

MACON COUNTY BOARD OF COMMISSIONERS
September 14, 2021
MINUTES

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

ANNOUNCEMENTS:

- (A) Commissioner Beale reminded everyone that the Macon County Fair will be held in two weeks (September 22-25, 2021). He said everything is currently on schedule and he hopes citizens will come out to support the event.

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

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

PUBLIC HEARING: At 6:02 p.m., Chairman Tate called the public hearing regarding the Community Transportation Program Application to order. Kim Angel, Transit Director, stated it was time to look at next fiscal year's grant cycles funneled through the Public Transportation Division of the North Carolina Department of Transportation (NCDOT). Ms. Angel referenced a resolution that will need to be approved at the end of the public hearing if the board so desired [Attachment 1]. She indicated that no one had signed up to speak and gave a brief overview of the three grant applications: (1) Administrative – total request will be \$208,827 with a 15 percent local share of \$31,325 required; (2) Capital – total request will be \$24,244, which will be used to purchase new tablets used by the van operators to get their manifest as well as replacement of four office computers, based on the county's replacement schedule. She shared that for the first year in several years, no vehicles will need to be purchased or replaced. The required 10 percent county match will be \$2,425; (3) 5310 Operating – total request will be \$165,000 with a 50 percent (\$82,500) required match. Ms. Angel stated she believes the Rural Operating Assistance Program (ROAP) funding is going to be restored once the state budget is passed with an estimated amount

of \$72,000. The total amount of the grants listed is \$398,071, with a total county match of \$116,250. If the \$72,000 of ROAP funding is applied, it will leave an approximate balance of \$44,250 for the county match. Chairman Tate asked if anyone would like to speak in regard to each of the grants, with no one coming forward. Chairman Tate inquired as to questions from the board and no questions were asked. Chairman Tate closed the public hearing at 6:06 p.m. Chairman Tate announced the board would take immediate action utilizing the resolution. Commissioner Beale made a motion, seconded by Commissioner Shields, to approve the resolution as presented and the motion passed unanimously. Chairman Tate expressed his congratulations and well wishes to Ms. Angel as she leaves Macon County for another job opportunity. Ms. Angel expressed her appreciation to the board and for the opportunity to serve Macon County as its first Transit Director.

PUBLIC COMMENT PERIOD:

(A) **Robert Cook** spoke about the incoming sheriff's proposed salary. Mr. Cook provided copies of his proposal and stated that he was here to talk about the pay for the new incoming sheriff. He referenced North Carolina General Statute 153A-92 which states that the incoming sheriff should be paid at the same rate as the outgoing sheriff unless there is a resolution by the board of commissioners to reduce that pay. He shared that the resolution has to be passed no later than 14 days prior to the last filing date for sheriff. Mr. Cook stated he does not believe a brand new sheriff with no experience should come in making the same pay as Sheriff Robbie Holland, who has served in his position for 25 years. Mr. Cook shared results of research he has performed regarding sheriff salaries in North Carolina and recommended that the salary for the incoming sheriff be reduced to equal the lowest range posted on the county website, which is currently \$73,900, or no more than 15 percent higher than the chief deputy's pay, whichever is less. He also recommended the top end be no more than \$100,000 as opposed to the current \$110,900. Mr. Cook requested that the monies saved from this reduction be redistributed to deputies at the sergeant level and below, which is a budget neutral proposal but would give the deputies a small pay raise and help the county stay competitive.

(B) **Dillion Castle** requested to speak about accountability. He stated he is a pastor, a young man who grew up in a conservative Christian home in Macon County, and has not previously been engaged in politics. He stated he feels he represents a large majority of citizens who consider themselves conservative and are tired of the direction our country, our state and even our county are going. Mr. Castle shared that his concern is that our county is going to turn in to what our state and the federal government has become. He stated that the board members will

not be in their seats forever and that the voters of Macon County asked them to do a job for the citizens. Mr. Castle said he did not ask them to do the job that the Centers for Disease Control (CDC) feels is best. He stated the citizens elected the board members, they did not elect the CDC or the health director that is appointed by this board. Mr. Castle asked the board to do what the community wants to do and to not be afraid to take that stand. He stated, "When you do what is right and morally acceptable, the citizens will back you." Mr. Castle said he respects the board as men who are wiser and older than he is and have experience and knowledge that he does not; however, we are all citizens of Macon County and the State of North Carolina. He requested the members not forget these things and reminded them to be righteous men "filled of character and what is right".

- (C) **Tracy Dougan** stated she was here to follow-up on the animal control ordinance issue she spoke about in February. She stated that she was, at that time, directed to the county planning board and then to the board of health. Ms. Dougan says she has been in contact with the board of health since May trying to get the revisions addressed that she brought to this board in February. She indicated a committee had been formed to make the proposed revisions and present those back to this board. Ms. Dougan said it seems the board of health does not see themselves in charge of the animal control program although it states they are in the ordinance. Ms. Dougan indicated that at the last board of health meeting, Jimmy Villiard was the only person who had done any research. She stated he did not make the requested revisions, but shared some new laws which were supposed to be presented to this board. Ms. Dougan stated she is opposed to any new proposals because she believes they will harm animals and that she has letters and signatures in opposition of what he is proposing. Ms. Dougan stated she also has concerns about how the anonymous reports are being handled. She says it is important that we uphold the anonymity of the reports and this is not always happening. Ms. Dougan says the officers who go out do not do anything, do not follow up, and the animals are suffering. She said animal services is not being operated properly and no one wants to take charge. Commissioner Beale requested Ms. Dougan forward the concerns she listed in February back to the county manager who will then distribute them to the board members. Mr. Roland stated there are channels that these issues need to take and that until such time as this board has heard back from those

channels, this board taking any action would be premature. He stated that he feels that once the board of health has had time to complete its review and makes recommendations back is when the commission would take action. Mr. Roland explained that even after the commissioners receive the recommendations back from the board of health, there are several steps that have to take place in consultation with legal counsel and, if Ms. Dougans' concerns were disregarded, there will be an explanation regarding that. He reminded Ms. Dougan that when the recommendations come before this board it will be an agenda item and posted on the agenda prior to the meeting.

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

- To remove Item 11E, Consideration of resolution to the North Carolina Wildlife Resources Commission, as the previous request to keep one of our wildlife officers in Macon County has been approved without the resolution.
- To replace Item 11E with Letter from Pine Grove School Community Club, per Chairman Tate.
- To remove Item 11A, Discussion regarding mobility issues of physically handicapped students on the Franklin High School campus and to add the item to the October 12th meeting, per Commissioner Shields.
- To replace Item 11A with Discussion regarding Macon Middle School locker room facility, per Mr. Roland.
- To add Item 13A, Appointment to the Watershed Review Board, per Mr. Roland.
- To add Item 10B, Nantahala Community Building, per Commissioner Higdon.
- To add Item 11F, Franklin High School Architectural Services, per Mr. Roland.

REPORTS AND PRESENTATIONS:

COVID update – Kathy McGaha, Macon County Public Health Director, presented an update stating that we are at day 553 of the COVID-19 outbreak, week 79. She shared that as of today, there are 395 active positive individuals in the county, sadly 54 deaths (a 1.2 percent current fatality rate), a positivity rate of 26.53 over a rolling seven-day period, and a case rate of 775 per 100,000 individuals. Ms. McGaha stated that we are seeing the same trends as the rest of the state and the nation. She said Macon County tends to be about two weeks behind when a wave of cases begins and indicated that we are currently in our fourth wave - the first being last May, one at the beginning of the last

Minutes

09.14.21

Page 4 of 12

school year, one around Christmas last year and now this is our fourth. She stated we are in week eight of this wave (Delta variant) and she is hopeful that we will follow the rest of the state and nation and begin to see a plateau in the next week or two. Ms. McGaha indicated this has been the longest wave and she expects we will see a fall in cases over an eight-week period just as we have seen a rise over an eight-week period. Ms. McGaha stated that hospitalizations in the Western North Carolina Region as of today include 84% of ICU beds being occupied, two-thirds of total beds occupied, and said it is a challenge to get someone in to a bed and almost equally difficult to staff hospitals. Ms. McGaha said that although the case rate is going up, the demand for the vaccine has flattened. As of today, she states that we are at 57 percent of the county's population being vaccinated with at least one shot and 52 percent considered fully vaccinated. Ms. McGaha stated she believes the vaccination rate is skewed due to seasonal residents and that the rate for year-round residents is actually lower. Commissioner Young asked if we could set-up a center here to offer the antibody treatments. Ms. McGaha stated that we do not have the capacity within the health department to do this. She said out of 63 positions she has 15 vacancies and is struggling to maintain staff. She stated that the monoclonal antibody treatment requires certain equipment which we don't have, and that the state has just released its guidance and standing order for the treatments. Commissioner Young asked if we could refer patients to the center in Clay County and Ms. McGaha responded that the center is not residence-based and anyone can go there to get the service. Commissioner Higdon asked if the facility in Clay County was set-up under the health department's guidance. Ms. McGaha indicated she was not sure if they were running it or if they had contracted with someone to operate it. Commissioner Higdon inquired as to what our options are and without adding a load to the health department we should be able to do it if Clay County can. Ms. McGaha said she would have to investigate, but that it would have to be an outside agency as she did not have the staff resources. Commissioner Young stated he had been asked numerous times why people have to go to Clay County. Commissioner Beale stated Clay County is contracting with a company out of Blairsville, Georgia to provide the service and the demand is very low. He stated we are getting a \$20,000 federal grant from the Southwestern Commission because Macon County is one of the counties where those age 60 and older are not getting vaccinated at a 55 percent rate. Commissioner Beale indicated there is some leeway in how the funds can be spent and as soon as the official award letter is received we will know if we can use the funds for monoclonal antibody services. Ms. McGaha emphasized that vaccination is our preferred option because we do not

want people to get sick. She said, “we still want them to get vaccinated”. Commissioner Young stated he would still like for us to try and expand our treatment center options. Commissioner Higdon stated he didn’t want to put anything else on the health department’s plate as they are loaded and have environmental health issues to address but, citizens of Macon County deserve an infusion center. Commissioner Beale stated the treatment has to be connected to a hospital and not just a health department. Ms. McGaha stated she would research the possibilities. She further shared the health department is operating the call center where appointments are being made for testing as there is an increase in testing needs and vaccine appointments but demand is not where she would like it to be, and also continuing contact tracing on all positive cases (approximately 400 at this time). Ms. McGaha stated they are testing five days per week, providing vaccines on Wednesday and Friday mornings, which is subject to change based on demand, providing the third dose of Pfizer vaccine for the immunocompromised, and assisting the school nurses with contact tracing for the school system. Commissioner Young asked if Ms. McGaha had a black and white cut and dry protocol for contact tracing. Ms. McGaha responded by saying there is the North Carolina School Toolkit for the school systems and the CDC and DHHS guidelines for the general public. She said these documents could be accessed by the general public but are very complicated to administer because the individual scenario changes based on vaccine status, symptom status, etc. and therefore each case has to be handled individually and situations are hard to compare. Ms. McGaha informed the board of a current outbreak in the Macon County Detention Center and stated they have been offering testing and vaccinations to inmates. She said there are currently no outbreaks in the nursing homes and those facilities have done an outstanding job in managing visitation and encouraging vaccination. Ms. McGaha indicated the department will begin offering flu shots and third doses of COVID vaccine as soon as the guidance is received. She said a press release will be forthcoming with the information and schedules for those. Ms. McGaha shared that the department is dealing with staff fatigue (staff have been working on COVID efforts for 59 weeks and she currently has 15 vacancies out of 63 positions – all difficult to fill positions) and staff being criticized at times by the public and having to build each other up, which is difficult at times. She stated that the North Carolina National Guard is here until December 3rd to help with vaccines and testing, as well as staff from CCNC which is a state agency providing staff to help answer phones and assist with contact tracing. Ms. McGaha stated that all vacant positions are being advertised and some have been posted for a while. Commissioner Beale asked if the issue was the salary and being

overworked and underpaid. Ms. McGaha responded to indicate there are cases where it is a money issue, cases of people just being burned out, and cases of people just considering different careers because they are tired and exhausted. Commissioner Beale inquired about Environmental Health. Ms. McGaha stated four of the vacancies are in Environmental Health, but she has received 146 applications. She has also worked with the County Manager and Finance Director on a budget amendment that is included in the consent agenda to contract with some environmental health specialists from other counties to assist in the interim. She has received one application for the supervisor position. Commissioner Higdon stated that every county he deals with is looking for environmental health specialists. Commissioner Beale asked about the prioritization system of permit applications. Ms. McGaha said there is still a prioritization process in place. Commissioner Beale asked Jack Morgan, Planning, Permitting and Development Director, if he had any idea of how many building permits were being held up waiting on Environmental Health approval. Mr. Morgan said there is a substantial amount. Commissioner Higdon said this decision is imperative and we need to get moving on making internal advancements and getting the contract workers started.

OLD BUSINESS:

Macon Middle School Locker Room Bid Tab – Mr. Roland indicated there was one responding bid with a bid price of \$2,347,000. He stated the budget is \$1,053,868 but the contractor has since reached out to us and asked if we are interested in reviewing some value engineering on the project. Mr. Roland stated that the bids were received on August 18, 2021 and are good until October 17, 2021, so if the liaisons want to sit down with the contractor and review options there is time to do so. Commissioner Young stated he is willing to review the options and is not opposed to a nice metal building structure similar to what Swain County has. Board members unanimously agreed to have the liaisons meet with the contractor. Mr. Roland asked Mr. Morgan to schedule the meeting and bring the results back to this board.

Nantahala Community Building - Commissioner Higdon stated that he would like to go ahead and get an architect on board and form a committee to oversee the project. Mr. Roland stated he had spoken with the school superintendent who indicated the school board has not made a formal decision regarding the location of the Nantahala Library. He said the superintendent shared that the school board representative from Nantahala is not in favor of having the library on the school property and the superintendent believes the board will support that representatives' recommendation. Commissioner Beale stated the

school board needs to make a decision and let the people of Nantahala know how they voted. Commissioner Higdon made a motion to authorize Mr. Roland to solicit an architect to do a preliminary design of the building, to form a six-member committee comprised of two members of the library board, two from the Nantahala Community Club and two non-associated at-large public members. Mr. Roland said he and Mr. Morgan would work on a resolution and proposals to bring to the next meeting. Motion was seconded by Commissioner Young. Vote was 4-1 with Commissioner Beale voting in opposition.

NEW BUSINESS:

Grant requests for Macon County Emergency Services – Warren Cabe, Emergency Management Director, stated he was requesting approval for making application for two separate grants, as follows:

- (1) Vaya Health Grant - Mr. Cabe stated Vaya contacted us and gave us two days to submit a project for them to consider. He indicated that Vaya has agreed to fund 13 weeks (two days each week) of our Community Paramedic Program for home visits (26 total days) dating back to July 1, 2021, which includes salary and expenses. Mr. Cabe said they have also agreed to fund a software program that allows the charting (currently in a stand-alone system) for the home patients to be linked to the charting system used by EMS and the system used by the hospital. He said the funding would be \$11,200.78 if the board approves acceptance of the funds and approval of the budget amendment he provided as a handout [Attachment 2]. A motion was made by Commissioner Beale, seconded by Commissioner Shields, to apply for the grant funds as presented, and the vote was unanimous.
- (2) Nantahala Health Foundation - Mr. Cabe stated the Collaborative Health Innovation Project application request will be for funding for a qualified “carry out” team used when searching for lost persons. He explained that we have over 90 miles of trails with over 16 different trails in the county, and we have a manpower issue when searching for lost persons. Mr. Cabe said he has collaborated with the fire departments and is putting together a team of two to three qualified people from Otto Fire and Rescue and West Macon Fire and Rescue agencies that will be trained on how to deal with wildland search and rescues. Additionally, Mr. Cabe stated the request will include a two-wheel drive motorcycle that is like an ATV, and a trailer to put the motorcycles and safety equipment in. He stated the total application request would be for \$30,000 with no county match required. Commissioner Young made a motion, seconded by Commissioner Higdon, to proceed with the application as presented, and the vote was unanimous. Commissioner Beale stated the Community Paramedic

Minutes

09.14.21

Page 8 of 12

Program was started prior to the pandemic and our program is one of the top in the state and he would like to send a shout-out to Joey Gibson, Mr. Cabe and all the people that work there. Mr. Cabe said they have 91 people in the program currently and have been doing home vaccinations to help out the health department as well. He said his department also has staffing issues with seven current vacancies among 41 total positions and two possible vacancies, pending results of the pay study. He stated the staff has had to be creative in keeping the Community Paramedic program running during this time and that it is a very valued program.

Consideration of change order for Macon Middle School project –

Planning, Permitting and Development Director Jack Morgan requested Chris Coleman, an architect with SGA NarmourWright Design, talk about the updates and change orders. Mr. Coleman stated that Phase 1, which encompassed the center core area, cafeteria and some of the locker rooms, is complete. He said they are currently wrapping up Phase 2 consisting of the east wing which faces the parking lot and the bus area and will turn that over to the school system in the next week or two. Mr. Coleman stated that New Atlantic Construction has done an excellent job and is slated to be ahead of schedule. Mr. Coleman shared that coming out of Phase 1 there were some cost implications: (1) \$11,469 which was related to the new rooftop and HVAC system changes (PCO #006) [Attachment 3]; (2) \$16,254 savings related to multiple items listed on the PCO (PCO#009) [Attachment 4]; (3) \$28,294 mostly related to lighting packages that had to be changed due to COVID-19 supply chain issues (PCO #007) [Attachment 5]; (4) \$97,761 (PCO#008) [Attachment 6] related to fire alarm system additional devices, materials and labor to bring the system up to code. Commissioner Beale asked why we were just now discussing the change order related to the alarm system. Mr. Coleman said the engineers had always felt the existing system could be modified and not be fully replaced. He explained the issue came in with the addition of devices and how they sync with the existing system which does not meet code. Commissioner Beale stated there have been many conversations about the alarm system and he is surprised by this \$100,000 price tag. Commissioner Beale inquired as to who the contractor was. Mr. Coleman responded that it is NCI. Commissioner Beale asked if this could be put out to bid. Mr. Coleman stated this is a lifesaving issue and with the amount of renovations we have done he would not recommend putting this out to bid. Commissioner Beale stated we knew going in the age of the system and were told this could be done. Chairman Tate said he understands Commissioner Beale's question and doesn't think that we disagree with the lifesaving issue at

all and want it right. He said we hired an engineering firm to do this and want to know why this wasn't picked up on initially and is coming to us now. Chairman Tate asked if this was NCI's fault, the engineers' fault or whose fault it was that this was not recognized up front. Mr. Coleman stated he could not blame any specific party. Chairman Tate stated he guessed the commissioners were the "bail-out party." Commissioner Beale asked if the engineers had insurances and if so they needed to be checked. He said there had been many discussions and we were assured they could hook everything back up - even it had to change we should have been informed then. Mr. Coleman stated he believed there was an oversight based on conversations the engineers had with the vendor who has serviced the system for years. Chairman Tate asked about the contingency. Mr. Roland said we started this project with \$817,800 in contingency with five phases and we are at about 60 percent complete. He stated we have \$788,882 in contingency tonight and if all of these are approved the remaining balance will be \$635,044. Commissioner Beale suggested Mr. Ridenour get the engineering firm information and drop them a note for the bill or at least request an explanation. A motion was made by Commissioner Young, seconded by Commissioner Shields, to take the \$153,778 out of contingency to cover the change orders (#006-#009). The vote was unanimous.

Scheduling of public hearings to consider amendments to county ordinances – County Attorney Eric Ridenour explained that we have several development ordinances that have to be brought into compliance with the new chapter of the general statute (160D) and are going to try to bring three rewritten ordinances to the board each month and each of those will have to have a public hearing. He requested that the board approve the following motions:

- (1) Set a public hearing for Tuesday, October 12, 2021 to consider amendments to the Macon County Code of Ordinances, Chapter 152, Sign Control Ordinance, to bring it into compliance with Chapter 160D of the North Carolina General Statutes.
- (2) Set a public hearing for Tuesday, October 12, 2021 to consider amendments to the Macon County Code of Ordinances, Chapter 159, Subdivision Ordinance, to bring it into compliance with Chapter 160D of the North Carolina General Statutes.
- (3) Set a public hearing for Tuesday, October 12, 2021 to consider amendments to the Macon County Code of Ordinances, Chapter 111, Sexually Oriented Businesses Ordinance, to bring it into compliance with Chapter 160D of the North Carolina General Statutes.

Commissioner Beale made a motion, seconded by Commissioner Shields, to hold a public hearing on all three ordinance amendments at the October 12, 2021 meeting, and the vote was unanimous.

Letter from Pine Grove School Community Club – Chairman Tate read a letter [Attachment 7] that was received from the Pine Grove School Community Club, also known as the Pine Grove School Restoration Society, stating that the organization has met and voted to disband and dissolve the organization due to loss and lack of membership, age, illness and the ongoing pandemic which has made it no longer feasible to continue. The letter further stated the organization has been successful for 17 years but it is now time to return the building and its care back to Macon County as of November 1, 2021. The board members agreed for Mr. Roland to move forward with ensuring the electricity is connected and insurance is active. No vote was taken.

Franklin High School Architect – Mr. Roland stated that the evaluation committee assigned to review the architectural recommendations consisted of Tracy Tallent, Todd Gibbs, Chris Baldwin, Carol Arnold, Tommy Cabe, Jack Morgan and our liaisons Commissioners Young and Shields. He said the committee met on August 25, 2021 and reviewed responses to the Request for Qualifications. He shared that there were eight respondents and the committee selected LS3P Associates LTD as the most qualified firm receiving a score of 93.88 out of a possible 100. Mr. Roland stated that approval is needed to approve LS3P Associates LTD as selected by the committee and enter into fee negotiations with the architectural group, but only after the architectural group is approved by the school board at their September 27, 2021 meeting. After a brief discussion, the board agreed for the evaluation committee to interview the top three firms as follows: LS3P Associates LTD with a score of 93.88, Moseley Architects with a score of 81.38 and McMillian Pazdan Smith with a score of 79.38. No vote was taken.

CONSENT AGENDA: Upon a motion by Commissioner Higdon, seconded by Commissioner Beale, the board voted unanimously to approve the consent agenda as presented which includes: (A) Minutes of the August 10, 2021 regular meeting, (B) Budget Amendments #41-50, (C) Tax releases, and (D) the monthly ad valorem tax collection report, for which no action is necessary.

APPOINTMENTS: Commissioner Beale made a motion, seconded by Commissioner Shields, to appoint Michael Mathis to the Watershed Review Board, and the vote was unanimous.

CLOSED SESSION – At 8:09 p.m., upon a motion by Commissioner Beale, seconded by Commissioner Shields the board voted unanimously to go into closed session as allowed under NCGS 143-318.11(a)(3) to preserve the attorney/client privilege and 143-318.11(a)(5) regarding the acquisition of real property with a plan to take no action following the closed session. At 8:25 p.m., upon a motion by Commissioner Higdon, seconded by Commissioner Young, 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 8:27 p.m., upon a motion from Commissioner Beale, seconded by Commissioner Young, the board voted unanimously to adjourn.

Derek Roland
Ex Officio Clerk to the Board

Jim Tate
Board Chair