



**MACON COUNTY BOARD OF COMMISSIONERS**  
**APRIL 11, 2023**  
**MINUTES**

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

**ANNOUNCEMENTS:**

**(A)** Mr. Roland announced the upcoming retirement of the HR and Safety Director/Deputy Clerk to the Board, Mr. Mike Decker. He thanked Mr. Decker for the many years of service he has given to Macon County and acknowledged some of Mr. Decker's work as the HR Director in serving on the Health Insurance Committee that successfully overhauled and saved the county's self-funded health insurance plan, conducting and implementing multiple pay studies and most recently helping leadership navigate through the uncertainty of a pandemic, all efforts which have and will continue to have a long-lasting impact on this organization. As Clerk to the Macon County Board of Commissioners for the past twelve years, Mr. Roland said, "Mike has written the history of the county that each of us loves so well. Hundreds of meetings, thousands of pages, and thousands of motions that collectively symbolize what Macon County is today" as those in attendance rose for a standing ovation and applause.

**(B)** Mr. Roland announced that Ms. Tammy Keezer would be promoted to the HR and Safety Director/Deputy Clerk to the Board position upon Mr. Decker's retirement. He said that Ms. Keezer has over 30 years of HR experience, and began working with Macon County in 2008 as a Human Services Planner/Evaluator II at Macon County Public Health where she managed all Human Resources functions of the department. Mr. Roland said she was promoted to Assistant Health Director in 2018 and served until 2021 when she was moved to the Macon County HR

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Department as the HR Analyst/Safety Officer. He shared that Ms. Keezer has played an integral role in organization-wide projects including the development and implementation of the most recent pay study, assisting with an upgrade of our Munis HR and Financial Software System, reactivation of the county's safety committee, and managing the submission, reporting and tracking of all worker's compensation claims. Mr. Roland informed those in attendance that Ms. Keezer has assisted with agenda packet and meeting minutes preparation for the Board of Commissioners since 2021 and applied for and received a scholarship from the Local Government Federal Credit Union to attend the International Institute of Municipal Clerks certification course at UNC-Chapel Hill School of Government and will complete the course in October 2023. Mr. Roland closed in saying "While this organization is losing a tremendous asset in Mr. Decker, the future is in excellent hands with Ms. Tammy Keezer."

**(C)** Mr. Roland announced that he would like to make a change in the budget calendar due to needing more time to look at the revaluation information, and due to the auditors being here the first week of May. He requested the board recess on May 9, 2023, and move the budget presentation to May 23, 2023, with the public hearing to be held June 13, 2023.

**(D)** Mr. Roland announced that Jack Morgan had received all the bids for the Nantahala Library and Community Center and they came in well under budget. He requested Mr. Morgan be allowed a few minutes to update the board on those bids. Mr. Morgan indicated that the board had approved a budget of \$266,000 for the Nantahala Library and Community Center project and he had obtained the final bids which were much lower than expected. He said the bids totaled \$197,544 and requested approval to move forward with contract negotiations. The board members consented to move forward with contract negotiations.

**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.

**RECESS:** At 6:13 p.m., Chairman Higdon recessed the meeting to allow for those in attendance to move to Courtroom A on the fourth floor of the Macon County Courthouse due to an unexpectedly large number of citizens in attendance. At 6:19 p.m., Chairman Higdon reconvened the meeting. Due to the number of

citizens exceeding the capacity of Courtroom A, the meeting was delayed until cleared by Fire Marshal Jimmy Teem.

**ANNOUNCEMENTS CONTINUED:**

**(D CONTINUATION)** Mr. Morgan indicated that the board had approved a budget of \$266,000 for the Nantahala Library and Community Center project and he had obtained the final bids which were much lower than expected. He said the bids totaled \$197,544 and requested approval to move forward with contract negotiations. The board members consented to move forward with contract negotiations.

**(E)** Chairman Higdon invited Gracie Parker and Kennedy Carrion to come forward to speak about a youth rally being held at 4:00 p.m. on April 30, 2023, in support of mental health awareness. Gracie shared a flyer with the board members with the request to have a Macon County representative at the event. The board members consented to have a representative present

**PUBLIC HEARING ON THE MODIFICATION OF THE MACON COUNTY WATERSHED ORDINANCE TO ALLOW THE WATERSHED ADMINISTRATOR TO APPROVE SPECIAL NONRESIDENTIAL INTENSITY ALLOCATION**

The public hearing was called to order by Chairman Higdon at 6:25 p.m. Planning Director Joe Allen presented a proposed modification of the Macon County Watershed Ordinance to allow the Watershed Administrator to approve Special Nonresidential Intensity Allocations (SNIAs) as applicable under Section 156-32(C). He explained that the ordinance currently states, "The Planning Board is authorized to approve SNIAs consistent with the provisions of this ordinance, and such approved projects shall be awarded on a first-come, first-served basis" and the proposed amendment would state, "The Watershed Administrator is authorized to approve SNIAs consistent with the provisions of this ordinance, and such approved projects shall be awarded on a first-come, first serve basis." **Angela Martin** asked questions related to the Watershed Review Board and Mr. Allen responded to those questions indicating the elimination of the board when updates required by N.C. General Statute 160-D were implemented. **Sarah Johnson** commented on hellbenders and the desire to not make any changes to the ordinance that would impact their survival and growth. **Scott Baste** yielded his opportunity to speak and stated he had meant to sign up for the public comment period, not for the public hearing. **Betsy Baste** yielded her opportunity to speak and stated she had meant to sign up for the public comment period, not for the public hearing. At 6:33 p.m. Chairman Higdon closed the public hearing. Commissioner Young made a motion, seconded by Commissioner Shearl, to amend the ordinance as requested. The vote was unanimous.

**PUBLIC COMMENT PERIOD:** Chairman Higdon informed those in attendance that a 45-minute public comment period would be allowed as indicated in the board's Rules of Procedure. He said each speaker would be allowed five minutes to speak, and that a timekeeper would inform them when they had one minute left. Chairman Higdon said at the end of 45 minutes, he would close the public comment period. **Jim Gaston** spoke about the Macon County Public Library asking for compromise in a solution. **Jennifer Love** had signed up to speak but was not present. **Richard Litchford** spoke about the Macon County Public Library requesting to protect children and what they see and read. **Warren Bergstresser** spoke about the Macon County Public Library requesting the board "reform it or leave it." **Olga Pader** spoke in favor of leaving the Macon County Public Library the way that it is. **Selma Sparks** spoke in favor of keeping the Macon County Public Library the way that it is. **Susan Slater** spoke in support of the Macon County Public Library. **Dillon Castle** spoke about the Macon County Public Library requesting a change in how books are made available to children. **Mike Virga** spoke about the Macon County Public Library requesting that the public trust the board members to make the right decision. **Deni Shephard** spoke about the Macon County Public Library requesting that the county leave the Fontana Regional Library System if there was no change in how access to materials is handled. **Rebecca Tipton** spoke against the Macon County Public Library requesting that the board leave the Fontana Regional Library System.

At 7:49 p.m., Chairman Higdon closed the public comment period and stated the remaining 33 people who had signed up to speak return to next month's meeting and sign up again. Commissioner Young made a motion, seconded by Commissioner Antoine to move the remainder of the public comment period to Item 11J on the agenda. The vote was unanimous.

**ADDITIONS, ADJUSTMENTS TO AND APPROVAL OF THE AGENDA:** Upon a motion by Commissioner Young, seconded by Commissioner Shearl, the board voted unanimously to approve the agenda, as presented.

**RECOGNITION OF THE FRANKLIN HIGH SCHOOL (FHS) TRACK AND FIELD TEAM** – Chairman Higdon recognized the men's and women's Franklin High School track and field teams on their recent accomplishments and asked Coach Matt Harlfinger to share some of the accomplishments of the team. Coach Harlfinger said the team just won a state championship which is the first state championship for FHS in over 20 years. He said the team is comprised of seven

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coaches and 70 plus athletes. Coach Halfinger shared information about the logistics of practices, funding, and then mentioned some recent awards won by team individuals.

**REPORT OF RECENT FIRE DEPARTMENT INSPECTION** – Emergency Services Director Warren Cabe gave a report regarding the recent inspection and subsequent follow-up inspection of the West Macon Volunteer Fire Department. He said that the department had not met the contract requirements related to the roster of members (had 16 of the required 19 members), one non-response to send an apparatus to a structure fire, one non-response to a mutual-aid call in a neighboring fire district, and one non-response to a commercial fire alarm. Mr. Cabe said he sent the department a certified letter placing them on probation for eight months. He indicated the department submitted its report for the plan on how the issues would be corrected and participated in monthly meetings with Macon County Emergency Services and was able to correct all except the roster issues in the eight-month period which ended in the last week of February 2023. Mr. Cabe said he then informed West Macon Fire Department that he had to report to the Board of Commissioners since they had the authority to take action up to and including termination of the contract. He said he was notified just before this meeting today that they now have the required 19 people on the roster. Mr. Cabe reported the department will have a state inspection on May 22, 2023, so, he has recommended to them that Macon County Emergency Services keep meeting with them for the next two months or so until the results of the state inspection have been received and ensure there are no other items following that inspection that need resolution. After a brief discussion about the challenges in recruiting and retaining volunteer firemen, and training requirements for volunteer fire departments, Mr. Cabe said he would follow up with the board after receipt of the state report if there were any issues.

**MACON COUNTY PUBLIC LIBRARY TRUSTEES REPORT** – Bill Dyar, the chairman of the Macon County Public Library Trustees provided a report from the trustees [Attachment 1]. Mr. Dyar also provided a document entitled “Considerations for Macon County Withdrawing from the Fontana Regional Library System” for the board’s review and information [Attachment 2].

**UPDATE ON RECREATION MASTER PLAN FOR VETERANS MEMORIAL RECREATION PARK** – Parks and Recreation Director Seth Adams updated the board members on the latest steps to prepare a master plan following the board’s action at its regulating meeting on March 14, 2023. Jim Ford with McGill and Associates presented a proposal for the master plan which includes a community survey, two concept designs, and options for pursuing Parks and Recreation Trust Fund (PARTF) funding [Attachment 3]. Mr. Ford said that since McGill and Associates is already in Macon County working with the Town of Franklin on a project at the Whitmire Property location they could start on the master

plan immediately. After a brief discussion, Commissioner Young made a motion, seconded by Commissioner Antoine, to enter into a contract with McGill and Associates for a site-specific master plan for an amount not to exceed \$37,980. The vote was unanimous.

**PROCLAMATION REGARDING 80'S FLASHBACK / SHRINERS HOSPITAL WEEKEND** – Dave Linn and members of the Smoky Mountain Shrine Club requested approval of a proclamation proclaiming August 4 and 5, 2023 as a special celebration of the “80’s Flashback/Shriners Hospital Weekend” in Macon County in conjunction with the Town of Franklin [Attachment 4]. Mr. Linn reported that the funds from this event help 125 kids in Macon County through the Greenville Shriners Hospital. He said the goal is to raise \$50,000. Mr. Roland read the proclamation into the record, followed by a motion by Chairman Higdon, seconded by Commissioner Young, to approve the proclamation as presented. The vote was unanimous.

**REQUEST FOR RELEASE OF PERFORMANCE GUARANTEES FOR PHASE 3, SECTION 1 OF GEMSTONE VILLAGE** – Planning Director Joe Allen presented a request from Alec Stillwell, PE, of Stillwell Engineering to have the remaining amount of performance guarantees be released in connection with Phase III, Section I of the Gemstone Village project [Attachment 5]. Mr. Allen said the original bond amount was \$189,185, of which \$114,383 was released to Snobar, LLC on July 22, 2022, leaving a remaining balance of \$74,802. Commissioner Young made a motion, seconded by Commissioner Shearl, to approve the release as requested. The vote was unanimous.

**REQUEST FOR ADDITIONAL POSITIONS AT THE DEPARTMENT OF SOCIAL SERVICES (DSS)** – DSS Director Patrick Betancourt requested the creation of a new position within his department, specifically an Income Maintenance Caseworker (IMC) trainer. He indicated N.C. HB76 expands Medicaid in North Carolina and Macon County is estimated to see an increase of approximately 3,000 Medicaid recipients. Mr. Betancourt said the department currently employs eleven (11) Income Maintenance Caseworkers (IMCs) and serves about 7,000 recipients. He indicated that the addition of this new position for a trainer will ensure the IMCs handle cases accurately and efficiently and their work holds up to an audit. Mr. Betancourt said if approved, this position would start this fiscal year using lapse salary monies but would be budgeted on-going with anticipation of receiving 75 to 100 percent reimbursement for the position from Medicaid funds. Cathy Makinson, DSS Business Officer said it takes approximately one year for a new IMC to be proficient in the job and that four of the current eleven(11) IMCs have been employed for less than one year. Commissioner Shields made a motion, seconded by Commissioner Young, to approve the new position as requested. The vote was unanimous.

**REQUEST FOR RESOLUTION OPPOSING HOUSE BILL 340** – DSS Director Patrick Betancourt requested approval of a letter stating the county's opposition to House Bill 340 as it relates to services for children in foster care. Shelley Foreman with VAYA Health provided a handout explaining the reasons behind this request and the advantages for Macon County, a copy of which is in the office of the Clerk to the Board. After some discussion among board members and the request for them to have the opportunity to speak with other representatives and understand the issues more fully, the board requested Mr. Betancourt bring the request back the to next meeting for consideration.

**RECESS:** At 9:10 p.m., Chairman Higdon called a five-minute recess and called the meeting back to order at 9:18 p.m.

**RESOLUTION ACCEPTING BID AND AUTHORIZATION OF UPSET BID PROCESS FOR THE SALE OF SURPLUS PROPERTY** – Mr. Ridenour presented an Offer to Purchase Agreement in connection with the 3.76-acre tract of county-owned land located at 388 Bethel Church Road in Franklin [Attachment 6]. He said a buyer has offered to purchase the property for \$55,350, with the understanding that the county must comply with the upset bid process required by state statute and that a higher bid could be received. Mr. Ridenour also presented a Resolution Accepting Bid and Authorization of the Upset Bid Process for the Sale of Surplus Property for the board's consideration [Attachment 7]. Commissioner Young stated he had looked at the property which has a utility easement through it and that the county is not currently collecting taxes on the property. He made a motion, seconded by Commissioner Shields, to approve the resolution and accept the bid from Mr. Cook as presented and to ensure that the public has ample opportunity to upset. The vote was unanimous.

**DISCUSSION CONCERNING PURCHASE OF PROPERTY LOCATED AT 195 WAYAH STREET, FRANKLIN, NC 28734** – Mr. Roland presented the actions taken since receiving consensus from the board during a closed session to negotiate for the purchase of property located at 195 Wayah Street, Franklin, NC 28734 (PIN#'s 659407828 and 6594170017) and upon further consensus to accept the negotiated offer. He stated the following actions which constitute this acceptance must be ratified by the board:

- Disbursement of \$100,000 in refundable earnest money to the trust fund of Ridenour and Goss PA;
- \$10,000 in non-refundable due diligence money to Collins and Collins PA., to be paid to the seller.

Additionally, Mr. Roland recommended approval of a budget amendment to set aside the agreed-upon purchase price of \$1,350,000 from the General Fund Balance. After discussion, Commissioner Young made a motion, seconded by Commissioner Shields, to ratify the actions as presented. The vote was unanimous. Commissioner Young made a motion, seconded by Commissioner

Shields to approve the budget amendment to set aside the agreed-upon purchase price of \$1,350,000 from the General Fund Balance as requested. The vote was unanimous.

**CONSIDERATION OF REVISED COUNTY VEHICLE/EQUIPMENT POLICY –**

Mr. Decker requested approval of a revised Vehicle/Equipment Policy which has been thoroughly reviewed and recommended by the county’s Safety Committee and has also been reviewed by Mr. Ridenour, a copy of which is located in the office of the Clerk to the Board. He shared that the primary revisions include the implementation of Motor Vehicle Record (MVR) checks for all county employees annually and during pre-employment checks for new hires, and the implementation of an Accident Review Board. Mr. Decker stated these revisions have been made at the request of Travelers Insurance, our property and liability insurance carrier, and if approved would be effective July 1, 2023. Chairman Higdon made a motion, seconded by Commissioner Antoine, to approve the policy as presented. The vote was unanimous.

**CONSIDERATION OF UPDATED RECORDS RETENTION AND DISPOSITION SCHEDULES –**

Mr. Decker requested the approval of an update to both the General Schedule for Local Government Agencies and the Program Records Schedule for Local Government Agencies. He explained these are the Records and Disposition Schedules issued by the North Carolina Department of Natural and Cultural Resources (DNCR) and that the county is required to adhere to these schedules. Mr. Decker indicated that the Department of Social Services and the Health Department are governed by other schedules and are not included under these guidelines. He said that upon approval, the full schedules will be forwarded to all of the other county department heads for use in determining how either or both schedules apply to their function, as public records may only be destroyed with the consent of DNCR. A copy of these schedules is located in the office of the Clerk to the Board. Commissioner Young made a motion, seconded by Commissioner Shields, to approve the schedules as presented. The vote was unanimous.

**CONSIDERATION OF PROCLAMATION FOR NATIONAL COUNTY GOVERNMENT MONTH –**

Mr. Roland stated the National Association of Counties (NACo) is urging counties nationwide to adopt a proclamation in association with National County Government Month in April. He requested approval of the recommended proclamation and read the proclamation into the record [Attachment 8], after which Commissioner Shields made a motion, seconded by Commissioner Shearl to approve the resolution as presented. The vote was unanimous.



**CONTINUATION OF PUBLIC COMMENT PERIOD:** **Diann Catlin** had signed up to speak about the Macon County Public Library, but was not present when called. **Bodio Catlin** had signed up to speak about the Macon County Public Library but was not present when called. **Leah Gaston** had signed up to speak about the Macon County Public Library but was not present when called. **Robin Connell** had signed up to speak about the Macon County Public Library but was not present when called. **Elizabeth Albers** had signed up to speak about the Macon County Public Library but was not present when called. **John deVille** had signed up to speak about the Macon County Public Library but was not present when called. **Susan Ervin** spoke in support of the Macon County Library and keeping it in the Fontana Regional Library System. **Shirley Ches** spoke in favor of the Macon County Library and keeping it as a public library. **Patrick Faetz** had signed up to speak about Franklin High School but was not present when called. **Callie Roper** had signed up to speak about Franklin High School but was not present when called. **Laurel Radley** spoke in favor of the Macon County Public Library and keeping it in the Fontana Regional Library System. **Wynette Wiles** had signed up to speak about Franklin High School but was not present when called. **Michael Vargas** spoke in favor of the Macon County Library and shared his thoughts about the attack on the library. **John Becker** spoke in opposition to banning books and requested leaders instead focus on what is good for the children. **Heather Dombroskie** shared her opposition to leaving the Fontana Regional Library system. **Savannah DeHart** shared her support for Macon County Public Library. **Chris Browning** shared his opposition to explicit sexual content in the Macon County Public Library and requested the county break the contract with the Fontana Regional Library system. **Baldwin Ernst** shared his opposition to sexually explicit books in the Macon County Public Library and requested to end the contract with the Fontana Regional Library system. **Dan Kowal** read a letter that he submitted to local newspapers last week regarding the need for compromise regarding the Macon County Public Library. **Sarah Johnson** spoke in favor of the Macon County Public Library and staying with the Fontana Regional Library system. **Claudia Aguilar** had signed up to speak about the Macon County Public Library but was not present when called. **Sayble Thatch** had signed up to speak about the Macon County Public Library but was not present when called. **Matt Jackson** had signed up to speak about the Macon County Public Library but was not present when called. **Olga Lampkin** prepared a letter in support of the library which was read by her mother Olga Prader. **Heather Johnson** spoke in support of the Macon County Public Library and for staying in the Fontana Regional Library system. **MaryAnn Ingram** spoke in support of the Macon County Public Library as it serves as a sanctuary for people who are different and in support of staying in the Fontana Regional Library system for the benefit of sharing books across libraries. **Scott Baste** spoke in opposition to leaving the Fontana Regional Library system asking who would choose books for the library if the county left

that system. **Betsy Baste** spoke in favor of staying with the Fontana Regional Library system saying the parent's job is to teach their children.

**CONSENT AGENDA:** Upon a motion by Commissioner Shields, seconded by Commissioner Young, the board voted unanimously to approve the consent agenda as presented which includes: (A) Minutes of the March 14, 2023, regular meeting, (B) Budget amendments #220-224, (C) Tax releases for the month of March in the amount of \$1,907.10, and (D) Monthly ad valorem tax collection report for which no action is necessary.

**APPOINTMENTS:** Mr. Allen recommended the reappointment of Ben Ledford to the Planning Board. Mr. Ledford's term on the board expired on March 10, 2023. Commissioner Young made a motion, seconded by Commissioner Shields to approve the reappointment of Mr. Ledford for a term of three years ending March 10, 2026, as requested. The vote was unanimous.

**CLOSED SESSION:** At 8:04 p.m. upon a motion by Commissioner Young, seconded by Commissioner Shields, the board voted unanimously to go into closed session as allowed under NCGS 143-318.11(a)(3) to consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged, NCGS 143-381.11(a)(4) to discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body, including agreement on a tentative list of economic development incentives that may be offered by the public body in negotiations, or to discuss matters relating to military installation closure or realignment, NCGS 143-381.11(a)(5) to establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease; or (ii) the amount of compensation and other material terms of an employment contract or proposed employment contract, and NCGS 143-381.11(a)(6) to consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee.

At 11:49 p.m., upon a motion by Commissioner Young, seconded by Commissioner Shearl, the board voted unanimously to come out of closed session and return to open session. Commissioner Higdon read the following statement into the record, "The FRL Agreement entered into in 2013 requires that the three participating counties, Jackson, Macon, and Swain revisit the structure of the FRL every 10 years. In compliance with that agreement, the

three managers met on Thursday, April 6, and discussed what was working and what needed improvement. It was unanimously agreed that the Regional Agreement is beneficial to all three counties and their citizens, but improvement is needed in the areas of parental empowerment and governance of the FRL system. As a result, the counties are looking into:

1. Provisions which will give parents greater ability to set restrictions over what materials their minor children may check out while still remaining in compliance with the law.
2. The structure and authority of the respective local county library boards and the Regional board.

Because the structure of each of the libraries affected is different, this will take a little time to enable each county to evaluate the structure that it has in place. The hope is that we will be able to present these proposed revisions to the local agreement to the three Commissioner Boards by mid to late August.”

**ADJOURN:** With no other business, at 11:51 p.m., upon a motion from Commissioner Young, seconded by Commissioner Shearl, the board voted unanimously to adjourn.



Derek Roland  
Ex Officio Clerk to the Board



Paul Higdon  
Board Chair



To: Macon County Board of Commissioners  
From: Macon County Public Library Board of Trustees  
Date: April 11, 2023

Historically, the Macon County Public Library Board of Trustees has operated under the umbrella of two bodies:

- The County Commission which provides library space, operational funding and commissioner liaisons, along with approval and appointment of library trustees.
- The Fontana Regional Library System which provides funding and services, along with operational policies and guidelines mandated by the State Library of North Carolina.

For decades this arrangement has proven effective, efficient, and much to the benefit of the citizens of Macon County. Over the years, subsequent trustee boards have endeavored to offer counsel and advice in a variety of ways. One primary function has been to review, understand, and implement various laws, operational policies and procedures affecting our county libraries.

With recent developments, the library's board of trustees wanted to respond directly to the full Board of Commissioners as the Commissioners collectively consider withdrawing our libraries from the Fontana Regional Library System. From the trustees' perspective, several critical issues are at stake if the Board of Commissioners resolves to withdraw from the Fontana Regional Library System:

- Earlier the Library Board of Trustees sent each of you, and the county manager, a five page document, *Considerations for Macon County Withdrawing from the Fontanna Regional System*, outlining the procedures and cost of such a resolution. It is the trustees' hope that this document makes clear the financial impact suffered by the Macon County taxpayers if the Board of Commissioners acts to withdraw from the Fontana System. The trustees feel that the effect of the withdrawal is financially staggering and unduly burdensome with absolutely no corresponding benefit to the citizens of our community or the Library patrons.
- Oversight for an independent Macon County Library System is another issue. To our understanding, no library trustee board has ever received any oversight directives from our Board of Commissioners. The current group of trustees is, however, receptive to considering directives that the Board of Commissioners adopts. A withdrawal will create the need to establish new operational oversight, new policies and procedures that comply with federal and state laws and statutes, along with those of the State Library of North Carolina, as well as other unanticipated consequences caused by terminating Macon County's relationship with Fontana that has worked well for almost 80 years. Such oversight will have to come from the Board of Commissioners or its designees.

In summary, the Macon County Public Library Board of Trustees expresses its strongest endorsement for our county libraries to remain in the Fontana Regional Library System.

## CONSIDERATIONS FOR MACON COUNTY WITHDRAWING FROM THE FONTANA REGIONAL LIBRARY SYSTEM

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Under current North Carolina state regulations, a regional library system serves two or more contiguous counties. Fontana Regional Library (FRL) serves three counties; Jackson, Macon, and Swain. Therefore, if one county withdraws from the region the remaining two counties would remain a regional library system. If two counties withdraw, it would force the region to disband. The terms of withdrawal or dissolution are set forth by state statutes and the regional agreement, excerpted below:

### **Fontana Regional Library Regional Agreement:**

#### **V. Terms of Property Ownership**

A major benefit of regional cooperation is that scarce resources may be shared among the various county residents without wasteful duplication; however, certain ownership restrictions shall apply:

- A. All real property, buildings, grounds and other facilities of each library shall be acquired and owned by their respective county, and occupied by each library in accordance with a facility lease between Fontana Regional Library and each county.
- B. All other property, including library materials, technology, furnishings, fixtures and equipment, vehicles, or other resources, purchased with state, regional, or county funds shall be owned by Fontana Regional Library excepting what is provided for in Section V.C.
- C. The Hudson Library facility and all library materials, furnishings, and fixtures acquired by Hudson Library, Inc. shall be owned by Hudson Library, Inc, a private non-profit corporation.
- D. All library materials, furnishings, and fixtures acquired by Fontana Regional Library and located at Hudson Library, Inc. shall be owned by Fontana Regional Library.
- E. As included under N.C.G.S. Chapter 1 60A, Article 20, Part I, Joint Exercise of Power, property purchased by the Fontana Regional Library is owned jointly as tenants in common by the participating counties.
- F. See also Section VIII hereof regarding the distribution of property in the event of withdrawal of a participating local governmental unit and Section IX hereof regarding the dissolution of the Fontana Regional Library.

#### **VIII. Provisions for Withdrawal**

- A. A participating local governmental unit proposing to withdraw from the Fontana Regional Library shall give written notice on or before July 1 to the Fontana Regional Library Board of Trustees, the other counties' Boards of Commissioners, and the State Library of North Carolina. The withdrawal shall be effective the following June 30.
- B. Should that participating local governmental unit decide within this time period to rescind the proposal, that participating local governmental unit shall remain a part of the Fontana Regional Library under the same conditions and requirements as the agreement under which they became a member.
- C. Should that participating local governmental unit fully withdraw, assets located in the local library facility will remain the assets of the withdrawing library. Notwithstanding the aforementioned, in the event there are assets located in the local library facility that were purchased

by Fontana Regional Library with Fontana Regional Library funds and intended for Fontana Regional Library regional support services, those assets will remain the assets of Fontana Regional Library.

#### IX. Provisions for Dissolution

A. The Fontana Regional Library may be dissolved if two of the three participating local governmental unit parties withdraw in accordance with the procedures stated above.

B. As included under N.C.G.S. Chapter 1 60A, Article 20, Part 1, Joint Exercise of Power, property purchased by the Fontana Regional Library is owned jointly as tenants in common by the participating counties; therefore, if the Fontana Regional Library is dissolved, the counties of Jackson, Macon, and Swain shall divide the joint assets equally among

C. The distribution of properties and resources jointly owned shall be accomplished by a committee composed of representatives from each county, the current Fontana Regional Director, and a representative from the State Library of North Carolina.

D. After all outstanding debts are resolved, any remaining funds from the member counties shall be returned to them and the distribution of any remaining State or Federal funds shall be determined by the State Library. Any land and building property owned by the Fontana Regional Library shall be sold and the proceeds distributed to the counties, or the property may be distributed to the counties on an equitable basis as agreed upon by the committee of representatives. Other property such as the bookmobile, outreach van, computers and other technology, books, and any other assets shall be sold at auction and the proceeds divided among the counties, or property may be distributed in some other equitable manner as agreed upon by the committee of representatives.

#### **State of North Carolina Administrative Code:**

##### **7 NCAC 02I .0308 WITHDRAWAL FROM OR DISSOLUTION OF A REGIONAL LIBRARY**

(a) A county proposing to withdraw from a regional library shall give written notice on or before July 1 to the regional library board, the other participating local governmental units, and the State Library of North Carolina. The withdrawal shall be effective on the following June 30.

(b) The withdrawing county shall establish eligibility for grants to public libraries according to 07 NCAC 02I .0201 on or before the effective date of withdrawal.

(c) Capital expenditures by the withdrawing county that are necessitated by the withdrawal may not replace support for operating costs in establishing eligibility to receive grants to public libraries according to 07 NCAC 02I .0201.

(d) If withdrawal of a county results in the dissolution of the regional library, the remaining counties must also establish eligibility to receive grants to public libraries according to 07 NCAC 02I .0201 by the effective date of withdrawal.

In the event of withdrawal, there are logistical, monetary, and service considerations that will need to be addressed by all counties.

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#### **MONETARY CONSIDERATIONS IF MACON COUNTY WITHDRAWS FROM FRL**

1. *Staffing* – All library staff who work in Macon County libraries would become employees of Macon County.
  - a. All library employees would need to be paid in accordance with the Macon County pay plans. Currently, most library staff are paid well below Macon County employees.
  - b. Eligible library staff would need to be added to Macon County benefit plans.

- c. Several staff positions are currently shared across the FRL system. These positions would need to be replaced by Macon County employees.
    - d. The administrative, financial, purchasing, human resources, and IT responsibilities currently handled by FRL would need to be shifted to Macon County departments, which might require additional County staff.
  2. *Catalog system* – FRL libraries are part of the NC Cardinal Consortium which is contracted through FRL. Macon County would need to contract for their own system with NC Cardinal or another system. Macon County would need to pay for the conversion costs to port their collection and patron databases into their own system. Macon County would need to develop a new collection of materials or work with FRL to acquire the collections currently held by Hudson Library, Macon County Public Library, and Nantahala Community Library. There are over 120,000 books and other materials in the Macon County libraries at this time.
  3. *The LAN and WAN network* is owned/leased by FRL. Macon County would need to purchase new servers and network equipment, including switches, routers, etc., and/or pay FRL for the existing equipment. Macon County would need to contract with a service provider for Internet and broadband service.
  4. *E-rate* – the federal e-rate program pays 80% of the cost of Internet and broadband access for the libraries. This process is handled through the FRL HQ office. Macon County would have to take over the erate filing duties in order to continue receiving funding.
  5. *All property*, including library materials, technology, furnishings, fixtures and equipment, vehicles, or other resources, purchased with state, regional, or county funds are owned by Fontana Regional Library. A County withdrawing from the system would have to replace the materials, furniture, fixtures, and equipment.
  6. *State Aid to Public Libraries* – North Carolina provides a block grant to each eligible county based on population and economic status. In order to receive this grant a county must apply annually. Libraries withdrawing from a region have a one year waiting period (also known as a demonstration year) before they are eligible. Based on recent years, the amount that each county would be eligible to receive would range from the mid \$90,000s for Jackson and Macon, to the mid \$70,000s for Swain.
- 

#### **LOGISTICAL CONSIDERATIONS IF MACON COUNTY WITHDRAWS FROM FRL**

1. *Staffing* - all Macon County library staff including the County and Branch librarians would need to be added to the county staffing plan.
  - a. All library staff would need to be onboarded into the Macon County payroll and benefits systems.
  - b. Current Macon County staff pay plans may not include library staff categories. These would need to be updated by Macon County administration.
  - c. FRL staff are members of the Local Governmental Employees' Retirement System (LGERs) and state 401K system. They would need to be transferred from FRL to Macon County in these systems. This would be the responsibility of Macon County administration.
  - d. North Carolina General Statute 153A-267 defines the qualifications of the chief librarian. To be eligible for appointment and service as chief administrative officer of a library system (whether designated chief librarian, director of library services, or some other

title), a person must have a professional librarian certificate issued by the Secretary of Cultural Resources, pursuant to G.S. 125-9, under regulations for certification of public librarian as established by the North Carolina Public Librarian Certification Commission pursuant to the provisions of G.S. 143B-67.

2. *Catalog system* - As noted above, collection and user databases are part of the FRL system in NC-Cardinal.
  - a. Local system information would need to be exported from the current system and imported to whatever new system Macon County acquired.
  - b. Local library policies such as fines and fees, checkout periods, inter-library loan privileges, hold policies, library card expirations, etc. would need to be established.
  - c. Library patrons would need to be notified of the changes, would need to acquire new library cards, and would need to return NC Cardinal materials.
  - d. Resource sharing in the NC Cardinal system is currently handled by FRL staff and courier service. If the withdrawing county becomes part of the NC Cardinal consortium it would need to take over these shipping and receiving duties and create a central location for this operation. A courier system would also need to be created between Franklin, Highlands, and Topton.
3. *All financial services* including accounts payable, accounts receivable, and payroll are handled by FRL staff. These functions would need to be transferred to the Macon County departments responsible for these functions.
4. *LSTA grants* - while library staff might still prepare the applications and administer LSTA grants, it would be the responsibility of the Macon County administration to approve and submit the applications, as well as track expenditures and request reimbursements.
5. *Purchasing and procurement* is currently handled by FRL staff in accordance with FRL policies. These functions would need to be transferred to the Macon County departments responsible for these functions.
6. *Administrative functions* such as human resources are handled by FRL staff, including recruiting, hiring, terminating, and benefit administration. These functions would need to be transferred to the Macon County departments responsible for these functions.
7. *Automation and technology support* are handled by FRL staff. These functions would need to be transferred to the Macon County departments responsible for these functions.
  - a. Current software licenses for Windows, Microsoft Office, filtering, antivirus, etc. are held through FRL. These licenses would need to be renegotiated separately for any Macon County library branches.
  - b. Hardware and software updates and maintenance are handled by FRL shared employees. Macon County would need to take over these functions.
  - c. Network maintenance are handled by FRL shared employees. Macon County would need to take over these functions.
8. *Internet and Broadband* -
  - a. The fiber optic wide area network that connects the FRL member libraries to the automation system and the Internet is centered in the HQ office in Bryson City. The



existing service to Macon County would have to be dropped and new lines installed connecting any Macon County library branches to each other.

- b. Internet access is contracted through FRL. The equipment and network connections to handle this are owned/leased by FRL and reside in the HQ office in Bryson City. Macon County would have to make arrangements for Internet access through some other mechanism and/or provider, and acquire servers and network access.
  - c. The costs of the Internet and broadband service are funded primarily through the federal e-rate program. Macon County would need to take over e-rate filing. The process to receive erate funding is complex and needs to be started up to 6 months in advance.
9. *Courier service* between FRL member libraries is handled by FRL staff using an FRL vehicle. Any library branches in Macon County would need to make other arrangements to provide courier service between branches.
  10. *Any contracts, services or consortia agreements, grants, or other fiscal or legal obligations*, or benefits of the County libraries as members of FRL will need to be identified and renegotiated by Macon County.
  11. *Any materials or equipment belonging to the Fontana Region Library* would need to be returned or purchased. If FRL was disbanded the assets and liabilities would be divided by the remaining counties.
  12. *Dissolution* – If FRL is dissolved, representatives from the three counties in FRL, the current regional director, and a representative of State Library of North Carolina will form the committee to determine the distribution of resources and assets.

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#### ***SERVICE CONSIDERATIONS IF MACON COUNTY WITHDRAWS FROM FRL***

1. *The FRL libraries share resources, services, and expertise.* Macon County's patrons would no longer have access to those resources unless some reciprocal agreements were put in place.
2. *Macon County library staff* would no longer have the benefit of a wide range of collection development experience, support, cataloging, and training.
3. *FRL's on-site support staff* would not be available to resolve Internet, broadband, and technology problems as they occur, potentially increasing down-time for library resources.
4. *Consortia* – FRL is a member of several resource sharing consortia. Macon County would no longer be part of those arrangements and their patrons would lose access to all those resources. FRL belongs to the e-iNC Consortium and Macon County would need to find a new consortium and repurchase all eResources (eBooks, eAudio, and eMagazines).



April 6, 2023

Mr. Seth Adams  
Parks and Recreation Director  
Macon County  
5 West Main Street  
110 West Main Street  
Franklin, North Carolina 28734

RE: Proposal for Professional Services  
Macon County Recreation Park Master Plan  
Macon County, North Carolina

Dear Mr. Adams:

McGill Associates is pleased to provide you with this proposal to provide professional planning services for the above referenced project. It is our understanding that the primary goal of the current project is the preparation of a Park Master Planning Document for redevelopment of the existing County Recreation Park facility. The project site is owned by the County and is approximately 37 acres. The property is located south of Downtown Franklin and adjacent to Georgia Road (US Hwy 441/23).

Program Development for the proposed park will primarily be based on input from County Staff, public participation, and past experiences of McGill Associates. The development of the Master Plan Document will include the items noted in the Site-Specific Master Plan for the Park of the North Carolina Parks and Recreation Trust Fund application.

### **Scope of Services**

McGill's Design Team will provide planning services to include:

#### **Task 1: Prepare Park Recreational Plan for the County Park Property**

1. **Kick-Off Meeting:**

The project will kick off with a meeting of the McGill and the County Staff to review and refine the proposed scope of services. At this time, we will confirm project goals and deliverables, and reach a consensus on a project schedule, including milestones and the structure of any required meetings.

2. **Recreational Needs Assessment**

Work with County Staff to develop an outreach plan for public engagement for the park master plan. The techniques McGill recommends for gathering public input would include an on-line survey and public engagement activities.

**Survey Questionnaire:**

Generate a survey for public input and evaluate results. McGill will generate a survey for the public to provide input which will help guide the development of the park master plan. We will provide an internet-based format for capturing survey responses (Survey Monkey).

3. Site Assessment:

This will include an analysis by the Design Team of the existing natural and man-made conditions within the project site and will require the County to assemble and provide copies of all existing mapping, environmental inventories, and other baseline documents for an evaluation of opportunities and constraints within the project site as well as the adjacent roadways along the site and nearby parcels.

Specifically, this will include:

- a. Identification of soil types, site topography (if received by Owner), drainage patterns, floodplains, wetlands, and environmentally sensitive areas based on available mapping, no new delineations to be performed.
- b. Identification of possible engineering issues, such as existing buried water and sewer availability or overhead utilities, areas of potential flooding, potential right-of-way width increases, existing structures, and general observation of site drainage.
- c. Identify adjacent land uses, zoning information, and potential pedestrian/bicycle connections. Understanding this information will be helpful when considering future uses, improvements, and connectivity.
- d. A list of potential design elements and programming efficiency.
- e. Identify potential permits necessary for future site development.
- f. Make recommendations for extensions of services as appropriate.

2. Park Master Planning:

Prepare (2) alternative park master plans based on the opportunities and constraints identified in the site assessment phase, as well as the desired public park elements and site amenities identified during the kickoff meeting and public input. Public input obtained during the recreation needs assessment phase will be used as the basis for the development of the master plan design.

3. Public Meeting

A public meeting will be conducted in which the two conceptual designs will be presented for comments and suggestions. At the conclusion of the meeting, one of the design options will be recommended by the public participants and County Staff, with the final decision resting with the County Board of Commissioners.

4. Final Master Plan:

The selected design option will be refined in order to develop the final Master Plan. The plan produced will be the County Recreation Park Master Plan and include all site amenities along with facility recommendations, phasing plan and a projection of project costs broken down by site elements. Each of these project elements will be provided in a format that is easily included in grant applications.

5. County Commission Presentation

A meeting with the County Board of Commissioners will be conducted to summarize the planning process including public input, concept designs, final master plan, and implementation plan for comments.

Additional Services

1. Additional services may be provided through agreement amendments representing desired changes in scope.

2. Please note that the fee for the Master Plan does not include traffic planning services, funding applications, bidding documents, design plans, or designs associated with engineering modifications.
3. Geotechnical engineering/testing/inspection.
4. Soils analysis (by soil scientist).
5. The above fee also does not include providing services of professional consultants for items of work other than those described above.
6. Changes to the Master Plan, which occur after McGill's approved preliminary design documents have been completed, will be considered additional services. McGill can coordinate these additional services should the services be needed in accordance with the attached Basic Fee Schedule.

### **Task 2: Prepare Park Master Plan Document for the County Recreation Park Property**

McGill will assist in preparing a Park Master Plan document which include the items on the "Master Plan for a Park or Greenway System" as described in the North Carolina Parks and Recreation Trust Fund (PARTF) Grant Application submittal. This will include the following:

1. Site analysis - Describe and evaluate the site's natural, historic, and man-made features. These include items such as topography, soils, vegetation, hydrology, significant natural communities, wetlands, existing structures, and public access.
2. Recreational needs - Identify the recreational opportunities that the public prefers using meetings or a survey based on existing public input.
3. Program description - Identify the main purposes of the park including a description of how the park is to be used by the public.
4. Physical needs - Identify the physical needs of the park site. Include any land the local government will acquire and any capital improvements (buildings, recreation facilities, roads, utilities). All land and capital improvements proposed in the PARTF application must be included in the master plan.
5. Project costs for capital improvements, divided into phases if necessary. The cost information can be provided in a separate document that is submitted with the master plan.
6. Site plans and illustrations depicting the boundaries of land and the location of facilities.
7. Public Involvement - Describe how the local government involved a broad range of the citizens in its jurisdiction as the master plan was being developed. Examples include previous public meetings or advisory committee meetings.

### **Deliverables:**

1. Two (2) bound hard copies of the final County Recreation Park Master Plan Document
2. Color computer generated rendering of the proposed master plan in a PDF format.
3. Electronic version of the final County Recreation Park Master Plan Document in PDF format.

### **Basis for Compensation**

Based on our understanding of the project, we propose to provide the Scope of Services detailed in this proposal for the following **Lump Sum Fees** inclusive of all reimbursable expenditures:

<b>Task 1: Prepare Park Recreational Plan</b>	<b>\$25,600.00</b>
<b>Task 2: Prepare Park Master Plan Document</b>	<b>\$12,380.00</b>

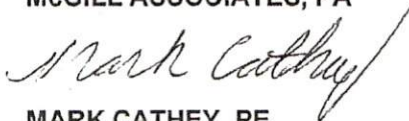
### **Owner's Responsibilities**

1. The Owner shall provide full information regarding site-related requirements for the Project.

2. The Owner shall designate a representative (authorized to act on their behalf) with respect to the Project. The Owner or his representative shall examine documents submitted by McGill and shall render decisions pertaining thereto promptly, avoiding unreasonable delay in the progress of McGill's work.
3. The Owner will be responsible for the arrangement, notice, and any other costs associated with the meeting schedule, including facility rental cost, advertisement costs, etc.

We appreciate the opportunity to provide this proposal to Macon County and are prepared to begin work immediately to meet the County's schedule. If this proposal is acceptable, please sign and return one (1) copy of this proposal and the attached Consulting Services Agreement to our office. As always, if you have any questions regarding this proposal, please do not hesitate to contact me. We look forward to working with the County on this important project.

Sincerely:  
**McGILL ASSOCIATES, PA**



**MARK CATHEY, PE**  
Vice President / Asheville Office Manager



**MICHAEL J. NORRIS, PLA**  
Project Manager

Attachments: Consulting Services Agreement  
Standard Fee Schedule

ACCEPTANCE:

This proposal is accepted this, the \_\_\_\_\_ day of \_\_\_\_\_ 2023.

MACON COUNTY

\_\_\_\_\_  
Seth Adams, Parks and Recreation Director

"This instrument has been preaudited in the manner required by the Local Government Budget and Fiscal Control Act."

\_\_\_\_\_  
Finance Director                      Date

# **Proclamation**

## **Macon County Board of Commissioners 80's Flashback/Shriners Hospital Weekend**

**WHEREAS**, 2023 marks the 9th Anniversary of the 80's Flashback Weekend, benefitting Shriners Children's Greenville; and

**WHEREAS**, the Shriners' three-part mission has one goal: to change and improve lives. We do this by caring for our patients, conducting research to gain knowledge and develop new treatments, and providing educational opportunities for physicians and other healthcare professionals; and

**WHEREAS**, Shriners provides compassionate care and pioneering medical treatment to all children, regardless of a family's ability to pay or insurance status; and

**WHEREAS**, over 125 children in Macon County are actively utilizing the services of Shriners Children's Greenville; and

**WHEREAS**, on August 4 and 5, 2023, the County of Macon and Town of Franklin congratulates the 80's Flashback Weekend/Shriners Children's Greenville and their devotion to providing high-quality specialty medical care to children and families; and

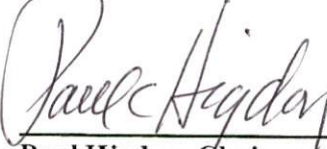
**WHEREAS**, Shriners Children's Greenville encourages all to commit to making their communities aware of services available and making it possible for us to continue improving the lives of children and families who need it most; and requests the citizens of Macon County and the Town of Franklin to join in this celebration;

**NOW, THEREFORE**, I, Paul Higdon, Chairman of the Macon County Board of County Commissioners, do hereby proclaim August 4 & 5, 2023 as special celebration of the 80's Flashback/Shriners Hospital Weekend in Franklin, North Carolina, and commend its observance to all citizens and visitors.

This the 11th Day of April, 2023.



MACON COUNTY

  
Paul Higdon, Chairman

*Attachment 4*



PO Box 838  
Sylva, NC 28779  
828.586.6066

March 31, 2023

Joe Allen  
Director of Planning  
Macon County Dept. of Planning, Permitting, and Development  
1834 Lakeside Drive  
Franklin, NC 28734

RE: Gemstone Village  
Franklin, NC

SUBJECT: REQUEST RELEASE OF PERFORMANCE GUARANTEES –PHASE 3 SECTION 1 INFRASTRUCTURE CONSTRUCTION

Mr. Allen:

On behalf of Snobar, LLC I am writing to confirm the construction of roads and the of utilities as shown for Phase 3 – Section 1 of the approved plans performed by Snobar, LLC and am requesting the release of remaining moneys provided by Snobar, LLC to Macon County for performance guarantees by and between Macon County and Snobar, LLC dated January 11, 2022.

If you have any questions, please contact me at your earliest convenience.

Sincerely,

W. Alec Stillwell, P.E.

Cc: Ms. Joanne Snider - Snobar, LLC



STATE OF NORTH CAROLINA  
COUNTY OF MACON

OFFER TO PURCHASE AGREEMENT

THIS OFFER TO PURCHASE AGREEMENT is made and entered into by and between MACON COUNTY hereinafter referred to as "Seller", and CCJS, LLC, a North Carolina Limited Liability Company, as "Buyer".

WITNESSETH:

WHEREAS, Seller is the owner of that 3.76 +/- acre tract of real property with a physical address of 388 Bethel Church Rd, Franklin, NC bearing PIN# 7504-48-4670 and more particularly described in Book V-23, Page 655 of the Macon County Registry; and

WHEREAS, Buyer has offered to purchase the above described property for \$55,350, which the County Commissioners have resolved is a fair and acceptable price; and

WHEREAS, Buyer is aware that Seller is required to comply with the Upset Bid Process of the Sale of Public Lands pursuant to NCGS 160A-269.

NOW THEREFORE, the acceptable Terms of the Purchase are as follows:

1. The Purchase Price shall be \$55,350, unless a higher bid is received by the County during the Upset Bid period.

2. Buyer is required to deposit the sum of 5% of the bid (\$276.75) in certified funds with the Macon County Finance Office, c/o Ms. Lori Carpenter, 5 W. Main St. Franklin, NC 28734 with the acceptance of this Offer by the Seller.

3. The County shall comply with the Upset Bid Procedure of NCGS 160A-269. Any upset bids received by the County within the 10 days set forth in the Notice of Proposed Sale in the local newspaper shall be required to raise the bid by a minimum of 10% for the first one thousand dollars and 5% of the remainder. By way of example, the first upset bid made shall raise the bid by a minimum of \$2,817.50 or \$58,167.50.

4. Closing shall take place within 30 days after the Completion of the Upset Bid Process as set forth in NCGS 160A-269.

5. The property shall be conveyed by Special Warranty Deed.



6. The contact information for the Buyer is:

CCJS, LLC  
Attn. Chris Cook  
80 Amber Drive  
Franklin, NC 28734  
(828) 371-1768  
[chriscookinc16@yahoo.com](mailto:chriscookinc16@yahoo.com)

7a. The contact information for the Seller for questions about the sale is:


MACON COUNTY  
Attn. Macon County Attorney, Eric Ridenour  
(828)586-3131  
[eric@sylvialawyers.com](mailto:eric@sylvialawyers.com)

7b. The contact information for the Seller for questions about the deposit of bid bond is:

MACON COUNTY  
Attn. Finance Director, Lori Carpenter  
(828) 349-2027  
[lhall@maconnc.org](mailto:lhall@maconnc.org)

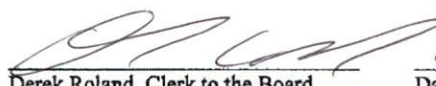
IN WITNESS WHEREOF, the parties have set their hands and seal on this the day and year last signed below.

**SELLER:**  
MACON COUNTY

  
Paul Higdon, Chairman

4-11-23  
Date

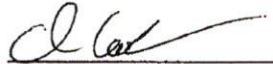
Attest:

  
Derek Roland, Clerk to the Board

4-11-23  
Date

**BUYER:**

CCJS, LLC, A North Carolina Limited Liability Company .

  
Chris Cook, Member

4-4-23  
Date

STATE OF NORTH CAROLINA  
COUNTY OF MACON

RESOLUTION ACCEPTING BID and  
AUTHORIZATION OF UPSET BID PROCESS FOR SALE OF SURPLUS PROPERTY

WHEREAS, North Carolina General Statute §160A-269 permits the County of Macon to sell property by advertisement and upset bids after receipt of an offer for property has been made; and

WHEREAS, the County has received an Offer to Purchase the property described as that 3.76 +/- acre tract of real property with a physical address of 388 Bethel Church Rd, Franklin, NC bearing PIN# 7504-48-4670 and more particularly described in Book V-23, Page 655 of the Macon County Registry for the purchase price of \$55,350.00.

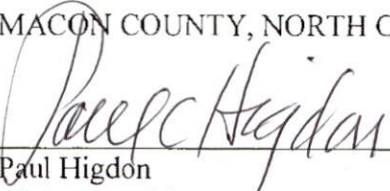
THEREFORE, THE BOARD OF COMMISSIONERS OF MACON COUNTY, NORTH CAROLINA RESOLVES THAT:

1. The Board of Commissioners authorizes sale of the Property pursuant to the upset bid procedure set forth in North Carolina General Statute §160A-269.
2. The Clerk to the Board shall cause a notice of the proposed sale to be published. The notice shall describe the Property and the amount of the offer, and shall state the terms under which the offer may be upset.
3. Persons wishing to upset the offer that has been received shall submit a qualifying increased bid to the office of the Finance Director within ten (10) days after the notice of sale is published.
4. If a qualifying increased bid is received, the Clerk to the Board shall cause a new notice of upset bid to be published, and shall continue to do so until the 10 day period has passed without any qualifying upset bid having been received. At that time, the amount of the final high bid shall be reported to the County Board of Commissioners.
5. A qualifying increased bid is one that raises the existing offer by not less than ten percent (10%) of the first \$1,000.00 of that offer and five percent (5%) of the remainder of that offer.
6. A qualifying increased bid must also be accompanied by a deposit in the amount of five percent (5%) of the bid; the deposit may be made to the Clerk to the Board in cash, cashier's check, certified check, or other immediately available funds. The County will return the deposit on any bid not accepted, and will return the deposit on an offer subject to upset if a qualifying higher bid is received. The County will return, or credit the deposit of the final high bidder at closing.

7. The procedure set out herein shall be repeated until no further qualifying upset bids are received, at which time the Board of County Commissioners may accept the offer and sell the property to the highest bidder. The Board of County Commissioners may at any time reject any and all offers and/or withdraw the property from sale prior to the approval of the final high offer.
8. The buyer must pay with cash, or other good funds, at the time of closing, if and when the final high offer is approved by the Macon County Board of Commissioners.
9. The appropriate County officials are authorized to execute the instruments necessary to convey the Property to the highest bidder if and when the County Board of Commissioners approves the offer from the final high bidder.

Adopted this 11<sup>th</sup> day of April, 2023

MACON COUNTY, NORTH CAROLINA



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Paul Higdon

Chairman of the Macon County Board of Commissioners

ATTEST:



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Derek Roland, Clerk to the Board

(SEAL)



# Macon County



## Proclamation

**WHEREAS**, the nation's 3,069 counties serving more than 330 million Americans provide essential services to create healthy, safe and vibrant communities; and

**WHEREAS**, counties fulfill a vast range of responsibilities and deliver services that touch nearly every aspect of our residents' lives; and

**WHEREAS**, *Macon County, North Carolina* and all counties take pride in our responsibility to protect and enhance the health, wellbeing and safety of our residents in efficient and cost-effective ways; and

**WHEREAS**, under the leadership of National Association of Counties President Denise Winfrey, NACo is highlighting how "Counties RISE!" demonstrating exemplary Resiliency, Inclusion, Solvency, and Empowerment; and

**WHEREAS**, each year since 1991 the National Association of Counties has encouraged counties across the country to elevate awareness of county responsibilities, programs and services; and

**WHEREAS**, Macon County, North Carolina employees over 650 full and part-time employees who provide a variety of services to the citizens of Macon County;

**NOW, THEREFORE, BE IT RESOLVED THAT I**, *Chairman Paul Higdon*, do hereby proclaim April 2023 as National County Government Month and encourage all county officials, employees, schools and residents to participate in county government celebration activities.

Signed this 11<sup>th</sup> day of April 2023

Paul Higdon, Chairman

Macon County Board of Commissioners