

MACON COUNTY BOARD OF COMMISSIONERS
December 13, 2022
MINUTES

Years of Service awards were presented to county employees prior to the meeting. A reception for those employees and newly elected Commissioners Danny Antoine and John Shearl was held in the hallway of the third floor of the Macon County Courthouse immediately following the presentations.

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

ANNOUNCEMENTS:

- (A) Chairman Higdon welcomed all in attendance and expressed his appreciation to the employees who spend time preparing the agenda packet, room, etc. for the board meetings.

- (B) Commissioner Young welcomed the new and returning board members, new school board members, the new sheriff, and suggested having a joint meeting with the school board to discuss projects more fully. Mr. Roland asked if a joint special meeting could tentatively be scheduled on Tuesday, December 20, 2022. There was consensus of the board members to see if that date at 6:00 p.m. would work for the school board to meet in the large courtroom in the courthouse. Mr. Roland will follow-up.

CLOSED SESSION: At 6:04 p.m., upon a motion by Commissioner Young, seconded by Commissioner Shields, the board voted unanimously to go into closed session as allowed under N.C.G.S. 143-318.11(a)(6) regarding a personnel matter and 143-318.11(a)(3) to preserve the attorney-client privilege. At 6:18 p.m., upon a motion by Chairman

Higdon, seconded by Commissioner Young, the board voted unanimously to come out of closed session and return to open session. Mr. Decker stated that action was needed regarding an item discussed in closed session. He requested that \$13,392 be taken from contingency funds on behalf of an employee who was injured in the line of duty, was on workers compensation, and wishes to purchase that time toward retirement. Motion by Commissioner Shearl, seconded by Commissioner Shields to approve the funding and the accompanying budget amendment as requested. Vote was unanimous.

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

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

PUBLIC HEARING(S):

(A) Lease with Sutton Broadcasting Corporation for use of space on communications tower on Cowee Bald Electronic Site - Emergency Services Director Warren Cabe stated this item did not need a public hearing and requested to move the item to Old Business. Board members consented to the agenda change.

(B) Lease with Blue Ridge Broadcasting Corporation for use of space on communications tower on Cowee Bald Electronic Site - Again, Mr. Cabe requested this item be moved to Old Business, as a public hearing was not necessary.

(C) Macon County Community Transportation Program Application - Chairman Higdon opened the public hearing at 6:24 p.m. Transit Director Darlene Asher shared that this public hearing was required for the FY24 Capital grant for the replacement of six vehicles and ancillary equipment. She shared that three of the vehicles were scheduled for replacement in FY22, but due to the unavailability of replacement vehicles, those had been added to the FY24 grant. Ms. Asher stated the grant would be in the amount of \$674,392 and that a 20 percent county match in the amount of \$137,879 was needed. With no one signed up to speak, Commissioner Higdon closed the hearing at 6:28 p.m. Commissioner Young made a motion, seconded by Commissioner Shields, to approve the request as presented. Vote was unanimous.

PUBLIC COMMENT PERIOD: **George McClure** expressed his appreciation for the board's support of getting pickleball courts constructed and made available to the working public. He shared that the local club is pursuing some private funding as well to pay for some amenities at the courts. **Maryann Ingram** congratulated all new board members on their appointments and reappointments.

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

- To add Lease with Sutton Broadcasting for use of space on communications tower on Cowee Bald Electronic Site as Item 11(C) under Old Business, per Mr. Roland
- To add Lease with Blue Ridge Broadcasting for use of space on communications tower on Cowee Bald Electronic Site as Item 11(D) under Old Business, per Mr. Roland
- To add Re-appointment of a Social Services board member as Item 14(D) under Appointments, per Mr. Decker

REPORTS AND PRESENTATIONS:

- (A) Fiscal Year 2022 Audit Presentation – Claire Chase representing Martin Starnes & Associates, CPAs, PA provided a PowerPoint presentation covering the results of the audit. She indicated that an unmodified opinion had been given, which is the highest opinion the firm can offer. Ms. Chase reported there was one red flag noted resulting in one significant deficiency finding related to lack of control over cash collections and separation of duties in one area of operations in the county. A copy of the presentation and findings are available in the office of the Clerk to the Board and hereby made a part of these minutes **[Attachment 1]**.
- (B) Overview of the 2022 Election – Melanie Thibault, Macon County Board of Elections Director, provided a report on the election turnout indicating there were 28,000 registered votes with 15,903 voting (57 percent). Of those voting, Ms. Thibault indicated that 8,921 voted early, 6,121 voted on Election Day with 816 of those by absentee ballots. She said there was a lot of observer participation this year with observers being present every day of early voting as well as on Election Day. Ms. Thibault stated the 30-Day sort had been completed with zero errors or discrepancies in the results. In regard to the new voting equipment, Ms. Thibault shared the next step is to have a simulated election for three to four days using the new equipment. She said the

simulation will include poll workers and employees of Hart InterCivic, and will be held on January 25, 2023 through January 29, 2023 at the Robert C. Carpenter Community Building.

OLD BUSINESS:

- (A) **Update on Nantahala Library/Community Center** – Jack Morgan provided a handout [Attachment 2] and preliminary itemized budget for the renovations of the 2,400 square foot facility totaling \$258,940 including a contingency of \$23,540 (10 percent). Mr. Roland stated we have \$300,000 of state funding available and requested the board approve the use of an architect to have them develop the scope of work and avoid having to put out bids for each separate discipline (HVAC, plumbing, electrical, etc.). Mr. Morgan said the architect (quoted at \$28,000) could start in January and have bids for contractors available in March. Ms. Carpenter reminded the board that if the cost exceeds \$300,000 we are required to have an architect. After some discussion, Commissioner Shields made a motion, seconded by Commissioner Young, to have Jack Morgan prepare the scope of work and work with the bids he has received, rather than to use an architect. Vote was unanimous.
- (B) **Update on Highlands Middle School Renovations** – Mr. Roland reported that the Request for Qualifications (RFQ) for architectural services was issued on November 2, 2022. He said a proposal from LS3P was the only response received in the amount of \$63,430 for the design and \$634,300 for construction and renovation. Mr. Roland requested approval of the bid from LS3P and authorization for the county manager to enter into contract negotiations with them. After some discussion regarding funding allowances and impact of other projects, Commissioner Young made a motion, seconded by Commissioner Shearl, to approve the bid from LS3P and authorize the county manager to enter into contract negotiations. Vote was unanimous.
- (C) **Lease with Sutton Broadcasting for use of space on communications tower on Cowee Bald Electronic Site** – Mr. Cabe summarized the history and details of the current contract and fees. He said Sutton Broadcasting is proposing to continue to pay a monthly fee for use of the space in addition to two-thirds of the U.S. Forest Service fee generally paid by Macon County, and a 3-percent annual escalator in the recommended 10-year contract

included in the agenda packet. After discussion, Commissioner Young made a motion, seconded by Commissioner Shields, to approve the sub-lease and resolution as presented. Vote was unanimous.

- (D) **Lease with Blue Ridge Broadcasting for use of space on communications tower on Cowee Bald Electronic Site** – Mr. Cabe said that Blue Ridge Broadcasting was also proposing to continue to pay a monthly fee for use of the space in addition to one-third of the U.S. Forest Service fee generally paid by Macon County, and a 3-percent annual escalator in the recommended 10-year contract included in the agenda packet. Commissioner Young made a motion, seconded by Commissioner Shields, to approve the sub-lease and resolution as presented. Vote was unanimous.

NEW BUSINESS:

- (A) **Mountain Mediation Services Dissolution In-Kind Space Request** – Gabrielle Grant, Executive Director of Mountain Mediation, explained the merger that has occurred between Mountain Mediation and HIGHTS (Helping Inspire Gifts of Hope, Trust and Service) and requested the board approve transfer of the in-kind office space use to HIGHTS. Mr. Roland stated we would need to prepare a new Memorandum of Understanding and would review and approve such at the meeting on January 10, 2023.
- (B) **Southwestern RPO Travel Demand Model Socio-Economic Data Projection for Macon County** – Amin Mohamadi Hezaveh from the North Carolina Department of Transportation (NCDOT) provided a handout [Attachment 3] and explained that the travel demand model is a pilot program aimed at addressing traffic pattern problems before they begin. He said this model has been used in urban areas, and western North Carolina is now going to pilot the model to see how it works in rural areas. Mr. Mohamadi Hazaveh said the model proposes a one-percent growth rate per year and traffic pattern data will be projected out to 2050. After a brief discussion, Chairman Higdon made a motion, seconded by Commissioner Young, to approve use of a one-percent growth rate for the model. Vote was unanimous.
- (C) **Consideration of Macon County Public Health Billing Guide and Fee Schedule** – Health Director Kathy McGaha explained that the billing guide and fee schedule have to be approved annually by the Board of Health and the Board of Commissioners in accordance with North Carolina General Statutes. She said it was

last approved on November 15, 2022, but due to some changes in the documents as well as changes in board membership, she wanted to discuss these in person tonight. Ms. McGaha highlighted and explained the reason for each of the changes and stated the Public Health Regional Administrative Consultant had assisted with the changes in wording and clarification. One of the changes Ms. McGaha pointed out was the elimination of bringing the fee plan back to this board with every change in a fee that results from an increase in supply costs. Chairman Higdon made a motion, seconded by Commissioner Shields, to approve the Billing Guide as presented. Vote was unanimous. Health Department Finance Officer Melissa Setzer provided an updated copy of the fee plan and explained fee changes that had occurred since the approval in November. Commissioner Young made a motion, seconded by Chairman Higdon to approve the fee plan as presented. Vote was unanimous. A copy of the billing guide and fee schedule are available in the office of the clerk to the Board and are hereby made a part of these minutes [Attachment 4].

- (D) **Consideration for Community Care lease agreement** – Ms. McGaha explained the partnership between Macon County Public Health and Community Care of Franklin and requested approval of the lease agreement from December 1, 2022 to June 30, 2023. Commissioner Young made a motion, seconded by Commissioner Antoine, to approve the lease as presented. Vote was unanimous.
- (E) **Consideration of bid for Transit Department parking facility** – Transit Director Darlene Asher indicated that Macon County Transit has received a bid in the amount \$254,000 for construction of an awning to cover the transit buses in their parking lot. She is requesting to award the bid to Owle Construction with the funds already approved in her budget. Commissioner Young made a motion, seconded by Chairman Higdon, to approve the request as presented. Vote was unanimous.
- (F) **Resolution to exempt engineering services for groundwater monitoring and reporting for the Solid Waste Department from the provisions of Article 3D of Chapter 143 of the North Carolina General Statutes** – Solid Waste Director Chris Stahl presented a contract with Bunnell-Lammons Engineering (BLE) to produce and submit a Corrective Action Evaluation Report to the North Carolina Division of Environmental Quality (NCDEQ) on behalf of Macon County. He requested approval of a resolution

exempting engineering services for groundwater monitoring, and approval for the county manager to execute the contract with BLE. Commissioner Young made a motion, seconded by Chairman Higdon, to approve the resolution and for the county manager to execute the contract in the amount of \$10,800 with BLE. Vote was unanimous.

- (G) **Resolution to exempt engineering services associated with the proposed turn lane required by NCDOT for the future Carson Convenience Center from the provisions of Article 3D of Chapter 143 of the North Carolina General Statutes** – Mr. Stahl presented the resolution and requested approval for the county manager to execute a contract agreement with McGill Associates to provide the permitting and construction of the required turn lane on eastbound Highway 64. Commissioner Young made a motion, seconded by Chairman Higdon, to approve the resolution as presented and for the county manager to execute the contract in the amount of \$43,650 with McGill Associates. Vote was unanimous.
- (H) **Results and recommendation regarding the Request for Proposal (RFP) for engineering services for the Solid Waste Department** – Mr. Stahl presented the results and recommendation regarding the remaining capacity (or lack thereof) at the landfill and requested the board accept the recommendation of the review committee to award the bid to McGill Associates and to authorize the county manager to enter into contract negotiations. Commissioner Antoine made a motion, seconded by Commissioner Shields, to approve the recommendation as requested and for the county manager to enter into contract negotiations with McGill Associates. Vote was unanimous.
- (I) **Omitted**
- (J) **Declaration of Sheriff's Department service weapons for retired officers to be declared surplus** – Mr. Roland shared an email from retired Sheriff Holland requesting service weapons be retired and issued to the retiring officers Lane and Burrows. He recommended the weapons be declared surplus with the retired officers paying \$1 to the county upon award of the weapon. Mr. Roland requested the same be applied for the service weapon of retired Sheriff Holland. Commissioner Shearl made a motion, seconded by Commissioner Young, to approve the request as presented. Vote was unanimous.

- (K) Discussion regarding 2023 commission liaison assignments** – Chairman Higdon said he wanted to delay the liaison assignments until the January 10, 2023 board meeting. Commissioner Shields provided a handout and proposed an application process be enacted for liaison assignments. No action was taken.
- (L) Presentation of handbook for commissioner members** – Mr. Roland presented the newly developed handbook for board members and requested members review the document and use it as a reference and resource in their role as county commissioner. A copy of the handbook is in the office of the Clerk to the Board.

CONSENT AGENDA: Upon motion by Chairman Higdon, seconded by Commissioner Shields, the board voted unanimously to approve the consent agenda as presented which includes: (A) Minutes of the December 5, 2022 special called meeting, (B) Budget Amendments #104-109, (C) Tax releases for the month of November in the amount of \$1,726.59, and (D) Monthly ad valorem tax collection report for which no action is necessary.

APPOINTMENTS:

- (A) Board of Health (1 seat)** – Chairman Higdon made a motion, seconded by Commissioner Shearl, to approve the appointment of Dr. Carlos Vargas. Vote was unanimous.
- (B) Planning Board (2 seats)** – Chairman Young made a motion, seconded by Commissioner Shields, to approve the re-appointment Mark Berry and Jean Owen for a three-year term each. Vote was unanimous.
- (C) Vaya Regional Board (1 seat)** – Chairman Higdon requested this appointment be postponed until the January 10, 2023 board meeting when other liaison appointments will be made. Board members consented to this request and no action was taken.
- (D) Social Services Board (1 seat)** – Chairman Higdon made a motion, seconded by Commissioner Young, to approve the reappointment of Anne Hyder. Vote was unanimous.

ADJOURN: With no other business, at 9:22 p.m., upon a motion from Commissioner Young, seconded by Commissioner Antoine, the board voted unanimously to adjourn.

Derek Roland
Ex Officio Clerk to the Board

Paul Higdon
Board Chair