

MACON COUNTY BOARD OF COMMISSIONERS
November 12, 2019
MINUTES

Chairman Tate called the meeting to order at 6:00 p.m. and welcomed those in attendance. All Board Members, the County Manager, Deputy Clerk, Finance Director, County Attorney, members of the news media and interested citizens were present.

ANNOUNCEMENTS: The County Manager announced that the November 12, 2019 meeting would need to be recessed until 5:00 pm on December 10th at which time the Board would reconvene for the Employee Service Awards Ceremony. The regularly scheduled meeting for December 10, 2019 will be called to order following the awards ceremony at 6:00 pm. Chairman Tate informed the Board he would not be present at the December 10, 2019 regular meeting.

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

PUBLIC HEARING: N/A

PUBLIC COMMENT PERIOD: **John Deville** requested the Board of Commissioners to consider supporting Medicaid Expansion in the State of North Carolina. Mr. Deville cited numerous figures from research he had previously conducted, that highlighted the benefits Medicaid expansion would bring about to North Carolina and Macon County.

Mr. Deville then distributed to the Board of Commissioners, letter correspondence between Graham County Chairman Dale Wiggins, and Senate Majority Leader Phil Berger. The Correspondence began on August 29, 2019, with Mr. Wiggins letter to North Carolina Government Officials citing Graham County's unanimous support of Medicaid expansion, as proposed in the House Bill co-sponsored by Representative Kevin Corbin titled: "An Act to Provide Health Coverage to residents of North Carolina under the North Carolina Healthcare for Working Families Program". The letter generated responses from both Governor Cooper and Senate Majority Leader Phil Berger. The September 10, 2019 response to Mr. Wiggins from Senate Majority Leader Phil Berger, stated that Mr. Wiggins was being used as a "political pawn". Mr. Deville then read numerous excerpts from Chairman Wiggins response to the September 10, 2019

letter from Senator Berger, in which Chairman Wiggins took issue with the characterization made by Senator Berger and reiterated numerous reasons why Graham County was in unanimous support of Medicaid Expansion. In closing, Mr. Deville distributed a resolution in support of Medicaid Expansion for consideration by the Board of Commissioners. No action was taken.

Tamara Zwinak was present to speak about mandatory child abuse reporting and retaliation law in North Carolina. Mrs. Zwinak informed the Board that North Carolina Law mandates any adult who suspects child abuse or neglect to report their concerns to the Department of Social Services, or they are guilty of a Class I misdemeanor. Mrs. Zwinak went on to describe a personal experience in which she recently reported a child abuse case involving her neighbor. Following Mrs. Zwinaks report to DSS, the neighbor, which she had reported for child abuse, retaliated against her. According to Mrs. Zwinak, this retaliation came about following the social worker who was investigating the case, advising the neighbor who Mrs. Zwinak had previously reported to “talk to her”, which was in violation of departmental policy. In closing, Mrs. Zwinak requested that the Board of Commissioners “lobby the state legislature” to make retaliation to child abuse reporting a Class I Misdemeanor, and to further investigate the situation involving the Social Worker. Commissioner Beale requested Mrs. Zwinak to provide him with the information regarding the Social Worker, and as liaison to Social Services, he would investigate the complaint further.

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

- To add item 11F under New Business; Release of Bond on Super Ingles Project- Jack Morgan, Director of Planning Permitting and Development.
- To add item 10C under Old Business; Update on Mainspring Temporary Access Road
- To move consent agenda item 12B rejection of Bid No. 4310-09 In Car System and Body Cameras to Item 10D under Old Business.

REPORTS AND PRESENTATIONS:

9A. NCDOT Population and employment growth projections: Rose Baugess, Transportation Planner for the Southwestern Commission, was present to request endorsement of population and employment growth projections to be used in the Comprehensive Transportation Plan Update. The CTP update, which will project out to 2045, provides a framework for the local government to work with transportation planners and the North Carolina Department of Transportation to lay out the future vision of multi-modal transportation in Macon county. Mrs. Baugess informed the Board that the local steering

committee, which had met seven times since March of this year, recommended using a 1.2% average annual growth rate through 2045. On the employment side, the steering committee recommended to continue using a ratio of .42 employed population vs. total population. Mrs. Baugess reminded the Board that these assumptions would be used as a basis for calculating future traffic volumes in the CTP Update. In closing, Mrs. Baugess informed the Board that the Comprehensive Transportation Plan Update would be coming to them for approval in late spring or early summer. Commissioner Beale reminded the Board these figures were not “etched in stone”, and highlighted the importance of the upcoming census and the impact it would have on projects such as the Comprehensive Transportation Plan. Commissioner Beale made a motion to approve the annual growth rate of 1.2% and employed population to total population ratio of .42 as presented by Ms. Baugess. Commissioner Shields seconded the motion, motion passed 5-0

OLD BUSINESS

10A. Space Needs Analysis: Dan Mace and Bryan Payne with Moseley Architects were present to provide an overview of the completed Space Needs Analysis Project. Mr. Mace commended the Board of Commissioners for their leadership in conducting this type of study “so that future growth can be accommodated by wise planning instead of dealing with growth emergencies as they arise”. Mr. Mace then proceeded to give a power-point presentation, which highlighted the Space Needs Analysis Project.

The purpose of this study was to “project future space needs based on operations, population projections and changing operational trends in service provision”. According to Mr. Mace, growth was broken down into “5-year increments over a forecasted 20-year time-period”. The study also included assessments of the condition and usability of Macon County’s existing facilities by mechanical, electrical, plumbing and structural engineers. Following these observations, and growth projections, “options were developed, along with cost estimates for addressing future growth needs at Macon County facilities. Mr. Mace expressed his appreciation to the Macon County Department Heads for their extensive input and participation in the study. “A program document was created from the interviews with Department Heads which serves as a guideline to look at what we currently have and asses the best way to meet space needs moving forward.” In general, Mr. Mace felt the county was currently at a 20%-25% “space deficit” to accommodate future space needs.

Project Manager Bryan Payne informed the Board that construction of a new Justice Center Complex, which includes a new Courthouse, Detention Center, and Sheriff’s Office was the top priority identified in the Space Needs Analysis. Construction of a Justice Center Complex according to Payne, would not only create a more efficient judicial process leading to operational savings, but would

Minutes

11.12.19

Page **3** of **10**

also free up space in the existing Courthouse, SCC Annex and Courthouse Annex buildings, allowing for the consolidation of county offices at those locations. As a result, renovations to the existing courthouse complex emerged as a top priority in the study as well.

Additional priorities identified by the study according to Mr. Payne included: co-location opportunities for county offices at the National Guard Armory Building (which was recently gifted to Macon County), renovations to the Health and Human Services Building, minor renovations to the Senior Services Building to accommodate ingress/egress issues, construction of a new Emergency Management Headquarters, and construction of a community center in Nantahala (which includes a new library).

Mr. Mace stressed to the Board that no other county facility is abused to the extent of a detention center. Mr. Mace went on to say that, the Macon County Detention Center continues to be overcrowded, far exceeding the 75 inmate capacity for which it is rated, citing the 2018 Macon County Detention Center average daily population of 105 inmates. The “safe operational capacity” for the Macon County Detention Center, according to the National Institute of Corrections is 80% of the 75 inmate rated capacity, or 57 inmates.

Mr. Mace then highlighted cost estimates for those projects identified in the study, reminding the Board that the estimates were both preliminary and very conservative thus only intended for planning purposes. Cost estimates highlighted by Mr. Mace included: new Courthouse \$30.9M, new Detention Center \$37.5M (240 bed facility), new Sheriff’s Department \$8.9M, existing Courthouse renovations \$17.3M, Courthouse Annex Building renovations \$2.3M, SCC Annex Building renovations \$2M, National Guard Armory renovations \$4M, Health and Human Services Building renovations \$7.6M, new Emergency Management Headquarters \$11.3M, Senior Services Building renovations \$4.1M, new Library/Community Center in Nantahala \$4.1M.

In closing, Mr. Mace informed the Board that final copies of the Space Needs Analysis would be forthcoming and he and his staff would be available to discuss the final document in detail at the January Budget Work-session.

Commissioner Beale asked if Macon County’s aging population was given consideration when evaluating the need for renovation vs. replacement at the Senior Center? Mr. Mace noted that the critical issue at the Senior Center appeared to be parking related rather than a need for more space.

10B. Federal Negotiation Class for Opioid Litigation: County Attorney Chester Jones informed the Board that a decision needed to be made as to whether or not the county would remain a part of the negotiation class which has been established for opioid litigation. Mr. Jones went on to inform the board that a federal court in the State of Ohio who is overseeing all opioid litigation concerning counties and municipalities has also allowed for a negotiation class to be established which will negotiate on behalf of all counties and municipalities in the United States. Following this decision, notices were sent to each county

Minutes

11.12.19

Page 4 of 10

and municipality across the United States, informing them they would remain a part of the negotiation class unless certain steps were taken to opt out prior to November 22, 2019. A copy of the class action notice and exclusion request form received by Macon County have been attached (Attachments 1 & 2) and are hereby made an official part of these minutes. Mr. Jones advised the Board that after talking at length with the county manager he felt the county should remain part of the negotiation class for opioid litigation. Commissioner Beale agreed with Mr. Jones, stating, "Now was not the time to go at this alone." Commissioner Beale then made a motion for Macon County to remain part of the negotiation class established for opioid litigation, the motion was seconded by Commissioner Shields and passed 5-0.

10C. Update on Mainspring temporary access road: County Attorney Chester Jones distributed to the Board a drawing created by Smokey Mountain Land Surveying illustrating a 30 ft. wide area across county owned property located off Old Siler Road confirmed by Mainspring Conservation and Trust to be the area in which they would construct a temporary access road. A copy of this drawing has been attached (Attachment 3) and his hereby made an official part of these minutes. When originally discussed by the Board in October of 2019, the information provided indicated this temporary access road would be constructed upon an old roadbed and upon abandonment, the county property on which the road was constructed would be restored to its original condition. The area indicated on the drawing by Smokey Mountain Land Surveying according to Mr. Jones makes restoring the county property to its original condition as previously discussed neither practical nor advisable. The temporary access road, which will be constructed to forest service standards and in accordance with state and local regulations, would actually benefit the county upon completion according to Mr. Jones. Following abandonment of the temporary access road, a locked gate will be placed at its entrance off Old Siler Road. Following receipt of the updated information, Commissioner Gillespie made a motion to approve the temporary access road as described by County Attorney Jones and illustrated on the drawing provided by Smokey Land Surveying. Motion was seconded Commissioner Beale and passed 5-0.

10D. Reject Bid request No. 4310-09: The County Manager requested for the Board to reject Bid No. 4310-09 for In Car and Body Camera Systems. According to the Manager, the bid received did not provide the county with important information as specified in the County's bid request. Motion was made by Commissioner Gillespie to reject the bid as outlined by the County Manager. Motion was seconded by Commissioner Beale and passed 5-0.

NEW BUSINESS

11A. Discussion Concerning Macon County's Water Resources: Chairman Tate indicated that while he would be brief with this discussion tonight, he would be bringing this topic back up later. He went on to say that water is one of Macon County's greatest assets and businesses have currently been established which are "taking this water from our aquifers at a great rate and hauling it to large metropolitan areas for sale". Chairman Tate alluded to situations in south Georgia and Florida where people are currently "battling for water resources" asking commissioners to think about how Macon County should address this issue moving forward. No action was taken

11B. Appalachian Growers Lease Expansion: Economic Development Director Tommy Jenkins informed the Board that Appalachian Growers original lease which was approved by the Board in June for a 1000 SF unit in the Business Development Center, was now too small. According to Mr. Jenkins Unit A (7600 SF) in the Business Development Center is currently vacant and would satisfy Appalachian Growers need for additional space. The new lease will be for one year at \$1840 per month, renewable upon review for the next two years. County Attorney Chester Jones informed the Board he had prepared both a rescission agreement for the current lease as well as a resolution and lease for the new space to be occupied by Appalachian Growers in Unit A as outlined by Mr. Jenkins. Commissioner Higdon made a motion to approve the rescission agreement (Attachment 4) resolution (Attachment 5) and new lease (Attachment 6) which are attached and hereby made an official part of these minutes. Motion was seconded by Commissioner Gillespie and passed 5-0.

11C. 2020 Holiday Schedule: A motion was made by Commissioner Higdon to approve the 2020 Holiday Schedule as presented by Mike Decker. Motion was seconded by Commissioner Shields and passed 5-0. The 2020 Holiday schedule has been attached (Attachment 7) and is hereby made an official part of these minutes.

11D. International Agriculture Study Trip to Denmark: Jenny Collins, an Agriculture Teacher at Franklin High School informed the Board of Commissioners that it was her desire to allow her students to become "immersed in agriculture" through a 9-day international agriculture study trip to Denmark. Mrs. Collins went on to say she felt the program offered by Experience International, a company based in Seattle Washington would best afford her this opportunity. Current students and recent graduates (14 students and 6 chaperones) who will be attending this trip will endeavor to learn about the culture and agriculture in Denmark while also sharing their culture and

agriculture experiences from home with students at colleges throughout the country. Mrs. Collins informed the Board that the trip will cost \$2200 per student (which includes travel insurance according to Mrs. Collins) and funding must be submitted by January 31, 2020. Commissioner Higdon asked if the school Board was providing financial support? School Superintendent Dr. Baldwin responded to Commissioner Higdon stating the School Board would provide the bus transportation to and from the Atlanta Airport, but the School Board Attorney has advised this should be a non-school sponsored trip for liability purposes.

Commissioner Gillespie was very complimentary of Mrs. Collins and the Future Farmers of America program at Franklin High School. Commissioner Gillespie went on to say this trip would be a life changing event for those attending and it has been proven that students who attend these type trips are more likely to stay involved in agriculture. Commissioner Gillespie then asked those students in attendance to introduce themselves to the Board of Commissioners and wished them the best on their upcoming trip. Commissioner Beale who will be serving as a chaperone on the trip, felt the students would learn more during the upcoming 9 days in Denmark than they could from one year in the classroom. Commissioner Beale went on to say some students are struggling to find the funds to go on this trip and any help the Board could provide would be greatly appreciated. Commissioner Shields expressed concern that the Board would also be receiving a funding request from High School Athletics tonight and approving funding for this trip could potentially force the Board into approving the athletic request to avoid the perception of treating education and athletics differently. Commissioner Beale responded saying he felt the request on the table which will be a life changing event for the students was different from the athletic request which would be forthcoming concerning facilities. Both Commissioner Beale and Commissioner Gillespie felt that if the county made a decision to support the trip, other organizations would follow suit with financial support as well. Chairman Tate expressed concern that choosing to fund this trip could set a precedent for groups coming forward in the future. After further discussion by the Board concerning the timetable for funding Commissioner Gillespie stated the group had a current funding shortfall of \$17,730 and if the Board provided the group with \$7,730 the remaining \$10,000 could be raised by the group through fundraising efforts. County Attorney Chester Jones stated the Board would need to be clear on who was receiving this payment and funds would need to be earmarked "for educational purposes only". After further discussion, Commissioner Gillespie made a motion to take \$7,730 from contingency to go towards funding the international study trip to Denmark. Motion was seconded by Commissioner Higdon. Chairman Tate informed the Board that while he agreed with the educational value of this trip he could not support this decision as choosing to fund this trip would set a precedent for the Board concerning other groups traveling out of the country in the future. Chairman Tate went on to say that a policy should be established for funding

Minutes

11.12.19

Page **7** of **10**

these type requests out of fairness to the taxpayers. Commissioner Beale felt other groups coming forward would be better prepared for the expenses associated with traveling out of the country. Chairman Tate responded to Commissioner Beale's assessment stating he did not feel it was the role of this Board to make those type judgments. Motion passed 4-1 with Chairman Tate opposing.

11E. Presentation(s) regarding funding assistance needed for Franklin High School Athletics: Franklin High School Varsity Softball Coach Bobby Bishop approached the Board requesting \$7,500 to complete the enclosed batting cages at the Macon Middle School Softball Complex. The \$7,500 would go towards purchasing turf to floor the now 95% complete indoor batting cages. According to Coach Bishop this \$120,000 facility has been constructed for approximately \$35,000 thanks to donated labor, materials and fundraising efforts. Commissioner Beale agreed with Coach Bishop's assessment of the building value and informed the Board that Coach Bishop had went through the proper channels within the School System prior to coming before the Board with his funding request. Commissioner Beale went on to say he thought this project was extremely worthwhile and he would be happy to support it. Board members then initiated a question and answer discussion with Coach Bishop concerning the location of the batting cage, previous fundraising efforts, the role of the Booster Club in sports fundraising efforts and capital prioritization within the School Systems annual budget. Lastly, Commissioner Shields questioned how many other volunteer projects of this type were taking place within the Athletic Program? Coach Bishop responded saying, "he was only familiar with Softball." The second request for funding assistance came from Franklin High School Wrestling Coach Kyle Barrington who was unable to be present at the meeting due to illness according to Commissioner Beale. Commissioner Beale then read a letter aloud from Coach Barrington, which highlighted hardships the wrestling program was experiencing when he assumed the coach position. According to Coach Barrington, the wrestling program continues to overcome many of these hardships and participation will increase greatly within the coming year. In the letter, Coach Barrington requested \$5,000 to help the wrestling program "provide a facility large enough to aid in the growth of the wrestling program and address safety concerns." Commissioner Beale informed the Board that Building A at the Macon County Fairgrounds has been secured by the wrestling program for a practice facility, and the majority of the \$5,000 request would go towards payment of six months' rent and insurance, with the remainder going towards the purchase of practice equipment. Upon being questioned by the County Attorney how the funds would be disbursed, Commissioner Beale indicated the funds would be transferred directly from the county to the school system and would be earmarked for the wrestling program.

Following further discussion of each project, a motion was made by Commissioner Beale to appropriate \$7,000 from contingency to the School

Systems Capital Outlay Budget for the purposes of placing turf at the Macon Middle School Batting Cage Complex and \$5,000 from contingency to the School Systems Current Expense Budget, to be used for the Franklin High School Wrestling Program. The motion was seconded by Commissioner Shields and passed 5-0.

11F. Release of Bond on Super Ingles Project: Following a request by Jack Morgan, Commissioner Gillespie made a motion to release the bond associated with the Ingles Supercenter. The motion was seconded by Commissioner Shields and passed 5-0.

CONSENT AGENDA: Upon a motion by Commissioner Higdon, seconded by Commissioner Gillespie, the Board voted unanimously to approve the items on the consent agenda as follows: **(A)**the minutes of the October 8, 2019 Regular Meeting, July 9, 2019 Regular Meeting and July 30 2019 Continued Session**(C)** Budget Amendments # 101 Appropriate revenue and expense for final payment of the EQIP project on Tinsley Property on Cartoogechaye Creek \$6,346. #102 Transfer funds from contingency for cameras at S. Macon School Project \$22,126 #103 Social Services additional allocation and carry forward from FY 18-19' SHIPP \$6,551 #104 Highlands Cashiers Health Foundation Grant \$145,000 #105 Medicaid Cost Settlement funds to purchase dictation software for clinic \$1,649 #106 Entegra Donation for No Wrong Door \$10,000 #107 TANF additional allocation \$158,176 #108 Move Money to cover K9 Kennel for Dodge Durango \$3,169 #109 Appropriate insurance settlement Maintenance \$1,051 #110 Insurance Settlement Recreation \$1,380 #111 Insurance Settlement Sheriff \$2,300. **(D)** Tax releases for month of October in the amount of \$608.36**(E)** Tax Office Monthly Report (October)

APPOINTMENTS:

Planning Board: A motion was made by Commissioner Shields to approve the applications for re-appointment submitted by Betty Waldroop and Kathy Tinsley to the Macon County Planning Board. Motion was seconded by Commissioner Beale and passed 5-0.

Board of Health: Four applications (Harvey Fouts, Gina Gribble, Gosia Tiger and Joe Whitenton) were submitted to fill two vacant seats on the Health Board; "at large" and "optometrist". A consensus was reached by the Board of Commissioners to send the four applications back to the Board of Health, seeking their recommendation from the four applications for two qualified candidates to fill the vacant seats.

CLOSED SESSION: Commissioner Gillespie made a motion to enter closed session to discuss potential property acquisition. Motion was seconded by

Commissioner Higdon, passed unanimously and at 8:15 pm. the Board entered into closed session.

The Board reconvened in open session at 8:22 pm and upon a motion by Commissioner Higdon, seconded by Commissioner Beale the Board of Commissioners unanimously voted to recess the November 12, 2019 meeting until December 10, 2019 at 5:00 pm.

Derek Roland
Ex Officio Clerk to the Board

Jim Tate
Board Chairman