

MACON COUNTY BOARD OF COMMISSIONERS
September 10, 2019
MINUTES

Chairman Tate called the meeting to order at 6:01 p.m. and welcomed those in attendance. All Board Members, the County Manager, Finance Director, County Attorney, members of the news media and interested citizens were present.

ANNOUNCEMENTS:

The County Manager gave the board a brief update on the Space Needs Analysis Project. The County Manager said that he met with Mosley Architects on September 4, 2019 and they provided the County with a status update. The County Manager said he has been very impressed by the level of detail that Mosely has gathered during the process, not only on the physical condition of the buildings but on the usage of the buildings. Mosley anticipates that they will give the County a final product in November. The County Manager said this will allow the board to review the recommendations going into the budget process. The County Manager said that this has been a very intensive information gathering process for both Mosley Architects and department heads. He wanted to thank the Macon County department heads for participating in this process and he said it just shows that they go above and beyond what is required of them in order to plan for the future of this County.

Commissioner Beale wanted to remind everyone that the Macon County Fair starts tomorrow, September 11, 2019. He said that the opening ceremony is at 1:00 p.m. He encouraged everyone to come out and that they are anticipating one of the largest crowds in many years. He said that this is still the only agriculture only fair left in the state.

Commissioner Shields announced that Friday night, September 13, 2019, is Veterans Night at the Franklin High School football game. There will be a ceremony called the Empty Chair at 6:30 p.m. on the Franklin High School track.

Chairman Tate said that he received a letter from Don Thomas, President of Southwestern Community College, thanking the County for approving their budget request for the 2019-2020 fiscal year. A copy of the letter is attached (Attachment 1) and is hereby made a part of these minutes.

Chairman Tate also wanted to comment on the County Manager's update on the Space Needs Analysis. He said that this has been something that has been long in the making and that he personally cannot wait for the County to receive the recommendation and have the opportunity to review and make some logical and informed decisions. He directly spoke to the County Manager and said that the board tries to direct him in the directions that they want to see the County move in and that the board puts great trust in him to run and make decisions for the County. He said he feels like the board is constantly discussing capital assets, buildings, improvements, recreation, etc., but that he does not want to forget the most important asset that Macon County has, especially being in the service industry, is the employees. He said that he wants the County Manager to continue to assess the needs of the employees and make sure that the board takes care of them.

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

PLEDGE OF ALLEGIANCE: Led by the County Manager, the pledge to the flag was recited.

PUBLIC HEARINGS: Chairman Tate opened the Public Hearing for Section 5311 (ADTAP), 5310, 5307 and applicable state funding, or combination thereof, for Public Transportation at 6:09 p.m. Kim Angel, Macon County Transit Director, said that this was the annual opportunity for the public to have input on the grant applications. She said that Section 5311 is for the administrative funding. The County is anticipating an allocation amount of \$199,522 and there is a 15 percent match required, so the local share will be \$29,928. The majority of the funds will go to fund salaries and benefits for the administrative staff. There is a requirement for two percent of the funds to go to advertisement for the public transit system and beyond that the funds cover other expenses.

The Chairman asked if anyone would like to comment on the proposed funding.

Commissioner Beale asked Ms. Angel if the local match was in her budget. She informed Commissioner Beale that this funding was for FY 2020-2021 not current budget.

Commissioner Gillespie asked Ms. Angel how she was able to get an increase in funding. She said that the state gives the County a five-year allocation amount and that they base it on a formula for rural transit systems.

No public comment was made on Section 5311.

Chairman Tate began discussion for Section 5310. Kim Angel said that this section is for operating money. She said that they will be asking for \$165,000 and there is a 50 percent local match, but they can use state funds. She said there is about \$63,000 in state funds that is being received for elderly and disabled transportation. Therefore, the remaining \$19,500 will be asked for as part of the County general funds. She did point out to the board that she does try and offset these costs through advertisements and other contracts. Ms. Angel said that beginning in fiscal year 2019-2020 the County lost about 52% of funding. She stressed to the board that she cannot stop providing the service and Chairman Tate thanked her for being proactive.

The Chairman asked if anyone would like to comment on the proposed funding.

No public comment was made on Section 5310.

Ms. Angel said they will not be applying for 5339 or 5307 funding.

She then presented the board with the combined capital request. She said that they are looking at replacing a small bus with a 25-foot vehicle for extra seating capacity. She said they are also asking to replace the flooring in the office. The local match would be \$9,840.

The Chairman asked if anyone would like to comment on the proposed funding.

No public comment was made on the combined capital request.

Chairman Tate closed the public hearing at 6:17 p.m.

Commissioner Gillespie made the motion to approve the resolution for funding. A copy of the resolution is attached (Attachment 2) and is hereby made a part of these minutes. Commissioner Shields seconded the motion. The board voted unanimously to approve.

PUBLIC COMMENT PERIOD: **Narelle Kirkland** approached the board and passed out a letter to the board saying it was private and she just wants them to read it. A copy of the letter is attached (Attachment 3) and is hereby made a part of these minutes. **Bill Dyar** with the Macon County Library Board thanked the board for their funding. He said he makes it a point to learn what is going on at the Library. He said one was the summer food program, and the other was the new Maker Tools Grant. He told the board that this program has great potential for all ages. **Bill Kirkman** told the board he is a full-time resident in Scaly Mountain. He said that his background is in technology and that there is a great interest in bringing broadband into the Scaly Mountain Community. Recently, they created a Scaly Mountain Broadband organization and they have an advisory board whose focus is bringing broadband to the community. He said he was here to ask the board to vote yes for the \$178,000 grant that will be asked for later on in the night. He said that it is critical to supporting and growing local businesses, including those that work from home. He said they are focusing on two negative impacts that they are facing, Frontier running out of ports that prevents new service, and the service issues such as outages and slow speed. He said that this will affect growth and the inability to attract businesses to their area. He said it will also impact education, health, and emergency services in the area. He thanked the board for the opportunity to appeal to them directly. **Jim Gaffoy** approached the board and thanked them for the opportunity to talk with them. He said he is a member and resident of the King Mountain community in Scaly Mountain and serves on the broadband committee. He said he has spent 30 years in the communication industry. He said that he is asking the board to vote yes for the funding that will be asked for by Little T Broadband. He said that citizens in his community are losing service and Frontier cannot provide new internet service and has no plans. Mr. Gaffoy said that the current service has begun to deteriorate and residents are now having landline issues as well. He said he is really concerned with how the connectivity issues will affect health services and emergency response times. Commissioner Beale said you cannot help but to notice that Frontier stock has dropped and that this is a real concern for this board. **Bonnie Gramlich** said she is here because she really does care about the Scaly Mountain community. Ms. Gramlich said that she thinks that having reliable internet would be very beneficial for their area. She asked the board for serious consideration for funding.

REPORTS AND PRESENTATIONS:

TOWN OF HIGHLANDS FIBER PROJECT UPDATE: Town of Highlands Mayor Pat Taylor presented the board with an update on where they are on the fiber optic network and construction. He said they are in the construction zone right now on the 4.6-million-dollar project that the Town of Highlands is underwriting and borrowing the money. He said that the private partner, Wide Open, will be investing in the project as well. He said the basic message tonight is that “we are at work.” He said they have spent several months in the “make ready” processes. One of the main issues that has delayed the process is getting the materials. He said the fiber is on backorder, but they anticipate getting the material in at the end of the month. He presented the board a PowerPoint presentation of the project phases so they could get an idea of the enormity of the project. He is hoping they will be “lighting up” this project in April. Mayor Taylor said that this is a critical technology that needs to be available in all of our communities. He said they have been working on this for five years. He said that the technology will continue to add value and protect them in the future for economic development, education, and critical medical needs. Mayor Taylor said that the Town of Highlands has borrowed the money but has asked the County to partner with them. He said he knows the County is not in the utility business but that the County could facilitate and partner with other groups that feel like they need to address this in their local communities. Chairman Tate asked how many utility customers Highlands had, and Mayor Taylor said 3,300 both residential and business. Commissioner Beale asked if they had a provider yet. Mayor Taylor said they have Wide Open Networks. He said Wide Open Networks will bring in the providers. He said he does not want to announce it tonight, but that they know some of the local providers will go on the network instead of trying to run their own lines. He said this is a great opportunity for Macon County to step forward in Western North Carolina. Mayor Taylor said that Representative Corbin has been pushing for House Bill 431 – Fiber NC Act. Commissioner Gillespie asked Mayor Taylor, out of 3,300 power customers how many are on fiber? Mayor Taylor said that most of theirs is wireless and they have 300 customers but he is not sure about how many fiber customers there are. Mayor Taylor said that any support the County can give will be greatly appreciated. He said the biggest challenge for them will be servicing the loan that they have taken out. Commissioner Beale asked if the 4.6-million-dollar project cost will hold. Mayor Taylor said it should. He said he appreciates the board’s willingness to address this critical issue not just for Highlands but for the whole County.

BROADBAND FOR SCALY MOUNTAIN AREA PRESENTATION: Anthony Deakins, CEO of Little T Broadband Services, shared a request for funding support with the board. A copy of the request is attached (Attachment 4) and is hereby made a part of these minutes. Mr. Deakins said his purpose tonight is to share the progress that has been made to date and to seek the County’s assistance with continuing that progress. As can be seen in the attachment, there are GIS maps, a projected timeline of the project, and a breakdown of the proposed use of the \$178,000 that is being requested from the County. He said that 2019 marks the fourth year that they have been in pursuit of this. He said that is very critical for the rural counties and essential to attract businesses and allow the current businesses to succeed and thrive. He said the timeline that is provided assumes no interruptions and it fills out about two years. He stressed to the board that the funds being requested are not to

supplement a for-profit business venture. He said Little T is a non-profit that is being run by local volunteer citizens and is aimed to promote economic development, improve health and education services, and to augment and improve public safety through the development of this network. He said that the County's financial support would obviously be appreciated, but is also sorely needed to move down the pipeline that has been presented. Commissioner Beale said that the only way that we are going to have broadband in our area is people like Mr. Deakins and the communities like Scaly Mountain who step up. He said that the County has been looking at this for five or six years and that there have been committees put together to try and address the needs, but when you see these type of efforts like this, that really try and do something, he really admires it. Commissioner Beale said he is supportive of a system to help these type of projects and that going forward this could be a template for other communities. Commissioner Higdon asked what the status of the broadband committee was. The County Manager said that there is a lot of confusion on what the County can and cannot do with money, and how can it legally support the broadband effort. The County Attorney said that he has done some research and there is not a lot of guidance and that further research will need to be done. A lengthy discussion ensued about the laws and how other counties handle these type of projects. Commissioner Shields pointed out that the County started out looking at this as a local concept, but saw quickly that this was a regional concept. He said that trying to do it individually as a county was not very productive but when they shifted to the regional concept the communication stopped flowing. The County Manager said that before the broadband committee was formed the County incorporated the GIS staff, Mapping staff, and sent surveys out in the School System to collect the information to report that there is a problem. He said the information has been gathered and \$400,000 has been appropriated in the budget but that the legal terms of how the money can be used seems to be the hold up. Commissioner Beale said that he supports giving the Town of Highlands \$250,000 per year for two years and giving Little T fifty percent of their request over two years. There was more discussion about how important the service was for the area. Chairman Tate asked how many subscribers they were anticipating and Mr. Deakins said 1,750. Chairman Tate asked what the cost of the buildout was going to be. Mr. Deakins said they estimate \$5 million for the Otto/Middle Creek area and around \$7 million for Scaly Mountain. Chairman Tate said he does not have an issue at all for supporting this or the Town of Highlands, but that he believes it is important that the board sets some type of protocol on how they can potentially disburse public funds going forward. He said he does not want to put the County in a situation where it cannot sustain these projects financially or emotionally. The County Attorney asked Mr. Deakins who the other counties were that are doing this so that he could check with them on how they are doing it. Commissioner Higdon asked what the average cost for a household to connect would be. Mr. Deakins said they hope to price close to the standard rates of cities like Asheville and Atlanta (\$40-\$45/month).

Chairman Tate passed out a letter that was given to him from Lawrence Street, President of King Mountain Club, Inc., asking for the board to support and vote for the Little T funding request. A copy of the letter is attached (Attachment 5) and is hereby made a part of these minutes.

Commissioner Beale said that the County has \$400,000 in an account and that he would like to discuss giving the Town of Highlands \$500,000 over two years and Little T \$89,000 now and then review after six months to give them the remainder of their request. He said that there are two groups here that are willing to step out and the board should give them the opportunity to succeed.

The County Attorney said that conceptually it is a good idea, but that the County has to make sure that they have legal authority to do this.

Commissioner Gillespie said when he announced that he was going to run for County Commissioner he had a few things that he wanted to work on, and broadband was one of them. He said he felt like he could utilize some of the resources that he has at his disposal to help Macon County. He said the broadband committee did a lot of legwork to see where the needs were in the County and it proved it was everywhere. He said that the reality is that federal money is needed to make this happen. He believes the state realizes that they are going to have to step in at some point too. However, he does not believe that the County should just sit and wait. His concerns are that there are far more of these initiatives that have failed than have succeeded. From a County standpoint, he thinks it will need to be structured to protect the taxpayers' dollars. Commissioner Gillespie still wants clarity on whether the County can fund Little T? He said he has yet to get a 'yes', so he thinks the County is going to have to have some help. He continued to say that he feels that the funding needs to be done uniformly, and that it is important for the County to set those guidelines and then funnel the dollars according to that plan. Commissioner Beale said he disagrees with Commissioner Gillespie. Commissioner Beale said that this could be a template and if the board does support them now that the County will have a partnership moving forward. He said that it is an ideal time and ideal position to put it out there and let the County Manager and County Attorney see what the County can do. Commissioner Gillespie wanted to make clear that he was not implying how they build, construct, or implement the project. He said he was just wanting a plan for how the funding would work.

Commissioner Higdon said that he does feel that there needs to be some sort of funding ratio. He said he is absolutely in favor of assisting, but that there needs to be some parameters.

The County Attorney said several counties are working on this and that county attorneys are really good at working together and that many of these issues may have already been addressed. Commissioner Higdon said "we will charge you with this task."

Chairman Tate pointed out the difficulty of comparing 'apples to apples' on these two projects.

Commissioner Beale made a motion for the board, if permissible, to authorize \$500,000 to the Town of Highlands (\$250,000 per year for two years) and \$178,000 to Little T Broadband Services (\$89,000 now and \$89,000 at a time the board deems necessary, but will not exceed two years) and that the board can have updates and review these projects

at any time, and that there will be interlocal agreements put in place for both. The motion was seconded by Commissioner Shields. Commissioner Higdon asked if this motion was charging the County Attorney and County Manager to do the research on the legality of the funding. Commissioner Beale said that it was for that and the funding if it is found that the County can legally fund them. A lengthy discussion ensued, again, about the types of funding and the needs for different levels of funding. Commissioner Gillespie said he would rather wait until the next meeting to see if they can come up with some sort of funding model. Chairman Tate said that this is tough and that he wants to be very upfront about this. He said it makes him want to “kick himself for not having this completed and not pushing this board harder and have this worked out beforehand.” He said he is in support of the motion, but he does have reservations just like those he mentioned earlier and those that Commissioner Gillespie mentioned. He said he does not want to be the reason that this is held back any longer, but that he is going to be pushing for some ideas and concepts to be put in place in order to disburse taxpayer dollars to future projects like these. The board voted 4-1 to approve the motion as presented, with Commissioner Gillespie opposing.

Chairman Tate called a recess at 8:07 p.m.

Chairman Tate called the meeting back to order at 8:15 p.m.

ANNOUNCEMENT: Commissioner Beale reported to the board that the DOT has suspended all engineering projects across the state. The traffic problem at Mountain View Intermediate School and the Macon Middle School is the only thing in Macon County that has been affected. Commissioner Beale asked for the board’s permission to say that the board asks for this study to go forward now and not be delayed. The board agreed. No official action was necessary.

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

- To remove Item 11B
- To add Item 11E, Funding Request from the Franklin High School Marching Panther Regiment Band.
- To add Item 11F, Dog Park Walking Trail
- To add the Settlement Report as part of Item 12E
- To remove Item 12F
- To add to Appointments, another seat to the Recreation Commission under Item 13B totaling three seats
- To add new item 13C Planning Board (1 seat)

OLD BUSINESS:

DECISION REGARDING TELECOMMUNICATION TOWER APPLICATION FOR 175 FT. MONOPOLE TOWER AT 575 CR CABE ROAD. Chairman Tate said there have been two public hearings on this and he noticed that Geoff Stubbs has signed up to make public

comment. The County Attorney said that he is free to make a public statement on this, but anything he presents tonight cannot be used as evidence by this board when they go to vote on the matter because the public hearing has been closed. Mr. Stubbs passed out a graphic to the board to show where he disagreed with what Verizon presented during the public hearing. Commissioner Higdon said that Verizon has done their studies in compliance with the ordinances that the County has in place. He said that he does not know which site is best but he understands that Verizon has spent some time, money, and engineering on choosing a site and addressing the conditions in the ordinance, therefore he has no reason not to support moving forward on this. Commissioner Higdon made the motion to approve the application as presented by Verizon. Commissioner Gillespie asked Jack Morgan, Planning, Permitting, and Development Director, if the Verizon application fully complies with the ordinance. Mr. Morgan said that it does. Commissioner Gillespie seconded the motion. Commissioner Shields said he is not sure if something he is about to say is something "new" and he does not know if that is something he can share. The County Attorney strongly encouraged the board to make its decision based on the evidence that was presented, not something that might have been gotten, a thought that was had, or something that was seen at the property. He said that this decision has to be based solely on the evidence that was brought to the board over the course of the two public hearings. Commissioner Beale said he does not think it matters what the board does. Commissioner Beale said he does believe the tower could have been camouflaged but he will reluctantly support Commissioner Higdon's motion. Commissioner Beale then recommended for the Planning Board to take another look at the Telecommunications Towers Ordinance. Chairman Tate said the proposed tower meets all the stipulations that the County has set forward. Language was then added to Commissioner Higdon's motion by Chairman Tate, at the recommendation of the County Attorney, authorizing the County Manager in cooperation with the County Attorney to issue a written letter of approval to the Applicant within a reasonable period of time and such written approval which shall contain:

- A. Provisions that if the construction is not started within six months from the date of issuance of the building permit, the wireless support structure building permit shall expire. This provision shall likewise be contained in the building permit;
- B. The Owner of the proposed wireless support structure shall record in the Macon County Register of Deeds Office a letter of intent prior to the issuance of the building permit which complies with North Carolina General Statute 154.08 (G) of Chapter 154 of the Macon County Code of Ordinances : Wireless Telecommunication Facilities Ordinance;
- C. Approval and building permit shall require the facilities to be constructed within at least 24 months;
- D. A provision that the approval and the building permit are issued in reliance upon a presumption that the wireless support structure will in fact conform to the plans which were submitted as the basis for the building permit and once erected the wireless support structure must continue to be at all times maintained in compliance with the provision of Chapter 154 of the Macon County Code of Ordinances.

The board voted unanimously to approve the tower application permit as presented contingent upon the stipulations as aforementioned, being addressed.

CONSIDERATION OF MACON COUNTY INVOLUNTARY COMMITMENT

TRANSPORTATION AGREEMENT. County Attorney Chester Jones presented the board with an Involuntary Commitment Agreement. A copy of the agreement is attached (Attachment 6) and is hereby made a part of these minutes. The County Attorney informed the board that this agreement has already been approved by both the Town of Highlands and the Town of Franklin. The County Manager reminded the board that this agreement, as presented, outlines how the County handles the involuntary commitment transportation process in Macon County between the municipalities. Commissioner Beale made the motion to approve the agreement as presented. Commissioner Shields seconded the motion, and the board voted unanimously to approve.

NEW BUSINESS:

DETENTION CENTER MEDICAL SERVICES CONTRACT. County Attorney Chester Jones presented the board with a copy of the Detention Center Medical Services Contract. A copy of the contract is attached (Attachment 7) and is hereby made a part of these minutes. Attorney Jones said the contract is designed to deal with the County and the Macon County Sheriff's Office to make sure that the inmates at the Macon County Detention Center receive the medical care that they are entitled, by law, to receive while they are at the facility. The medical services agreement is with Dr. Jason Creel, who has been serving in this capacity for some time. The County Manager and County Attorney prepared this contract when they learned that it was time to renew Dr. Creel's contract. The County Attorney recommended that this contract be approved, as well as the policies that have been presented and attached, and the HIPPA business associate agreement which is attached as Exhibit 15 in the contract. Commissioner Beale said that he is still holding out for Medicaid for prisoners. Commissioner Beale said that all prisoners have to do is voice that they need to go to the hospital and the County is required to take them. Commissioner Beale said unless we get some help somewhere you can see what it will do to the budget. He said we are lucky to have a local doctor that will do this, and Sheriff Holland agreed. Commissioner Beale, as liaison to the Macon County Sheriff's Office, made the motion to approve the medical services contract with Dr. Jason Creel, and to approve the medical plan and the HIPPA business associate agreements and authorize the County Manager to execute the contract. Commissioner Shields seconded the motion, and the board voted unanimously to approve.

REJECTION OF BID NUMBER 4310-08 DUE TO CHANGE IN SPECIFICATIONS. The County Manager asked the board if they would formally reject bid number 4310-08, Patrol Vehicles for the Macon County Sheriff's Office. He said that once the bids were released and received, the needs at the Sheriff's Office changed. Commissioner Beale made the motion to reject bid number 4310-08. Commissioner Shields seconded the motion, and the board voted unanimously to approve.

COMMUNITY CARE CLINIC FUNDING REQUEST. Cathy Stiles, Executive Director of the Community Care Clinic of Franklin, told the board that they see their patients at the Macon County Health Department on Monday and Wednesday nights. She said they have a good

relationship with the Health Department, and that the Health Department even refers patients without insurance to the Community Care Clinic. She said their reason for being is to provide primary health care for free to patients that are citizens of Macon County that do not have insurance and are low income. She said just because they are low income does not mean they are not working. She said in fact, quite a few of them do work either part-time or in trades that their employers do not offer health insurance, and therefore cannot afford the high cost of medical care. Ms. Stiles said that her reason for being here tonight was that they have had a funding crisis. She said that last year, when she started in this position, the clinic was being funded by the State of North Carolina but when that funding cycle came up for renewal the funding was not approved. She said this was a huge budget drop and that they have went into "survival mode." Ms. Stiles said they have reached out to other sources for funds, such as community members and the Dogwood Trust Health Foundation. Ms. Stiles said they are all offering to help and have provided some funds. She is asking the County to be a part of the matching funds that will allow them to partner with these other foundations while they pursue other funding to keep them open and operating. Ms. Stiles said that they provide a vital service to the citizens of Macon County. She said that they provide primary health care to over 800 active patients at their free clinic. She said they had over a thousand patient encounters in the past year, ending June 2019. Ms. Stiles said that demands are increasing and they are seeing more new patients, and all of this is in a time of a drastic funding reduction. She said they need help in the funding to continue to meet the patient needs. Ms. Stiles said that Carmine Rocco, Health Director, has shown support for this clinic. She said the patients frequently express their gratitude for the services the clinic provides. Ms. Stiles asked the County to provide \$75,000, which would support the clinical operations while they continue to seek new grants and resources. Commissioner Beale told Chairman Tate that he and the County Manager met with Ms. Stiles and discussed several options. He said that he is a great supporter of the Community Care Clinic. Commissioner Beale said that Macon County has dropped to 90th in the state in uninsured people per capita. He said that this is a wonderful program, and a wonderful group of volunteers. Commissioner Beale said he is not against the \$75,000 but he thinks that it would be prudent of this board to consider half of their request. He said that they have received some money from the Highlands Trust. He said he is hopeful that the Nantahala Trust and the Dogwood Foundation will help as well. Commissioner Beale made the motion to enter into an interlocal agreement with the Community Care Clinic and fund them \$37,500 from the general fund balance. Commissioner Shields seconded the motion. Ms. Stiles asked the board for the opportunity to come back to them in the future if needed. Commissioner Shields asked Ms. Stiles if other community foundations have been asked for funds. Ms. Stiles said they have asked and received some funding from the Rotary Clubs and churches, but that their allowable funding amounts are just smaller. Commissioner Higdon asked Ms. Stiles if they applied to the Community Funding Pool. Ms. Stiles said that they did, and received funding that covered a provider for one clinic for six months. Chairman Tate asked if they still operate a clinic in Highlands. Ms. Stiles said that the Highlands clinic is a separate clinic. Chairman Tate asked if there was a reason that these clinics do not combine. One of the board members for the Community Care Clinic told the board that the Highlands clinic was the original clinic but once they saw the amount of citizens that were driving to Highlands from Franklin they decided to open the Franklin clinic. They were able, at that time, to receive funding from the rural health grant

for about three years. Once that funding was up, the clinics decided to run separately, but they still have a great working relationship. The board voted unanimously to approve funding in the amount of \$37,500.

FRANKLIN HIGH SCHOOL MARCHING PANTHER REGIMENT BAND FUNDING REQUEST.

Commissioner Shields told the board that the Franklin High School Marching Panther Regiment Band will be going to the All-State Sugar Bowl in New Orleans, Louisiana to perform for more than 90,000 people and on national television for the Sugar Bowl halftime show as well as the Sugar Bowl parade down the world famous Bourbon Street. Commissioner Shields said that they are taking 100 students and are wanting to go to the National World War II Museum. He said that this is not part of the trip package and that it will cost about \$42 per student. Commissioner Shields said they are having fundraisers to raise this amount, and that last week the Vietnam Veterans of America wrote a check for \$500 to go to this fundraiser. He said they are also asking the Town of Franklin for \$500. Commissioner Shields made the motion to give \$500, from the contingency fund, to the Franklin High School Marching Panther Regiment Band to go towards the trip to the National World War II Museum. Commissioner Beale seconded the motion. Chairman Tate said he cannot disagree in the least bit, and that he thinks that this is a fantastic opportunity for the students. He said he will support this, but he wanted to know if the Macon County School Board has funds for things like this. Commissioner Shields said they have to do fundraiser requests for these type of activities. The County Attorney recommended that the check be made payable to Macon County Schools and designated for this specific purpose. The board voted unanimously to approve funding in the amount of \$500.

DOG PARK WALKING TRAIL. Chairman Tate said that at the Recreation Commission meeting that there was some discussion about adding a walking trail around the dog park for a minimal amount of money. The County Manager said that this is an addition to the original project and that the funds would be available in the property and building improvements line in the Recreation Park budget. Commissioner Beale asked who was going to be maintaining the dog park and the walking trail. The County Manager said the County will be responsible. Commissioner Shields made a motion to approve a budget amendment to be made to move \$4,500 from the Recreation Park's property and building improvements budget to the Dog Park project fund. Commissioner Beale seconded the motion, and the board voted unanimously to approve.

CONSENT AGENDA: Upon a motion by Commissioner Higdon, seconded by Commissioner Shields, the board voted unanimously to approve the items on the consent agenda as follows: the minutes of the August 13, 2019 regular meeting; the following budget amendments: #60 donations and calendar sales appropriation for the Macon County Sheriff's Office in the amount of \$40,000, #61 GusNIP grant money appropriation in the amount of \$377,252 for the Macon County Health Department; tax releases in the amount of \$6,807.70 for August 2019; monthly ad valorem tax collections report; and relief of the taxing unit for collection of real estate taxes that are 10 years past due.

APPOINTMENTS:

SOUTHWESTERN COMMUNITY COLLEGE BOARD OF TRUSTEES: Commissioner Shields made the motion to appoint Brett Rogers to the Southwestern Community College Board of Trustees. Commissioner Gillespie seconded the motion and the board approved unanimously.

RECREATION COMMISSION: Commissioner Shields made the motion to appoint Timothy Crabtree to the Recreation Commission. Commissioner Higdon seconded the motion and the board approved unanimously.

PLANNING BOARD: Commissioner Gillespie made the motion to appoint Dr. Mickey Henson to the Planning Board. Commissioner Higdon seconded the motion and the board approved unanimously.

CLOSED SESSION: Upon a motion by Commissioner Beale, seconded by Commissioner Higdon, the board voted unanimously to go into closed session at 9:10 p.m. for the purpose of preserving the attorney/client privilege and to instruct the staff and agents of the County concerning the negotiation of possible acquisition of real property under NCGS 143-318.11(a)(3) and NCGS 143-318.11(a)(5). At 9:38 p.m., upon a motion by Commissioner Beale, seconded by Commissioner Shields, the board voted unanimously to come out of closed session and return to open session.

PERSONAL PROPERTY: The County Attorney outlined the discussion that took place in closed session regarding the possible purchase of property from Rodney and Rena Stauffer in Highlands, North Carolina. The County Attorney had prepared a proposed agreement for their consideration and sent that to Mr. and Mrs. Stauffer and they signed that agreement. The County Attorney said this property is found in Register of Deeds book Q-32 page 1791-1792. He said this is a 1.74-acre parcel with a purchase price of \$71,880 which is the tax value on the property. Chairman Tate said this property adjoins the Buck Creek Recreation Facility in Highlands and it will be an outstanding future recreational facility for that end of the County. Attorney Jones said that if the board is inclined to accept their offer to sale that they will need to authorize the Chairman to sign on behalf of the County and there would need to be a budget amendment in the amount of \$5,000, from general fund contingency, to cover the earnest money and survey costs. Commissioner Beale made the motion to approve as presented. Commissioner Shields seconded the motion and the board voted unanimously to approve.

LAWSUIT: The County Attorney reported to the board that there is a pending lawsuit that the County brought concerning a nuisance issue against Randy Collins, William Stephen Sheppard, and Dusty Collins, Macon County file 19-CVS-300. The County Attorney said that he, personnel from the Macon County Sheriff's Office and the State Bureau of Investigation have negotiated what they believe to be a satisfactory consent judgment and final order of abatement. The County Attorney has prepared that and recommends approval of that document and authorization for the County Attorney and the Chairman to sign and present the same to the appropriate judge for entry, it has already been signed by the defendant.

Commissioner Shields made the motion to approve as presented. Commissioner Beale seconded the motion and the board voted unanimously to approve.

ADJOURN: With no other business, at 9:44 p.m., upon a motion by Commissioner Higdon, seconded by Commissioner Shields, the board voted unanimously to adjourn.

Derek Roland
Ex Officio Clerk to the Board

Jim Tate
Board Chairman