

**MACON COUNTY BOARD OF COMMISSIONERS
MINUTES
JUNE 9, 2020**

Chairman Tate called the meeting to order at 6:00 p.m. and welcomed those in attendance. Due to Gov. Roy Cooper's Executive Order limiting the number of people at a mass gathering to 10 due to COVID-19, physical participation at the meeting in the boardroom was limited to that number. All five commissioners were physically present and practiced social distancing. County Manager Derek Roland was also present, as was Finance Director Lori Carpenter and County Attorney Chester Jones. Deputy Clerk Mike Decker watched the meeting via live stream. A reduced number of members of the media were allowed to attend.

ANNOUNCEMENTS: Chairman Tate asked those in attendance to keep the family of David Head – a Macon County Sheriff's Deputy who died May 23rd in a motorcycle accident – in their thoughts and prayers.

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

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

PUBLIC HEARING REGARDING RECOMMENDED FISCAL YEAR 2020-21 BUDGET: Chairman Tate opened the public hearing on the recommended Fiscal Year 2020-21 budget at 6:02 p.m. and asked if anyone desired to comment. There were no incoming telephone calls and no one present in the boardroom signed up or wanted to speak. Commissioner Beale asked that the budget be reviewed after six months "and see where we're at." Chairman Tate closed the public hearing at 6:04 p.m. Commissioner Shields made a motion to approve the Fiscal Year 2020-21 budget, and the motion was seconded by Commissioner Beale. However, Mrs. Carpenter pointed out that the board would need to act on the small business loan program before final approval could be given to the budget. Commissioner Shields withdrew his motion, and Commissioner Beale withdrew his second to the motion.

PUBLIC HEARING ON THE "REOPENING MACON" COVID-19 SMALL BUSINESS LOANS PROGRAM: Chairman Tate opened the public hearing on

the “Reopening Macon” COVID-19 Small Business Loans Program at 6:05 p.m. Mr. Jones said that a resolution had been prepared in conjunction with consideration of the program, as he, Mr. Roland and Macon County Economic Development Director Tommy Jenkins had been tasked by the board to set up the loan fund. Mr. Jones pointed out that the funding amount was increased to \$257,500, with the additional \$7,500 to be used to cover fees associated in the administration and closing of the loans. Commissioner Beale said there are several people who wanted to speak regarding the program, and added that 90 percent of the 500-member Franklin Chamber of Commerce is made up of small businesses. **Corey McCall** of Outdoor 76 told the board that his business has faced “such dire circumstances” during a time when the through-hikers on the Appalachian Trail would have normally been in his store. He said the loan program would be “really good for businesses that need an extra boost of money.” **Tim Crabtree** with Motor Company Grill also spoke in favor of the program, and said that the federal-based loan programs have “big stipulations on where you can spend the money.” **Linda Harbuck**, the executive director of the Franklin Chamber of Commerce, told the board she had been involved with the chamber for almost 50 years and has “never seen anything like this,” adding that some chamber members are having difficulty paying their dues. Without small businesses, Mrs. Harbuck told the board that Macon County “wouldn’t be the same,” adding that the county really needs to help them with this program. “My idea is if something is there, they can ask,” she said, and she encouraged the board members to support the program. Mr. Jenkins then presented the board with letters from the Franklin and Highlands chambers of commerce in support of the “Reopening Macon” program, copies of which are attached (Attachments 1 and 2, respectively) and are hereby made a part of these minutes. Mr. Jenkins added that the members of the Macon County Economic Development Commission (EDC) voted unanimously to support the program. Commissioner Gillespie voiced some concerns and said he wished there was a way for this to be a grant program and not a loan program, which led to further discussion. Commissioner Beale stated that having to pay the money back instead of it being given to you might be better. “If you’ve got skin in the game, it’s a motivator,” he said, adding that giving the money away could set a bad precedent, as the loan program puts everyone on the same footing. He said if a business runs into a hardship, then Mountain BizWorks (the administrator of the program) and the county can work with that borrower. Following additional discussion, Commissioner Beale made a motion to approve the following resolutions, as follows: (1) a Resolution of the Macon County Board of Commissioners Establishing the “Reopening Macon” COVID-19 Small Business Loan Program and Approving the Attached Agreement With Mountain BizCapital, Inc., a North Carolina Non-Profit Corporation, to Administer the Same on Behalf of Macon County, and (2) a Resolution of the Macon County Board of Commissioners to Approve and Authorize Utilizing \$257,500 from the Macon County Economic Development Capital Reserve Fund. Commissioner Gillespie seconded the

motion, and all favored. Copies of both resolutions are attached (Attachments 3 and 4, respectively) and are hereby made a part of these minutes.

CONSIDERATION OF THE FISCAL YEAR 2020-21 BUDGET: Mrs. Carpenter said that with the board's action on the "Reopening Macon" loan program, the board could now consider approval of the version of the budget ordinance that includes the \$257,500 for the program from the economic development reserve fund. Following brief discussion and upon a motion by Commissioner Shields, seconded by Commissioner Beale, the board voted unanimously to approve the Budget Ordinance for Fiscal Year 2020-21, a copy of which is attached (Attachment 5) and is hereby made a part of these minutes. Chairman Tate noted this budget was "the easiest one I've had as a commissioner."

PUBLIC COMMENT PERIOD: **Felecia Henderson** joined the meeting via telephone and questioned why there was not a noise ordinance in the unincorporated parts of the county. She said her neighbor has coon dogs that "bark all the time" and she has called Animal Control about them. Mr. Jones explained that the county does have a nuisance ordinance, but that it has an exclusion for dogs. **Tom Henderson** joined the conversation and asked what it would do to get the law changed. Commissioner Beale said that since state law is specific about "sporting dogs" on this particular matter, Mr. Henderson would need to contact state Rep. Kevin Corbin or state Sen. Jim Davis about that. Mr. Henderson told the board that it "sounds like we live next to a kennel," and he did point out that they live in Coon Creek Subdivision.

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

- To add discussion regarding the underground storage tanks at the Macon County School Bus Garage under Old Business as Item 10C, per Mr. Roland.
- To add the following items to the Consent Agenda, per Mr. Roland: Renewal of the lease with TECO SSL, Inc. for space at the Business Development Center as Item 12M, a service contract with the Highlands Chamber of Commerce as Item 12N, and a service contract with the Franklin Chamber of Commerce as Item 12O.
- To add consideration of the reappointment of Commissioner Shields to the Southwestern Community College (SCC) Board of Trustees under Appointments as Item 13B.
- To add discussion of a matter involving the Eastern Band of Cherokee Indians under New Business as Item 11C, per Commissioner Beale.

UPDATE ON VAYA HEALTH ACTIVITIES: Shelly Foreman, the Community Relations Regional Director for VAYA Health, provided the board with highlights

of the services the agency is performing during the pandemic, including work with the “No Wrong Door” program and upcoming work with Franklin High School on behavioral health services. Commissioner Beale, who serves on the VAYA board, talked about the need rural counties have for mental health related funding, noting it is especially tough on the far western part of the state. Ms. Foreman said VAYA has concerns for their providers, and said the state’s seven Local Management Entity/Managed Care Organizations (LME/MCOs) are asking the legislature for a system payment of \$81.4 million to cover direct COVID-19 related care costs for the current fiscal year. Following further discussion with Ms. Foreman, the board took no action.

UPDATE ON COUNTY’S RESPONSE TO COVID-19:

(A) Kathy McGaha, the Director of Macon County Public Health, presented a PowerPoint presentation, a copy of which is attached **(Attachment 6)** and is hereby made a part of these minutes. She noted that Macon County now has the third-highest number of COVID-19 cases among the state’s far-western counties with 157 as of this date. She said 139 of those are “active,” 17 have recovered and there has been one death. There has been a sharp increase in the number of positive cases since the opening of the state’s Phase 2 plan, she told the board, noting that a total of 2,227 county residents have been tested, with a small number of those having been tested more than once. She said public health officials are trying to make sure someone is negative before coming off of isolation orders. This led to further discussion regarding testing, with Mrs. McGaha pointing out that the health department doesn’t have the capacity to open up testing to just anyone who wants to be tested, and explained the protocol for getting a test. She told the board the number of positives will climb. Further discussion centered on contact tracing, and the active “clusters” now in the county. In closing, she noted there are those who test positive and are asymptomatic or with mild symptoms at worst. No action was necessary.

(B) Warren Cabe, the Director of Emergency Management, told the board that the public shouldn’t take the latest COVID-19 numbers the wrong way, since that “for a long time we were at the bottom of the list” with only two or three cases. He did comment that it was “a little unexpected” that the numbers rose so quickly. However, he later added that “I don’t think we are there” in terms of going back to more stringent regulations.

(C) Sheriff Robert Holland told the board that visitation with inmates at the county jail is now being conducted at the Robert C. Carpenter Community Building using iPads, a practice that he said may continue long after the county reopens. He also noted that he has spoken with Mrs. McGaha about what to do in cases where individuals were not obeying their order to isolate. The discussion then turned to the sheriff’s department response

to organized protests that have taken place in downtown Franklin regarding racial equality, with the sheriff noting that while there were some initial concerns, “it ended up being absolutely nothing.”

(D)Mr. Roland shared brief comments with the board, expressing his gratitude to county staff and saying he has “never been part of a more coordinated, more well-planned effort,” adding that the county has been able to continue functioning and open for business.

North Carolina’s 2020 COVID-19 Recovery Funding Act: Mr. Roland provided the board with an overview of how the county planned to use funds from the North Carolina 2020 COVID-19 Recovery Funding Act, explaining that the funds can be used for “frontline payroll costs” and can cover the use of the federally-mandated emergency leave for employees and the costs associated with providing teleworking arrangements. He noted that some of the funds will be distributed to the towns of Franklin and Highlands. Following further discussion, no action was necessary.

MACON COUNTY FOREST ADVISORY COMMITTEE RECOMMENDATIONS AND COMMENTS: Chairman Tate said he had asked Mr. Roland to “condense” the recommendations and comments of the Macon County Forest Advisory Committee into a format as requested by the U.S. Forest Service, and commended Mr. Roland for his work. Mr. Roland then went over the 11 recommendations contained in a letter from the board, a copy of which is attached (Attachment 7) and is hereby made a part of these minutes. Briefly, the recommendations ask for no additional wilderness area classifications within the county, to provide more public access to the forests and to use those forests to their fullest extent. Jim Gray, the chairman of the committee, spoke briefly and also commended Mr. Roland on a “very professional summary.” Following comments from Chairman Tate and Commissioners Beale and Gillespie, upon a motion by Commissioner Gillespie, seconded by Commissioner Shields, the board voted unanimously to approve the letter as presented.

ORDINANCE AMENDING THE FISCAL YEAR 2019-20 BUDGET: Mrs. Carpenter presented a proposed ordinance amending the Fiscal Year 2019-20 budget, one that included \$257,500 in funding for the small business loan program approved earlier in the meeting. However, before consideration of the ordinance, the board took up the matter of additional costs related to the closure of two underground storage tanks at the Macon County School Bus Garage. Mr. Roland explained that the contractor on the project, S&ME, had presented a change order in the amount of \$12,361, primarily for additional testing and reporting requirements. In addition, he said there was the need for an additional \$11,000 for excavating and hauling approximately 150 tons of additional material and soil testing, plus the installation of a monitoring well, with these

items taking the original cost of \$52,800 to \$72,801. He told the board he was requesting \$21,000 to go along with approval of the change order. This led to further discussion regarding the project. Upon a motion by Commissioner Shields, seconded by Commissioner Beale, the board voted unanimously to approve the change order as presented, along with the additional requested funds. Shifting back to the budget ordinance, Mrs. Carpenter explained how the board's action on the change order will require two changes to the ordinance as presented. Upon a motion by Commissioner Gillespie, seconded by Commissioner Shields, the board voted unanimously to approve the Ordinance Amending the Fiscal Year 2019-20 Budget as revised, a copy of which is attached (Attachment 8) and is hereby made a part of these minutes.

GRANT REQUEST FROM HIGHLANDS-CASHIERS HEALTH FOUNDATION:

Mr. Cabe requested the board's approval to seek grant funds from the Highlands-Cashiers Health Foundation in the amount of \$101,200 for equipment for Emergency Medical Services (EMS), and upon a motion by Commissioner Higdon, seconded by Commissioner Beale, the board voted unanimously to grant the request.

SOUTHWESTERN NC HOME CONSORTIUM: Mr. Jones briefly reviewed the items in the board's agenda packet regarding a request from the Southwestern Commission concerning the county's participation in a home consortium. Sarah Thompson, the Executive Director for the Southwestern Commission, joined the discussion via telephone and asked if the board had any questions for her. She said the current step is to form the consortium and then take about a year to form a plan, and it would be the summer of 2021 before funds are received and the plan starts. She noted the county will have representation and is not committing to any money right now. Following further discussion, and upon a motion by Commissioner Beale, seconded by Commissioner Shields, the board voted unanimously to approve a "Resolution of the County of Macon Approving Participation of the County of Macon in the 'Southwestern NC Home Consortium' and Authorizing the Chief Executive Officer to Enter Into and Execute a Home Investment Partnership Act Consortium Agreement," a copy of which is attached (Attachment 9) and is hereby made a part of these minutes.

EASTERN BAND OF CHEROKEE INDIANS: Commissioner Beale said that the Catawba Indian Tribe wants to build a casino in North Carolina, and while the law states that any such casino must be built on reservation land, the Catawba's reservation is in South Carolina. However, he said there is a move to allow a Catawba-operated casino to be built near Charlotte. If it is approved, he said it would be a big drain on jobs and revenue in western North Carolina, as this would draw visitors away from the casino in Cherokee. He noted that roughly 40 percent of the revenue derived by Harrah's Cherokee Casino comes from the Charlotte/Mecklenburg County region. He suggested having a representative of

the Eastern Band of Cherokee Indians present information on this matter to the board, and that the board might consider a resolution in opposition to the Catawba casino project. Chairman Tate suggested having the chief of the Eastern Band on the agenda for a presentation at the board's next regular meeting. No action was taken.

CONSENT AGENDA: Upon a motion by Commissioner Shields, seconded by Commissioner Gillespie, the board voted unanimously to approve the Consent Agenda, as follows:

- The minutes of the April 14, 2020 regular meeting.
- A Grant Project Ordinance Amendment for the Weatherization Assistance Program for Fiscal Year 2021 in the amount of \$203,999.
- A Grant Project Ordinance Amendment for the Duke Energy Income Qualified Weatherization Program Direct Reimbursement in the amount of \$140,000.
- A Grant Project Ordinance for the 2020 Essential Single-Family Rehabilitation Loan Pool (ESFRLP) in the amount of \$190,000.
- A Grant Project Ordinance for the 2020 Urgent Repair Program in the amount of \$100,000.
- A Capital Project Ordinance Amendment for the dog park in the amount of \$115,957.
- A Capital Project Ordinance for the Macon Middle School Locker Room project in the amount of \$35,000.
- A Capital Project Ordinance for the Macon Middle School Renovation project in the amount of \$1,037,268.
- A Capital Project Ordinance Amendment for the South Macon Elementary School Addition project in the amount of \$3,291,022.
- An Agreement to Provide Recreation Opportunities between the county and the Scaly Mountain Historical Society, Inc. in the amount of \$2,500 whereby the society makes the Old Scaly School House open and available to the public for recreation.
- A copy of the ad valorem tax collections report for the month of May, which shows an overall 98.06 percent collection rate as of May 31, 2020. (No action necessary).
- Renewal of the lease with TECO SSL, Inc. for space at the county's Business Development Center.
- An updated service contract with the Highlands Chamber of Commerce.
- An updated service contract with the Franklin Chamber of Commerce.

(Copies of all of the above-referenced documents, with the exception of the minutes, are attached.)

APPOINTMENTS: (A) Library Board: Upon a motion by Commissioner Hidgon, seconded by Commissioner Shields, the board voted unanimously to (1) appoint

Paula Alter to the Macon County Library Board, replacing Lenny Jordan. Term of appointment is for three years. (2) To appoint William (Bill) Trotter to fill the remainder of the unexpired term of Andrew Chmar. As Mr. Chmar filled a seat on the board as a member of the Hudson Library Board in Highlands, the seat had to be filled by another member of the Hudson Library Board. Mr. Trotter's term on the Macon County board will expire on August 14, 2021. **(B) Southwestern Community College Board of Trustees:** Upon a "proud" motion by Commissioner Beale, seconded by Commissioner Gillespie, the board voted unanimously to reappoint Commissioner Gary Shields to serve an additional four-year term on the Southwestern Community College Board of Trustees.

ADJOURN: With no other business, and at 8:28 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