



**MACON COUNTY BOARD OF COMMISSIONERS**  
**January 14, 2020**  
**MINUTES**

Chairman Tate called the meeting to order at 6:00 p.m. and welcomed those in attendance. All Board Members, the County Manager, Finance Director, County Attorney, members of the news media and interested citizens were present. Chairman Tate called for a five-minute recess to move the meeting to Courtroom A of the Macon County Courthouse, 5 West Main Street, Franklin NC 28734, due to the large number of attendees. Chairman Tate reconvened the meeting at 6:05 pm in Courtroom A of the Macon County Courthouse.

Abigail Braswell accompanied by her son AJ and husband Arnie, took the oath of office as Macon County Tax Administrator. Chairman Tate administered the oath.

**ANNOUNCEMENTS:** Commissioner Beale informed the board that he and the County Manager would return to Washington DC on February 28, 2020, to attend the National Association of Counties annual legislative conference.

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

**PUBLIC HEARING: N/A**

**PUBLIC COMMENT PERIOD:**

**Lee Berger** a retired Macon County Educator and President of the North Carolina Retired School Personnel's local unit addressed the board. Many retired educators were present in support of Mrs. Berger as she read aloud a "RESOLUTION FOR SUPPORT OF A REQUEST TO THE NC GENERAL ASSEMBLY FOR A TWO PERCENT COST OF LIVING ADJUSTMENT FOR NORTH CAROLINA RETIRED TEACHERS, TO BE INCLUDED IN THE FY 2019-2020' NC STATE BUDGET". The resolution comes following the North Carolina General Assembly's vote to provide retired teachers a .5% cost of living increase rather than the governors recommended 2% in FY 19-20'. According to the resolution, failure of the NC General Assembly to provide North Carolina Educators with regular cost of living adjustments has resulted in a \$22,899.36 cumulative

shortfall in income for a teacher who retired in 2007 with a baseline retirement income of \$25,000, considering a cumulative inflation rate of 18.1% from 2007-2018. Hard copies of the resolution were distributed to the board with a request to consider adopting the resolution tonight or at their regularly scheduled meeting in February. Commissioner Shields and Commissioner Beale requested the educators to return in February with a resolution addressing other current education issues including healthcare benefits for current educators as well as retirees.

**Donnie Holden** informed the board that he was present on his "own accord" to discuss making Macon County a Second Amendment Sanctuary. Mr. Holden then referred to a bill currently under consideration in the Virginia State Legislature that includes an assault weapons ban and numerous other limitations on firearms which Mr. Holden called a "direct overreach". Mr. Holden requested that Macon County join six other counties in North Carolina in "making a statement to the state and federal government that Macon County will not "impede on the Second Amendment Rights granted to American Citizens by the United States Constitution". Mr. Holden asked that the board schedule a vote to make Macon County a Second Amendment Sanctuary at their February meeting. Mr. Holden distributed information including a petition sent out by Dave Herd containing over 245 signatures to the board and said he would provide them with a sample resolution prior to the February meeting.

**Chris Browning** stated that he felt it was important for the board to adopt a resolution that was not "watered down" and was specific to Macon County. According to Mr. Browning, the resolution should clearly spell out cooperation between the Sheriff and Macon County Board of Commissioners, in the event that a lawsuit should arise.

**Tamara Zwinack** approached the board to discuss backyard businesses in Macon County. Ms. Zwinack cited a Macon County News article from Thursday January 9, 2020 titled "*Neighbors Dog kills 15 Chickens, Owner seeks more than restitution*" calling it a "very complex article". Ms. Zwinack went on to say that while she supports small businesses, she is concerned that the Haggards are running an egg selling business out of their back yard. Ms. Zwinack's main concern was for human safety including the potential for salmonella poisoning, if eggs are not handled and stored in a proper fashion. Ms. Zwinack asked the county to consider regulating these type businesses balancing consumer safety with the economic benefits of small businesses.

**Jeff Pritts** made a statement that Mark Robinson, candidate for Lieutenant Governor was at Jeff's Gun Shop tonight rather than last week, as reported by the media. Mr. Pritts apologized on behalf of Mr. Robinson for any confusion



and wanted everyone in attendance to know that Mark Robinson supported the Second Amendment and the Constitution.

**Eric Haggard** first addressed the “backyard business” issue pertaining to his chickens, as referenced by a previous speaker. “As far as a backyard business, we are talking about a couple dozen eggs a month, so it’s not a business it’s just what we do”.

Mr. Haggard went on to describe an incident that occurred on January 6<sup>th</sup> in which a “husky mixed breed dog” gained access inside a fenced in area in his backyard and “systematically murdered” 15 of his pet chickens. According to the professional opinion issued by a veterinarian at the time, the dog killed the chickens “for fun”. Mr. Haggard informed the board that he had indeed shot at the dog, which was his right. Mr. Haggard later identified the dog owner with the assistance of Animal Control and found that the owner had two other dogs previously labeled as “dangerous”. Mr. Haggard questioned how someone having two dogs previously labeled as dangerous was allowed to have any pets? He then requested the board to consider revising animal control laws, to prevent instances such as this from occurring again in the future. Sheriff Holland informed Mr. Haggard that if the dog was previously labeled “dangers”, it would have been required to be contained under the current Animal Control Ordinance. According to Mr. Haggard after speaking with Animal Control, the dog is still missing.

**Narelle Kirkland** expressed her opinion that leash laws were becoming increasingly important due to the increasing population in Macon County. Mrs. Kirkland went on to describe an instance in which she had been attacked by an un-leashed dog on the greenway. “It is important that pets are leashed when being brought into the public arena.” Mrs. Kirkland commended the board for the recently completed dog park and encouraged them strongly to finish construction and make it available to dog owners. In closing, Mrs. Kirkland requested the board consider using Powell Bill funds to complete greenway repairs.

**Susan Schlatter** informed the board that Eric Haggard was her friend. Mrs. Schlatter felt that the owner of the dog who killed Mr. Haggard’s chickens should be held accountable “in a manner that sends a message to all dog owners in the community”. Mrs. Schlatter urged the board to consider passing laws that hold serious consequences for pet owners in order to prevent something like what occurred to Mr. Haggard’s chickens from happening again in the future.

**Dave Herd** commended those who spoke in favor of making Macon County a Second Amendment Sanctuary. Mr. Herd said he too had started an effort in support of the Second Amendment Sanctuary designation and was unaware that similar efforts were taking place.



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

- To add item 9C under reports and presentations; Macon County Transit request to make grant application to Dogwood Health Trust Fund

**REPORTS AND PRESENTATIONS:**

**9A. Macon Citizens Habilities Program Update:** Christi Huff, Executive Director of Macon Citizens Habilities thanked the board for their continued financial support. Macon Citizens Habilities is a non-profit organization just under 100 employees, who serves individuals in Macon, Jackson and Haywood counties with intellectual and developmental disabilities. Over the past five years the MCH budget has increased from \$3.2M to \$4.7M as demand for services has continued to grow.

According to Mrs. Huff, MCH relies primarily on Medicaid funding and uses county funds to subsidize costs and services for those individuals not covered by Medicaid, as the group believes it is their responsibility to serve residents and citizens regardless of their income. In addition, county funds have been used in a job placement effort with the Macon County School Board that has resulted in successful placement of 14 students in competitive jobs in Macon County over the past two years. Following a request for clarification by Chairman Tate, Mrs. Huff informed the board that while MCH serves Macon, Jackson and Haywood Counties, the majority of services are in Macon County. Commissioner Gillespie thanked MCH for increasing their services without requiring additional county funds and asked her to recognize those board members in attendance which included; Harold Huscusson, Adele Doring, Judy Evans, Gene Pinkston and President Josh Owens.

**9B. Franklin Fire Department Sub-Station Update:** Franklin Fire Department Chief Matt Breedlove informed the board that the Town had recently received a certified letter from Chairman Tate requesting an update on the Franklin Fire Department Sub Station. According to Chief Breedlove the department has secured a location on NP&L loop off the Sylva Highway. The property has paved access, a level, graveled building pad and utilities including water and sewer. The location was chosen with respect to increasing service quality for Macon County Citizens. Mr. Breedlove provided the board with maps illustrating changes in current fire department response areas following completion of the



sub-station. Chief Breedlove went on to say that a building committee has been established and is currently working to develop construction plans for the new substation. Following a request from Commissioner Beale regarding a timeline for completion, Chief Breedlove informed the board that a timeline had not yet been established. Commissioner Gillespie asked Chief Breedlove to describe the impact the sub-station would have on residents. According to Chief Breedlove, the Franklin Fire District has 8,361 total structures. Of these structures, 7,632 are located within a 5-mile response area and receive a class 3-4 insurance rating, 654 structures are in a 6-mile response area and receive a class 9 Insurance rating and 75 structures lie outside 6 miles having a class 10 insurance rating, which in some cases renders homeowners insurance unavailable. Following completion of the sub-station only 178 structures would remain in the 6-mile response area and no structures would lie outside the 6 mile response area. Commissioner Gillespie asked where exactly the sub-station was located on NP&L Loop and how it was acquired? Chief Breedlove informed the board that the property was located beside the Drake Call Center and was acquired through working with Mr. Drake.

**9C. Macon County Transit request to submit grant application to Dogwood Health Trust Fund.** Macon County Transit Director Kim Angel requested authorization to apply for an Immediate Opportunities Need Grant from the Dogwood Health Trust Fund to upgrade transit vehicle software. The grant request, according to Mrs. Angel, is for approximately \$6,300 and requires no county match. Mrs. Angel informed the board she would be submitting the grant application tomorrow. Motion made by Commissioner Beale to authorize Macon County Transit to apply to the Dogwood Health Trust Fund for an Immediate Opportunities Need Grant, seconded by Commissioner Gillespie, motion passed unanimously.

## **OLD BUSINESS**

**10A. Amendment to Memorandum of Transportation Agreement:** County Manager Roland informed the board that this approval was strictly a "housekeeping item" as the Amended Memorandum of Transportation Agreement approved at the December meeting did not contain a signature page for the third party provider listed as a party in the agreement. Mr. Roland added that both Municipalities as well as the third party provider had approved the Amended Memorandum of Transportation Agreement and following board approval tonight, Macon County could begin using the third party provider to assist with involuntary commitment transports. Motion made by Commissioner Shields to approve the Amended Memorandum of Transportation Agreement as presented, seconded by Commissioner Beale, motion passed unanimously. A



copy of the Amendment to Memorandum of Transportation Agreement has been attached (Attachment 1) and is hereby made an official part of these minutes.

**10B. Consideration of NCDOT Agreement for Greenway Connector Project:**

Jack Morgan, Director of Planning, Permitting and Development presented a change to the proposed contract between Macon County and the North Carolina Department of Transportation for the Greenway Connector Project. According to Mr. Morgan, the contract included in the January 14, 2020 agenda packet incorrectly listed the NCDOT match amount at 80% of the total project cost instead of 70% as discussed in October, when the Board of Commissioners voted to designate Macon County as the lead agency on the connector project. Mr. Morgan stated that this project was a “win” for Macon County and design work could begin immediately following approval. Motion by Commissioner Gillespie to approve the Agreement between NCDOT and Macon County for the Greenway Connector Project, incorporating the change as presented by Mr. Morgan and the accompanying budget amendment of \$70,000, \$49,000 (70%) of which would come from NCDOT and \$21,000 (30%) to come from Macon County General Fund Balance. Motion seconded by Commissioner Shields and passed unanimously. County Attorney Chester Jones recommended the board to hold off on approving any construction contracts associated with the project, as further research is required concerning potential conservation easements on the property. A copy of the agreement, incorporating the change as presented by Mr. Morgan has been attached (Attachment 2) and is hereby made an official part of these minutes.

**10C. Update on Courthouse Security Project:** Sheriff Robert Holland began by highlighting the progress made towards completion of the “Sally Port” area at the third floor entrance of the Macon County Courthouse, following board approval of the project in December. Sheriff Holland informed the board that as of today the “Sally Port” construction is 99.5% complete. The Sheriff reminded the board that enhancing courthouse security has remained a priority for his office as well as Resident Superior Court Judge William H. Coward. According to Sheriff Holland, spring of 2020 will mark almost two years that he, Judge Coward and representatives from every department housed in the Macon County Courthouse, formed a courthouse security committee to evaluate and put forth safety recommendations concerning the Macon County Courthouse.

Sheriff Holland then presented to the board nine proposals for additional safety upgrades in the Macon County Courthouse totaling \$34,403.03. Proposed upgrades included the installation of monitor viewing stations, an exit door audible alarm system, re-wiring of the “Sally Port” gate, re-purposing and placement of new cameras in and around the courthouse, access control to the secured courtroom and NAS storage to house security camera footage. A summary of the proposals submitted by SMS Integration and GovDirect is attached (Attachment 3) and is hereby made an official part of these minutes.



The Sheriff thanked the Information Technology Department and Finance Department for their assistance in putting the proposals together. When asked by Commissioner Beale, Judge Coward confirmed the proposals had been presented to the courthouse security committee and felt that the committee currently views this project as being in the "red-zone". "Following the approval of \$34,403.03 tonight, will mean 7 points for the Courthouse Security project" according to Judge Coward. When asked by Judge Coward, County Attorney Chester Jones confirmed the proposals as presented were in compliance with North Carolina competitive bidding laws. Commissioner Beale made a motion to approve a budget amendment in the amount of \$34,403.03 to be taken from fund balance and used towards making the courthouse security improvements as outlined by Sheriff Holland, motion seconded by Commissioner Shields. Commissioner Gillespie expressed his concern that while bidding laws were followed, "our choosing not to bid the project excluded other vendors who might have been interested in doing the work". Commissioner Gillespie and Commissioner Higdon shared concerns as to when the courthouse security improvements as a whole would become operational, or when we were going to start "scanning people" referring to the metal detection equipment recently installed in the courthouse. The Sheriff responded that he did not feel comfortable giving an answer publicly as it was a safety concern, but a few more minor things would be required before the metal detectors became operational. The Sheriff went on to say that scanning would begin on a random basis, after everyone was trained and capable of getting people in and out of the courthouse in a safe and expedient manner. With no more discussion Chairman Tate called for a vote on the motion by Commissioner Beale, motion passed 4-1 with Commissioner Gillespie opposing.

## **NEW BUSINESS**

**11A. FY 20-21' Budget Kickoff Meeting:** County Manager Roland recommended Thursday, February 6, 2020 at 10:00 am for the FY 20-21' Budget Kickoff Meeting. All board members were in agreement with the proposed date and time.

**11B. Consideration of Audit Contract:** Finance Director Lori Hall requested the board to approve the FY 19-20' Audit Contract for \$67,800 with Martin Starnes and Associates as required by the North Carolina Local Government Commission. Commissioner Beale made a motion to approve the FY 19-20' Audit Contract, motion seconded by Commissioner Shields, passed unanimously. A copy of the FY 19-20' Audit Contract is attached (Attachment 4) and is hereby made an official part of these minutes.



**11C. Occupancy Tax Penalty Wavier request for Highlands Mountain Real Estate:** Motion by Commissioner Shields to waive the occupancy tax penalty imposed on Highlands Mountain Real Estate for good cause shown, seconded by Commissioner Beale, motion passed 5-0. A copy of the waiver request is attached (Attachment 5) and is hereby made an official part of these minutes.

**11D. Highlands Tree House Occupancy Tax Penalty Waiver Request:** Motion by Commissioner Shields to waive the occupancy tax penalty imposed on Highlands Tree House for good cause shown, seconded by Commissioner Beale, motion passed 5-0. A copy of the waiver request is attached (Attachment 6) and is hereby made an official part of these minutes.

**11E. Community Funding Pool Recommendations:** Diane Cotton presented to the board a list of organizations recommended for funding in FY 19-20' by the Community Funding Pool. While nine organizations applied for funding, the Community Funding Pool recommended \$43,714 to go towards funding the requests of eight organizations. A copy of the Community Funding Pool recommendations for FY 19-20' is attached (Attachment 7) and hereby made an official part of these minutes. The Macon County Humane Society was the only organization who applied that did not receive funding but according to Mrs. Cotton, could apply for funding during the extended period for application submittal. Mrs. Cotton went on to cite numerous potential reasons for the low number of applications submitted, and informed the board that the Community Funding Pool had voted to extend the application period. Recommendations for disbursement of the remaining \$31,286 will be brought back before the board at their regular meeting on March 10, 2020. Motion was made by Commissioner Shields to approve the portion of Community Funding Pool recommendations as submitted, seconded by Chairman Tate, motion passed unanimously.

**CONSENT AGENDA:** Upon a motion by Commissioner Beale, seconded by Commissioner Shields, the board voted unanimously to approve the items on the consent agenda as follows: (A) December 10, 2019 Board Minutes, (B) Budget Amendments #139 Health \$7,500 increase Medicaid Cost Settlement funds to cover fee for FNP acquisition through Physician Solutions, #140 EMS Nantahala Health Foundation Donation \$37,500, #141 Donations \$4,330 and Calendar Sales \$3,000 appropriation for Shop with a Cop, MCSO Christmas Dinner, Operation Think Twice, Prime For Life and Calendars #142 EMS Insurance Repair EMS Ambulance \$2,593 #143 Contingency transfer for new hot water heater and lighting in Pre-K bathroom at South Macon \$5,987 #144 Health Department insurance settlement from Dec 2019 Truck damage \$1,586 #145 Health Receive new grant money for No Wrong Door \$30,000(C) #147 Move



additional Duke Weatherization funding of \$40,000 to housing **(D)** Tax Releases for December \$590.62 **(E)** Tax Office Monthly Report (December)

**CLOSED SESSION:** Commissioner Beale made a motion to enter closed session to preserve the attorney client privilege, seconded by Commissioner Gillespie, passed unanimously and at 8:20 pm. the Board entered into closed session. Motion made by Commissioner Higdon to come out of closed session seconded by Commissioner Gillespie, motion passed unanimously and at 8:33 pm. the board reconvened in open session.

**ADJOURN:** With no other business, and at 8:33 p.m. upon a motion by Commissioner Higdon, seconded by Commissioner Shields, Chairman Tate recessed the January 14, 2020 board meeting until February 6, 2020 at 10:00 am in the Commissioners Boardroom, located at 5 West Main Street, Franklin NC, 28734.



Derek Roland  
Ex Officio Clerk to the Board



Jim Tate  
Board Chairman