

MACON COUNTY BOARD OF COMMISSIONERS
FEBRUARY 9, 2021
MINUTES

Chairman Tate called the meeting to order at 6 p.m. 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. All Board Members, County Manager Derek Roland, Finance Director Lori Carpenter, Interim County Attorney Kim Carpenter and two members of the news media were present. Deputy Clerk Mike Decker watched the meeting via computer livestream.

ANNOUNCEMENTS: There were no announcements.

MOMENT OF SILENCE: Prior to observing a moment of silence, Commissioner Beale remarked on the passing of Rich Bankston, a long-time member of the county's Board of Equalization and Review.

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

PUBLIC HEARING: Chairman Tate called the public hearing on the financing for Macon Middle School improvements and loan refinancings to order at 6:01 p.m. and recognized Lori Carpenter for comments. Lori Carpenter explained that the county was required to take public comment concerning a proposed financing contract, whereby, under a 20-year term, the county would borrow \$10.5-million to pay the capital costs of proposed improvements to Macon Middle School, as well as approximately \$11.3-million to refinance existing county loans. Following some brief questions from the board members, Chairman Tate pointed out that no one signed up to speak, and he closed the public hearing at 6:03 p.m. Lori Carpenter noted that action on an item in connection with the hearing was scheduled for later on in the agenda.

PUBLIC COMMENT PERIOD: **James Burch**, a part-time employee of the county, explained to the board that he worked at the county's recycling convenience centers, and had done so for 15 years now. He told the board he was "not trying to go above" Macon County Solid Waste Director Chris Stahl, but stated that he would like to have 30 work hours per week, which would move him to "permanent" part-time status, which in turn would allow him to earn a

retirement benefit. He also said he would like to “buy back” his service time, and added he would like to see the center workers get a “longevity raise” every two years. There was some discussion about Mr. Stahl’s plan to create lead workers at each of the centers, with Lori Carpenter noting that was approved in the current year budget. Commissioner Higdon said he had checked with the county’s Human Resources Department, and learned that Mr. Burch, as a part-time employee, had not paid into the state Local Government Employees Retirement System, and therefore, there is no time to “buy back.” The board members expressed their thanks to Mr. Burch for his service. **Dr. Tracy Bogan** told the board members that she “has a big problem in my neighborhood” where a horse, a small dog and a goat are “being abused.” She said that she contacted Macon County Animal Control and was told the animals cannot be removed without due process. Believing that the animals could die due to the existing conditions they are living in, Dr. Bogan proposed a number of amendments to the county’s animal control ordinance, and addressed some of them – including changes to several definitions – with the board. In closing, she told the board that the penalty for abuse and neglect should be that an individual can’t adopt another animal for 10 years, and she also wanted to have those wishing to adopt an animal be required to pass a test on the content of the county’s animal control ordinance. She offered her assistance on revising the ordinance.

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

- To add a special presentation under Reports/Presentations at the request of Commissioner Beale.
- To add an additional item – consideration of a resolution regarding architectural services for expansion of the Macon County Transit facility – to Item 11C under New Business, per Mr. Roland.

PRESENTATION TO “NO WRONG DOOR”: Commissioner Beale recognized Sheila Jenkins, the executive director of No Wrong Door, and Dinah Mashburn, the chair of the No Wrong Door board of directors, and said the program was honored with one of 10 “Excellence in Innovation” awards from the Local Government Federal Credit Union (LGFCU) at the North Carolina Association of County Commissioners (NCACC) 2020 virtual conference. Commissioner Beale presented the award to Ms. Mashburn, and noted that she and Ms. Jenkins were instrumental in getting the program started and that it has become “a go-to place for many Maconians.” Ms. Jenkins thanked the board members for their support.

INFORMATION TECHNOLOGY STRATEGIC PLAN STUDY PROPOSAL: Macon County Economic Development Director Tommy Jenkins presented a proposal

for an information technology feasibility study for the county. A copy of the proposed scope of work is attached (Attachment 1) and is hereby made a part of these minutes. The purpose of the study is to evaluate and assess the feasibility for locating Internet Technology (IT) operations in the county, and Mr. Jenkins said the study would be performed by Tom Johnson with Sanford Holshouser Economic Development Consulting. Mr. Jenkins said the county has an “IT anchor” in Drake Software, adding that Drake would “love to see another IT company in town.” He said the five-step feasibility study would seek to determine if the county is a “viable candidate” for relocating such companies, and he noted that the cost is \$15,000. Following further discussion, and upon a motion by Commissioner Beale, seconded by Commissioner Shields, the board voted unanimously to fund the study, along with a budget amendment for \$15,000 with the money to come from the Economic Development Reserve Fund.

NIKWASI INITIATIVE UPDATE: Elaine Eisenbraun, the executive director of the Nikwasi Initiative, presented a PowerPoint presentation updating the board on the initiative, which serves to preserve, protect and promote the culture, heritage and history across the traditional homeland of Cherokee Indian society. During her presentation, she used a variation of the word Nikwasi, and her presentation was entitled “Stewarding Nokwisi.” Using aerial views of the location, she explained that plans for the area around the mound site in Franklin include a farm demonstration area, a Cherokee-themed restaurant and a learning center. She said Nokwisi was an agrarian community, and that the demonstration area would be planted with traditional Cherokee crops, and she provided a conceptual drawing of how the area could be developed. From an economic development standpoint, she said the concept looks to create cultural and culinary tourism, and that the creation of a cultural district falls in line with the Town of Franklin’s comprehensive plan. Ms. Eisenbraun provided some statistics on the potential impact of the project. Her presentation also included information proposing a potential economic impact of more than \$3-million annually. As this is a public/private partnership, she told the board she anticipates the town and the county to “engage at a high level” and would be asking the board to “pony up some money when the time comes.” She took questions from the board members, and Commissioner Beale said the Eastern Band of Cherokee Indians “will have to be a huge player in this.” Following further discussion, including questions about what is buried inside the mound, no action was taken. A copy of the handout from Ms. Eisenbraun entitled “Lifeways Health & Heritage Center at Nokwisi Mound” is attached (Attachment 2) and is hereby made a part of these minutes.

RESOLUTION PROVIDING FINAL APPROVAL OF FINANCING TERMS AND DOCUMENTS FOR MACON MIDDLE SCHOOL IMPROVEMENTS AND LOAN FINANCINGS: Lori Carpenter presented a resolution providing final approval of financing terms and documents for the planned improvements to Macon Middle

School (MMS) as well as a number of county loan refinancings. The resolution also approves the sale of limited obligation bonds and approves other documents associated with this project, and authorizes the chairman or county manager to execute those documents. Upon a motion by Commissioner Shields, seconded by Commissioner Beale, the board voted unanimously to approve the resolution, a copy of which is attached **(Attachment 3)** and is hereby made a part of these minutes.

CONSIDERATION OF AWARD FOR MACON MIDDLE SCHOOL RENOVATIONS: Lori Carpenter explained that on February 2, county officials opened sealed bids for the Macon Middle School (MMS) renovation project, and that four bids were received. A copy of the bid tabulation is attached **(Attachment 4)** and is hereby made a part of these minutes. She noted that the expectation was that an amount of approximately \$15.5-million would be needed to fund the project; however, once the bids were opened, the amount needed will be closer to \$10.5-million. Mr. Roland then explained that the four bids were very close, with New Atlantic submitting the lowest at \$8,178,000. Following further discussion, Lori Carpenter informed the board that the motion should read as follows: “to award the Macon Middle School Renovations contract to New Atlantic Contracting, Inc. in the amount of \$8,178,000 contingent upon Local Government Commission (LGC) approval and the successful closing of the financing.” She noted that the LGC approval is scheduled for March 2 with the closing of the financing set for March 25. Commissioner Shields made a motion to approve the statement as read by Lori Carpenter. Commissioner Young commented that the money could be better spent and likened the project to “putting a Band-Aid on it,” adding he would like to see long-term plans for school capital improvements. Commissioner Beale seconded the motion, and it was unanimously approved.

CONTRACT AGREEMENTS FOR MACON COUNTY TRANSIT: Macon County Transit Director Kim Angel requested board approval regarding two contract agreements. She explained that North Carolina Medicaid will be transitioning a portion of its beneficiaries to managed care on July 1, 2021. As part of that, transportation for those individuals moving over will then be managed by two private transportation broker companies under contract by the healthcare companies. She further explained that for Macon County Transit to be eligible to continue providing services for all of the county’s transportation-eligible Medicaid beneficiaries, the department must become part of the provider network managed by the two brokers – namely Modivcare Solutions, LCC and One Call – and becoming part of the network requires a contract agreement between the provider (Transit) and the individual brokers. Ms. Angel pointed out that this has been a very long process some 20 months in the making, and that she and Interim County Attorney Kim Carpenter had been working with the brokers until late in the previous week to finalize the contract language and

rates. She said the part that affects Transit is non-emergency medical transportation, and currently, Department of Social Services (DSS) staff calls Transit staff to arrange the transport, but after July 1 transportation will be managed by the brokers for beneficiaries that have transitioned to Medicaid Managed Care. She requested approval of the two contracts, and Commissioner Beale, following his comments on this process, made a motion to approve them as presented. The motion was seconded by Commissioner Shields, and it was unanimously approved. Unexecuted copies of the agreements with Modivcare Solutions, LLC and One Call are attached (Attachments 5 and 6, respectively) and are hereby made a part of these minutes.

RESOLUTION REGARDING MACON COUNTY TRANSIT PROJECT: Following an explanation by Mr. Roland and some discussion, upon a motion by Commissioner Beale, seconded by Commissioner Young, the board voted unanimously to approve a “Resolution Exempting Architectural Services for Macon County Transit Facility Expansion in Macon County, North Carolina from the Provisions of Article 3D of Chapter 143 of the North Carolina General Statutes.” The estimated professional architectural fee for the project is approximately \$19,000, per Mr. Roland, well below the \$50,000 threshold established by the statute. However, with this project, he advised the board that the action is contingent upon the county’s ability to use this provision, and if the answer is “no,” then county officials “will back up and punt and advertise,” he explained. A copy of the resolution is attached (Attachment 7) and is hereby made a part of these minutes.

CONSIDERATION OF NEW SOCIAL WORK SUPERVISOR POSITION: Department of Social Services (DSS) Director Patrick Betancourt requested that the board approve a new position for a Social Work Supervisor at DSS. He explained that he job is at Grade 35 on the county’s pay scale with a beginning annual salary of \$50,058. He further explained that the department needs a ratio of 1:5 for a supervisor to employees, and with the two current supervisors those ratios are 1:6 and 1:9, and the supervisor with the 1:9 ratio is “set to retire” and the department needs to plan for that fact. As this is a cost-allocated position, Mr. Betancourt said DSS will receive about 40 percent of the salary revenue from the state. He said the new hire will allow for the reorganization of the department’s social work staff, with the work being “increasingly complex” and direction from the state to have “more directed supervision.” He told the board that, if approved, he would like to open the position effective immediately, and use lapsed salary funds from this year to support it. He then talked about recent vacancies in this division of his department and noted there are not as many qualified candidates, as COVID-19 has “hurt.” Following further discussion, and upon a motion by Commissioner Beale, seconded by Commissioner Shields, the board voted unanimously to create the position as requested.

CONSIDERATION OF AUDIT CONTRACT WITH MARTIN-STARNES & ASSOCIATES: Following a brief explanation from Lori Carpenter, and upon a motion by Commissioner Higdon, seconded by Commissioner Shields, the board voted unanimously to approve the annual audit contract with Martin-Starnes & Associates of Hickory, NC. Lori Carpenter noted that the cost, \$67,800, was the same as the previous year. A copy of the "Contract to Audit Accounts" is attached (Attachment 8) and is hereby made a part of these minutes.

RENEWAL OF LEASE AGREEMENT WITH HUDSON LIBRARY: Mr. Roland and Kim Carpenter told the board that the renewal of a lease agreement between the county and the Hudson Library in Highlands was ready for consideration, and that all parties, including the Fontana Regional Library system, have had the opportunity to review it. Mr. Roland noted that the county's maintenance obligations are the same, and Commissioner Beale comments on planned renovations to the facility. Upon a motion by Commissioner Young, seconded by Commissioner Beale, the board voted unanimously to approve the lease agreement as presented, an unexecuted copy of which is attached (Attachment 9) and is hereby made a part of these minutes.

VOLUNTARY SHARED LEAVE PROGRAM POLICY AMENDMENT: Mr. Roland shared with the board a proposed amendment to the county's Voluntary Shared Leave Program policy. He noted that the purpose of the policy is to permit the voluntary sharing of vacation or sick leave among county employees for the benefit of employees who have or will soon exhaust all of their earned leave due to a serious or prolonged medical condition. Currently, an immediate family member working for the county may donate annual or sick leave to another immediate family member, while a non-family member may donate only annual leave to another employee. Mr. Roland said the proposal is to allow an employee to donate annual or sick leave to another employee, removing the "immediate family member" provision. After noting the liability and exposure to the county in making such a move, Mr. Roland told the board, "I think it's the right thing to do," as he said some county employees are currently dealing with "some unimaginable circumstances." Commissioner Higdon asked some questions about how the policy works, and Mr. Roland responded and noted that the policy "kind of polices itself," and that if the amendment creates a problem, "we can come back and address that." Commissioner Higdon raised the question of an overall "sick leave bank," and Mr. Roland and Lori Carpenter further explained the process, with Lori Carpenter pointing out that the policy helps active employees assist others in "getting a person from paycheck to paycheck." Commissioner Beale expressed his concerns over the county's former shared leave policy, which he said led to some employees being intimidated into providing leave time or made to feel guilty if they did not, but Mr. Roland noted that the current process is "very private." Following further discussion, and upon

a motion by Commissioner Young, seconded by Commissioner Higdon, the board voted unanimously to approve the policy amendment as presented.

MACON COUNTY COVID-19 EMERGENCY PAID SICK LEAVE: Mr. Roland reminded the board members that the Families First Coronavirus Relief Act (FFCRA) expired on December 31, 2020, and with it came an end to the federally-mandated Emergency Paid Sick Leave (EPSL) for county employees. Nonetheless, since then, Mr. Roland noted that there are county employees, particularly new ones, who are out due to COVID-19 and have little or no accrued sick leave to cover the absences. Meanwhile, there are some county employees who did not have to use the 80 hours of EPSL in 2020, but need that time now. He proposed that the county offer 80 hours of county-paid EPSL, accompanied by proper documentation, with a timeframe that is retroactive to January 1, 2021 and going through September 30, 2021. Mr. Roland described this as a “stopgap measure” and noted that all county employees would have 80 hours of EPSL available, regardless if they used any or all of the 80 hours under the FFCRA during 2020. Emergency Services Director Warren Cabe pointed out that the COVID-19 vaccine cannot currently be offered to everyone, and if you test positive, are symptomatic or have potentially been exposed, you cannot come to work. Mr. Cabe also suggested that after the nine-month period, employees would essentially be “on their own” and would have to use personal leave time to cover absences. This was followed by additional discussion regarding the details and implications of the program and involved Mr. Cabe, Lori Carpenter, Sheriff Robert Holland and the board members. Commissioner Beale made a motion to approve Mr. Roland’s request for county-paid EPSL as discussed, and Mr. Shields seconded the motion. During discussion, Chairman Tate pointed out that this puts him and some of the other board members in a “precarious position,” as he noted that he cannot offer this to the employees in his personal business, and knowing that, does he vote for the county to do it. Commissioner Young expressed similar concerns. Commissioner Beale stated that if someone at Beale Construction comes down with it, so be it, but when someone calls 911, “somebody’s got to go. That’s how I justify it.” Following additional comments from Sheriff Holland that outlined various scenarios where emergency personnel must respond, the board voted unanimously to approve the motion, with county staff to work out the details of administering the program.

CONSENT AGENDA: Upon a motion by Commissioner Higdon, seconded by Commissioner Shields, the board voted unanimously to approve the consent agenda as presented, which includes: (A) the December 15, 2020 special meeting and the January 12, 2021 regular meeting; (B) budget amendment #150 for Senior Services to allocate \$667 in additional funds for SHIPP revenue; #151 for the Sheriff’s Department to allocate \$7,394 from an insurance settlement for vehicle repairs; #152 for the Sheriff’s Department to allocate \$1,069 from an insurance settlement for vehicle repairs ; #153 for the Housing Department to

allocate \$2,271 in LIHEAP WAP COVID related revenue; #154 for the Housing Department to appropriate \$26,000 in additional Weatherization HARRP funds; #155 for the Housing Department to appropriate \$135,388 in additional funding for Weatherization DOE 2021; #156 for the Health Department to allocate \$5,000 for animal control donations from a grant from the Petco Foundation; #157 for the Health Department to allocate \$51,987 for new COVID-19 funding; #158 for the Health Department to allocate \$19,276 in new funding for COVID-18 vaccine activities and #159 for Emergency Management Services to allocate \$824 from an insurance settlement for vehicle repairs (copies of the amendments are attached); (C) tax releases for the month of January, 2021 in the amount of \$613.08; (D) an excise tax refund in the amount of \$9,000 to Freedom Lots, LLC; (E) additions to the Macon County Health Department fee plan regarding the cost of COVID-19 vaccine administration as approved by the Macon County Board of Health on January 26, 2021; and (F) received the monthly ad valorem tax collections report for the month of January, 2021, which shows an overall collection rate of 93.78 percent for the current fiscal year and for which no action was necessary.

APPOINTMENTS: Library Board: Per a recommendation from Macon County Librarian Karen Wallace, and upon a motion by Commissioner Beale, seconded by Commissioner Higdon, the board voted unanimously to reappoint Ed Trask to the Macon County Library Board of Trustees as a representative of the Nantahala Community. Term of appointment is for three years.

CLOSED SESSION: At 8:04 p.m., upon a motion by Commissioner Beale, seconded by Commissioner Young, the board voted unanimously to go into closed session for the purpose of preserving the attorney/client privilege under NCGS 143-318.11(a)(3). At 8:54 p.m., upon a motion by Commissioner Beale, seconded by Commissioner Higdon, the board voted unanimously to come out of closed session and return to open session. No action was taken.

ADJOURN: With no other business, at 8:55 p.m., upon a motion by Commissioner Higdon, seconded by Commissioner Young, the board voted unanimously to adjourn.

Derek Roland
Ex Officio Clerk to the Board

Jim Tate
Board Chairman