanting people to come together to develop a plan to spend the opioid money that is in the bank to save our youth yet we are talking about filling in land to make more money.

Commissioner Shields made a motion, seconded by Commissioner Young to close the public hearing at 6:50 p.m. The vote was unanimous. Commissioner Shearl said he hears everyone with the complaints and concerns and that this is not a new sedimentation issue. He said if we have issues with construction sites maybe we should increase the permitting of those sites and issue a hefty fine on erosion control issues. Commissioner Shearl asked Mr. Gibson what the requirements for the state are regarding land disturbance. Mr. Gibson said they are one acre. Commissioner Young said he wanted to respond to Ms. Almedia's comment and stated he sold the land and purchased the motel across from Tractor Supply and cleaned the hotel up to help with the drug activity happening there. Commissioner Higdon asked Mr. Gibson about how many ordinances he had to oversee. Mr. Gibson said there are ten or so ordinances that he is responsible for enforcing. Commissioner Higdon asked how many people Mr. Gibson has working for him and Mr. Gibson said none. Commissioner Higdon said he thinks if we don't have enforcement then we are just providing lip service and there is no way that Mr. Gibson can properly address all the issues that Macon County has with the ordinances. Commissioner Shields made a motion, seconded by Commissioner Antoine to table the decision and pick it up again in August at the regularly scheduled meeting. The vote was 3-2 with Commissioner Shields, Commissioner Antoine, and Commissioner Higdon voting in favor of the motion and Commissioner Young and Commissioner Shearl opposed.

Proposed Amendment to the Macon County Watershed Protection Ordinance

– Commissioner Shearl made a motion, seconded by Commissioner Young to open the public hearing at 7:07 p.m. The vote was unanimous. Mr. Gibson explained the recommended changes to the ordinance saying the change was to allow RV Parks as a business to be established in the watershed. The public comment portion of the hearing included the following: **Lee Walters** said he feels RV Parks should be treated the same as homes are in that area. **Sarah Johnson** said she is opposed to allowing RV parks to obtain a non-residential specialty allocation and believes this will also take up a lot of agricultural land. **Betsy Baste** asked why you would want to change something that is protecting this beautiful county that we love. She said what works for other topographies does not work for ours and that hefty fines on hefty checkbooks make no

difference and the damage is already done by the time a fine is imposed. **Don Reece** said RV's on a septic tank is not a good thing and the county should instead expand and approve sewer systems. **Angela Faye Martin** said that when she is on the river every RV Park she passes is destroying the riverbanks. She said they do not realize that by cutting the river banks they are increasing the habitat for venomous snakes and killing the habitat for other insects. **Rob James** said he opposes RV parks. **Paul Chew** said he does no-till farming where the water soaks into the ground because any time the soil is disturbed there is erosion and sedimentation. **Brian Almedia** was not present when his name was called.

Commissioner Shields made a motion, seconded by Commissioner Shearl to close the public hearing at 7:28 p.m. The vote was unanimous. Commissioner Shearl said as human beings we all have our interests. Commissioner Young said this issue is not about putting RV Parks in the flood plain but putting them in the watershed. Commissioner Shields made a motion, seconded by Commissioner Antoine to table the issue to the September regular meeting. The vote was 3-2 with Commissioner Shields, Commissioner Antoine, and Commissioner Higdon in favor of the motion and Commissioner Young and Commissioner Shearl opposed.

Proposed Amendment to the Macon County Flood Damage Prevention Ordinance – Commissioner Shields made a motion, seconded by Commissioner Young to open the public hearing at 7:30 p.m. The vote was unanimous. Mr. Gibson explained that the current ordinance does not allow for any fill dirt in the flood plain but that the proposed change allows up to 25 percent fill on a parcel of land in the flood fringe and that anything over 25 percent will require an approved No Adverse Impact Certification. He said this was modeled after Brevard and Transylvania County ordinances which were more strict than others and feels we landed in the middle of the road on the proposed change. The public comment portion of the hearing included the following: **Bob Cook** spoke in opposition to changes to the flood plain ordinance and shared his opinion on what impact allowing fill in the flood plain would have where he lives. **Lee Walters** spoke about the flood fringe and provided a handout to the Board. He said minor amounts of fill should be allowed, but that even though a higher amount of fill on a single property may not make an impact there is a cumulative effect. **Sarah Johnson** said she was opposed to all changes and believes these weaken the protection of the flood plain. She said no experts have been called on this and wanted to know if the Board plans to call experts. **Jordan Smith** representing Mainspring Conservation Trust said any weakening of the current ordinance would damage properties downstream. He said Mainspring opposes the changes. **Doug Woodward** said he served on the subcommittee to find the space for a new landfill years ago and said there were no commissioners on the subcommittee and that the subcommittee sought out experts. He asked where these proposed changes are coming from when we have a very strong ordinance in place. **Bill McKlarney** spoke in opposition to changes to the ordinance and said he knows there is at least one petition being circulated. **Alex Haiss** said he opposes changes to the ordinance and spoke about a petition he created. He said he has received 292 signatures from Macon County residents as well as those who visit here. **Canon Woodard** said he opposes making these changes. **Mark Little** said in his opinion there is not enough information to know what will happen if these changes are made. He said he has not read the ordinances but feels that the 25 percent that he read about in the newspaper is too much and does not make sense. **Scott Baste** said there is no one here who is speaking in favor of the changes and does not understand why we are discussing this and trying to create an issue where one does not exist. **Rob James** said he opposes adding 25 percent fill to the flood plain. **Callie Moore** representing Mountain True asked the Board to retain the ordinance as it is. She said preserving our farmland is good for our community, and for clean water, and spoke about the

cumulative impact. **Kenneth McCaskill** said he was representing the Macon County Farm Bureau Board of Directors who are opposed to any changes. He shared they are opposed to losing any more agricultural land. He also said when building is allowed in a flood plain you are adding to emergency services and then FEMA has to come in when we have a disaster. Mr. McCaskill said when lives are lost you can't replace them. **Monica Barbour** speaking on behalf of the residents of the waterfront subdivision of Cherokee Landing said she has a petition signed by 32 of their residents stating they are opposed to any changes. **Lewis Penland** spoke about his experience as an engineer working with floodplain development issues and asked if the floodplain maps were going to be updated each time fill was added to a piece of property. He said the Board needs to think about the future and sit down and work together and discuss this and added that imposed fines do not work, but that having a stop order will get their attention. **Carolyn Porter** said she opposed changes. **Chris Brauer** said it is too easy to underestimate the impacts and power of water and stated he opposes changes. **Don Reece** spoke in opposition to changes. **Angela Faye Martin** spoke in opposition to changes. She said she does not want anyone to tell her what she can and cannot do on her property.

Commissioner Shields made a motion, seconded by Commissioner Young to close the public hearing at 8:37 p.m. The vote was unanimous. Commissioner Antoine made some comments stating he had learned a lot from hearing what everyone had to say. He said supports keeping all of these ordinances as they are with no changes and would have preferred to vote tonight and then re-visit at some time in the future with a lot more information. Commissioner Young shared issues that he sees with the current ordinances as he feels there is no allowance for compromise. Commissioner Shields made a motion, seconded by Commissioner Young to table this issue to the October 2024 regular meeting. The vote was unanimous.

At 8:51 p.m., Commissioner Shields called a ten-minute recess and called the meeting back to order at 9:00 p.m.

PUBLIC COMMENT PERIOD: **Andy Muncey** spoke about the Coweeta River. He said he thinks it is important to have some enforcement of the ordinances. **Ryan Kuba** spoke about a property owned by Macon County on No Name Road. He expressed his thanks to Ms. Keezer and the other County employees who took quick action following his phone call about the condition of the structure.

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

- To move Item 13A Appointment of Planning, Permitting, and Development Ordinance Administrator under Appointments, before Reports and Presentations as a courtesy to Mr. Gibson who was present for the public hearings, per Mr. Roland.

REPORTS/PRESENTATIONS:

- (A) BROADBAND COMMITTEE UPDATE** – Jeff Lee, Macon County Broadband Consultant provided a PowerPoint presentation to share an update from the committee indicating that a project has been awarded to BalsamWest to expand broadband to the areas of Cullasaja, Sanderstown, part of Ellijay, Highway 64 gorge area just north of Highlands, and parts of Nantahala. He provided an update on all the funding that has come into Macon County for broadband expansion. Mr. Lee said all five locations in Nantahala are

connected which consist of Nantahala Volunteer Fire and Rescue, Nantahala Volunteer Fire and Rescue Substation, Nantahala Library and Community Center, EMS, and the recreation park. A copy of his presentation is available in the office of the Clerk to the Board.

- (B) HIGHLANDS PLAYGROUND** – Brian Stiehler, Town of Highlands Commissioner and Mayor pro temp said the project began with a \$50,000 donation to get a playground project started which will expand the current playground which only has a slide and a couple of swings. He said the Carolina Parks and Play plan and design is for this to be a fun and educational place to be. Mr. Stiehler said there are four avenues of funding being proposed: 1) They have applied for a \$500,000 PARTF grant and expect to hear about awards in August, 2) The Town of Highlands has given \$250,000, 3) Private funding is anticipated to be \$500,000 to \$600,000 with \$200,000 already raised as of today, and 4) a request for Macon County to provide \$350,000 (20 percent of the project cost). Town of Highlands Commissioner Jeff Weller said they are hoping to raise the funds by the end of summer or early fall and then put the project out to bid with a plan to start construction in the spring. Commissioner Young said he couldn't think of a better project to support. Commissioner Shearl said he is a liaison to the recreation board and this is a great way to spend funds for the return on investment and made a motion, seconded by Commissioner Young, to pledge \$350,000 out of the general fund balance. The vote was unanimous.

OLD BUSINESS:

(A) UPDATE ON THE BDA (BI-DIRECTIONAL AMPLIFIER) SYSTEM FOR MACON MIDDLE SCHOOL – Project Manager Jack Morgan said the

system has been installed and tested. He reported that testing on six other schools – South Macon, Cartoogechaye, Iotla Valley, East Franklin, Nantahala, and Highlands began in June. Mr. Morgan said that South Macon passed the test while East Franklin, Cartoogechaye, Iotla Valley, Highlands, and Nantahala failed the test. He indicated that he has asked for proposals to repair or replace the systems and will come back to present those and see how the board wants to proceed. Mr. Roland said funding to the schools was increased this fiscal year by \$100,000 and if the school chooses to select one of these as a capital project they can do that. Mr. Morgan recommended adding the system to the Highlands School project for installation while the school is being renovated rather than after the construction is complete.

(B) DISCUSSION REGARDING THE FRANKLIN HIGH SCHOOL PROJECT FINANCING AND SCHEDULE OF PUBLIC HEARING FOR AUGUST 13, 2024 – Mr. Roland requested approval of the notice of public hearing for

financing of the Franklin High School project for August 13, 2024, which will allow us to stay on schedule for the project and to be on the LGC (Local Government Commission) meeting schedule on September 10, 2024, with bond sell on September 11, 2024, and close on the public sell on September 26, 2024. Commissioner Shields made a motion, seconded by Commissioner Young to approve the notice as requested. The vote was unanimous.

(C) CONSIDERATION AND APPROVAL OF INTER-LOCAL AGREEMENTS WITH MACON COUNTY BOARD OF EDUCATION

- 1. Macon Middle School Track Project** – Attorney Ridenour indicated that Section II, paragraph H, the last sentence should read as “at the time this agreement is executed available funding consists of remaining contingency funds from the LLB project the amount of

\$750,800 and an appropriation approved by the County Commission at its regular meeting on May 14, 2024, in the amount of \$180,000". Commissioner Higdon made a motion to approve then changed the motion to postpone to August. The motion died for a lack of a second. Commissioner Young made a motion, seconded by Commissioner Antoine to approve the agreement as presented. The vote was 4 to 1 with Commissioner Antoine, Commissioner Shields, Commissioner Shearl, and Commissioner Young voting in favor of the motion and Commissioner Higdon opposed.

2. Franklin High School Project – Attorney Ridenour said the amount to be listed in section 3, G, 7 is \$137,624,444. Commissioner Young made a motion, seconded by Commissioner Shields, to approve the agreement as presented. Ms. Carpenter said she could not pre-audit the agreement or the agreement for the Highlands School because the money had not been appropriated yet. She said the Board can approve the agreement, but it cannot be executed because the funding has not been appropriated. The vote was 3 to 2 with Commissioner Shields, Commissioner Antoine, and Commissioner Young voting in favor of the motion and Commissioner Higdon and Commissioner Shearl opposed.

3. Highlands School Project – Attorney Ridenour said this agreement is correct as it is with the amount in section 3, G, 7 of \$8,575,068. Commissioner Shearl made a motion, seconded by Commissioner Shields to approve the agreement as presented. The vote was 4 to 1 with Commissioner Young, Commissioner Shields, Commissioner Antoine, and Commissioner Shearl voting in favor of the motion and Commissioner Higdon opposed.

4. Nantahala Septic Project – Attorney Ridenour indicated that no action was needed on this agreement at this time due to the unknown cost associated with the project.

(D) CONSIDERATION AND APPROVAL TO TRANSFER FUNDS FROM THE ECONOMIC DEVELOPMENT COMMISSION (EDC) FUND TO THE GENERAL FUND TO SUPPORT A PARTNERSHIP BETWEEN MACON COUNTY EDC AND THE MACON COUNTY SCHOOL CAREER AND TECHNICAL EDUCATION (CTE) PROGRAM BY PROVIDING PAID INTERNSHIPS FOR STUDENTS TO ASSIST PUBLIC AND PRIVATE SECTOR BUSINESSES – Mr. Roland introduced Colleen Strickland and Josh Brooks with the CTE program and said approval was needed to move \$250,000 to general fund to be used for internships for CTE students. Ms. Strickland said they have been working on this for three years and this allows them to work alongside employers in Macon County. Commissioner Young made a motion, seconded by Commissioner Shearl to approve the request as presented including approval of budget amendment 1. The vote was unanimous.

NEW BUSINESS:

(A) APPROVAL OF FIREWORKS PERMIT FOR PARTIES BY DESIGN FOR A WEDDING EVENT TO BE HELD ON JULY 26, 2024, AT OLD EDWARDS INN IN HIGHLANDS – Commissioner Higdon made a motion, seconded by Commissioner Young to approve the permit as requested. The vote was unanimous.

(B) APPROVAL OF RESOLUTION REGARDING KROGER OPIOID

SETTLEMENT FUNDS – Mr. Roland said we have approved receiving settlement funds two previous times and that from this settlement we will receive approximately \$159,269 over the next eleven years. He said the board needs to approve the resolution allowing him to sign on and submit into the system for Macon County to receive these funds. Mr. Roland said the resolution had been prepared by Attorney Ridenour by the guidance provided by the North Carolina Association of County Commissioners. Commissioner Higdon made a motion, seconded by Commissioner Shields, to approve the resolution as presented. The vote was unanimous.

(C) APPROVAL OF THE 2024 TITLE VI PROGRAM PLAN FOR MACON COUNTY TRANSIT

– Ms. Asher said every three years she is required to update this plan in order to receive federal funding. She indicated that the plan has been approved by the Office of Civil Rights and NC DOT. Commissioner Shields made a motion, seconded by Commissioner Shearl, to approve the plan as requested. The vote was unanimous.

CONSENT AGENDA: Upon a motion by Commissioner Higdon, seconded by Commissioner Shearl, the board voted unanimously to approve the consent agenda as presented which includes: (A) Minutes of the June 11, 2024, regular meeting, (B) Budget Amendments #2-22, (C) Macon County Solid Waste Records Disposal, (D) Monthly ad valorem tax collection report for which no action is necessary.

APPOINTMENTS:

(A) PLANNING, PERMITTING, AND DEVELOPMENT ORDINANCE

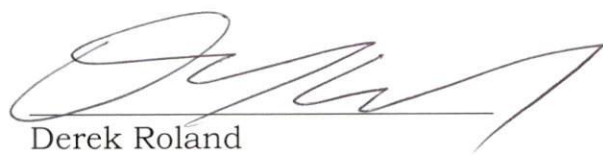
ADMINISTRATOR - Mr. Roland explained that County Planner Caleb Gibson would be fulfilling the role of Ordinance Administrator to oversee the local and state ordinances due to the resignation of Joe Allen who had previously filled that role. Commissioner Young made a motion, seconded by Commissioner Higdon, to approve the appointment of Mr. Gibson. The vote was unanimous.

(B) Macon County Library Board (1 seat)

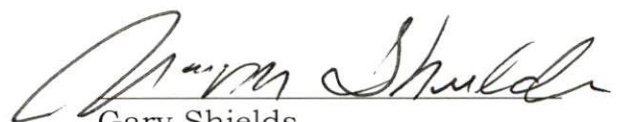
– Commissioner Antoine made a motion, seconded by Commissioner Shearl, to approve the appointment of Phillip Cucuru as requested. The vote was unanimous.

CLOSED SESSION: At 10:10 p.m., upon a motion by Commissioner Higdon, seconded by Commissioner Shearl, the board voted unanimously to go into closed session as allowed under NCGS 143-318.11(a)(3) to consult with an attorney to receive legal advice. At 10:23 p.m., upon a motion by Commissioner Shearl, seconded by Commissioner Higdon, the board voted unanimously to come out of closed session and return to open session.

ADJOURN: With no other business, at 10:25 p.m., upon a motion from Commissioner Higdon, seconded by Commissioner Shearl, the board voted unanimously to adjourn.



Derek Roland
Ex Officio Clerk to the Board



Gary Shields
Board Chair