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**MACON COUNTY BOARD OF COMMISSIONERS  
NOVEMBER 12, 2024  
REGULAR MEETING MINUTES**

Chairman Shields called the meeting to order at 6:00 p.m. and welcomed all in attendance. All Board Members, Interim County Manager Warren Cabe, Deputy Clerk Tammy Keezer, Finance Director Lori Carpenter, and County Attorney Eric Ridenour were present, as were a number of county employees, media, and citizens.

**ANNOUNCEMENTS:**

- (A) Chairman Shields announced that a Special Meeting will be held on Monday, December 2, 2024, at 6:00 p.m. in the Commissioner's Board Room in accordance with N.C.G.S. §153A-26 for newly elected officials to take and subscribe to the oath of office and in accordance with N.C.G.S. §153A-39 for the Board of Commissioners to choose a Chairman and Vice-Chairman.
- (B) Chairman Shields announced that the annual presentation of employee service awards and reception will be held on Monday, December 2, 2024, at 5:00 p.m. in the Commissioner's Board Room.

**MOMENT OF SILENCE:** Chairman Shields requested all in attendance rise and a moment of silence was observed.

**PLEDGE OF ALLEGIANCE:** Led by Chairman Shields, the pledge to the flag was recited.

**PUBLIC HEARING(S):** None

**PUBLIC COMMENT PERIOD:** **Matt Holland** spoke in opposition to the proposed changes in the Fontana Regional Library agreement. **Scott Baste** encouraged the board to sign the Fontana Regional Library agreement approved by Jackson County and Swain County. He spoke in opposition to waiving building fees as he does not feel that is a good investment of taxpayer money.

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

- To remove Item 11(F) under New Business, Discussion and Consideration of offer to purchase property, per Mr. Cabe
- To add Item 10(H) under Old Business, Discussion regarding Highlands School Soccer field, per Commissioner Shearl
- To add Item 11(H) under New Business, Discussion regarding Lake Emory Dam, per Commissioner Higdon

**REPORTS AND PRESENTATIONS:**

- (A) **MACON COUNTY HOUSING STUDY PRESENTATION** – Bowen  
National Research President Patrick Bowen provided a PowerPoint presentation regarding a recent study his firm conducted focusing on

housing gaps in Macon County. He shared statistical data that shows 322 households in Macon County living in substandard housing meaning overcrowded housing and housing with either incomplete plumbing or kitchens due to the lack of housing units. Mr. Bowen pointed out that the study also indicates that 1,900 households in Macon County are living in severe cost-burdened housing where they are paying over fifty percent of their income on housing, of which 891 are renters and 990 are homeowners who are experiencing this financial burden. He indicated the recommendations of the study were to set realistic and attainable short-term housing goals, outline long-term objectives and monitor progress; to implement and/or modify policies; to encourage the development of senior-oriented housing; to formulate education and outreach campaigns to support housing initiatives; to encourage development partnerships; market Macon County's housing needs and opportunities to potential residential development partners and develop a centralized housing resource center; to consider improving the education and job training opportunities for adult residents that could raise earning capacity and expand the skilled labor force associated with the construction industry; and, to consider implementing a marketing plan and developing housing that will attract some commuters that travel into the county to become permanent residents. A copy of the PowerPoint presentation is available in the office of the Clerk to the Board.

**OLD BUSINESS:**

**(A) UPDATE ON HURRICANE HELENE RECOVERY** – Mr. Cabe spoke about the application for local funding that is being funneled through the Macon County Unmet Needs Committee, and about FEMA operations now housed at the Health and Human Services building. He said there are still some access issues on Rainbow Springs Road and debris removal in Highlands is of concern. Mr. Cabe stated that an offer has been negotiated with the Army Corp of Engineers to remove the debris from the temporary site located on Fulton Road, but Highway 106 is still closed which has caused some access issues for emergency services and with waste removal for the Solid Waste Department. Solid Waste Director Chris Stahl reported that the Army Corp of Engineers is having to regroup since Highway 106 is closed and look at alternatives to their original plan. Mr. Cabe indicated that the Army Corp of Engineers agreement is between the State and the Corp of Engineers and is at no cost to Macon County. Mr. Stahl said they would pay us tipping fees and that the debris would be part of our regular waste processing. He indicated that getting the normal waste from the Highlands Transfer Station to the Macon County Landfill by the franchise company has decreased to one trip per day due to the detour the hauler has to take and that we have stopped taking contractor garbage at the Highlands Transfer Station and contractors are having to bring it directly to the Landfill. Mr. Stahl indicated that he has spoken with other haulers and has a plan that can provide three to four trucks per day but there are a couple of actions that will need to be taken in accordance with the Solid Waste Ordinance. He explained that using another hauler requires Board approval and taking garbage out of state would also need to be approved by the Board. Commissioner Young said this is something that needs to be handled and needs to be handled quickly. Mr. Cabe said he recommends that we do these and that due to the Franchise

Ordinance, we have not already done this. He indicated that the target date for Highway 106 to be repaired is January 2025 and said the County will have to put the money out upfront, but will apply for emergency funding and try to get it back. After some additional discussion, Commissioner Young made a motion, seconded by Commissioner Shearl, to authorize the County Manager to enter into a contract with a vendor authorizing them to transport tractor-trailer loads of waste from the Highlands Transfer Station under an emergency act due to Tropical Storm Helene and to the closure of Highway 106. The vote was unanimous.

**(B) APPROVAL OF BID FOR INSTALLATION OF A NEW SEPTIC SYSTEM ON PRENTISS BRIDGE ROAD**

– Project Manager Jack Morgan said he was asked last month by the Board to bring back three quotes for a septic system for a property on Prentiss Bridge Road. He provided a handout of the quotes to board members. Attorney Ridenour reviewed the background of this property as discussed at the October 8, 2024, regular meeting and stated that the lowest bid is for \$18,900 from Vinson and Anderson Construction. He explained the three options that the Board has: 1) to say you are not going to comply with the original agreement; 2) to honor the agreement to pay for the tap fees regardless of whether they can tap on or not, and 3) to go ahead and pay for the septic. Mr. Ridenour recommended option two and said the fees would be payable after the property owner brings a receipt forward showing the tap fees have been paid for a total amount of \$5,650. After discussion, Commissioner Shearl said the agreement was the tap fee and made a motion, seconded by Commissioner Higdon to approve the \$3,400 water tap fee and \$2,250 for the sewer tap fee for a total amount of \$5,650 contingent upon the project being completed with a certificate of occupancy by reimbursement or directly payable to the Town of Franklin along with the budget amendment in the amount of \$5,650 from General Fund Contingency. The vote was unanimous.

**(C) APPROVAL OF A CONTRACT FOR REPAIR OF MACON COUNTY LIBRARY**

– Mr. Morgan provided the background on the project to repair the porte-cochere and the ceiling in the library as previously discussed. He said he had received one bid which was from Wind River Construction. Mr. Morgan explained the specifics of the bid and recommended corrective package number one with the base bid. Architect Peter Looper spoke about how the roof is constructed and the approach to repair. Discussion with questions and answers between board members and Mr. Looper ended with a motion by Commissioner Antoine, seconded by Commissioner Shearl, to enter into to contract with Wind River Construction in the amount of \$409,000 and a budget amendment in the same amount from General Fund Fund Balance in the amount of \$410,210 which includes additional fees for Mr. Looper and the work he needs to complete. The vote was unanimous.

**(D) DISCUSSION REGARDING ENVIRONMENTAL HEALTH FEES**

– Commissioner Higdon said he has never been happy with the fees we charge for environmental health and the total cost of environmental health fees is \$200,000 or so a year. He said local government is a public service and should be free of any associated fees. Commissioner Higdon referenced the housing presentation earlier in the meeting that also mentioned waiving fees to help with the housing challenges we have. He said we have three options: 1) to do nothing, 2) to adopt the fee structure used by Jackson County which has the best model in western North Carolina, and 3) to waive fees that comply with guidelines and parameters. Commissioner Higdon made a motion, seconded by Commissioner Shearl, to waive all construction-related environmental health fees in Macon County with parameters designed by the people in charge as a direct impact on those who invest in

Macon County. In discussion, Health Director Kathy McGaha made comments about how the Board of Health does not want to burden the taxpayers with this proposal and said the department is trying to avoid overburdening the minimal staff they have by having people submit applications with no intention to build or move here. Ms. McGaha said this has not been done anywhere across the State. Commissioner Shearl said he feels it is worth a chance and we can always go back and rebuild the fees. He stated that we have a housing shortage and this is an incentive for developers to come here and help us with the housing shortage. Commissioner Higdon said the role of this Board is to fund the services and the role of the Health Board is to carry out the service. Ms. McGaha said she had discussed this with Attorney Ridenour and her understanding is that both boards would have to approve the action and she will present this to the Health Board at their meeting on Tuesday of next week. Commissioner Young said he has no problem waiving fees for someone who has a well that goes dry or a septic system that has failed but thinks the fees generated from this department should cover the cost of operating the department so he cannot support completely waiving fees but does agree the fee structure could be looked at. The vote was 2-3 with Commissioner Higdon and Commissioner Shearl voting in favor of the motion and Commissioner Antoine, Commissioner Young, and Commissioner Shields opposed.

At 7:57 p.m., Chairman Shields called a five-minute recess. He reconvened the meeting at 8:06 p.m.

**(E) DISCUSSION OF THE FONTANA REGIONAL LIBRARY**

**AGREEMENT** – Attorney Ridenour reminded the Board of the process that has been followed to revise this agreement in partnership with Jackson County and Swain County. He referenced copies of the agreement and made a recommendation to enter into the agreement as passed by Jackson County and Swain County. Commissioner Antoine made a motion, seconded by Commissioner Shearl, to enter into the agreement as presented. The vote was unanimous.

**(F) DISCUSSION AND APPROVAL OF PROPOSALS, CONTRACT CHANGES, AND BUDGET AMENDMENTS FOR THE HIGHLANDS SCHOOL PROJECT**

– Ms. Carpenter spoke about four action items for the Highlands School Project: 1) approval of budget amendment #111 in the amount of \$560,845 from General Fund Balance for furniture, instructional technology, pre-K playground equipment, special inspections, and testing fees, and some owner contingency; 2) approval of WSP's proposals for special inspections and construction materials testing in the amount of \$74,300 with the amount being included in budget amendment #111; and 3) approval of a change in LS3P's contract to revise the design of the structural foundations related to the underground storage tank issue in the amount of \$75,000 4) approval of Terracon's proposal for environmental consulting, also related to the closure of the underground storage tank issue and installing the vapor intrusion mitigation system, in the amount of \$36,000. She indicated that we will also be getting a deduct change order from Vannoy's GMP (Guaranteed Maximum Price). Commissioner Shields made a motion, seconded by Commissioner Young to approve budget amendment #111, to approve WSP's proposal, to approve the change to LS3P's contract, and to approve Terracon's proposal as presented. Commissioner Young said he has heard at least three times that we have to approve funding for the project to move forward and he supports the project but wants to see a budget with a maximum price. Commissioner Shearl said he

questions the \$236,545 regarding furniture and equipment soft costs. Ms. Carpenter said she is trying to button this up so she does not have to come back month after month. She said she has been told this is what is remaining from LS3P. Mr. Cabe said we could wait on approving these except for the \$74,300 that is required for this type of project. He said there is a deadline for completion with a move-in date in August so if the soft costs are not approved those items cannot be purchased on time to meet that deadline. Commissioner Antoine said he feels like the Board has done what it needed to do by approving the set amount for the project. Ms. Carpenter stated the Board did approve the GMP ceiling a couple of months ago, but that did not include these soft costs. Commissioner Shearl asked for an explanation about the \$200,000 contingency and Mr. Cabe explained that the contract for the Highlands School did not have an owner contingency included but did have a contingency for the contractor. Commissioner Higdon asked for the total of the project and Ms. Carpenter said that as of tonight the GMP is \$8,832,083 plus the \$560,845 asked for now equaling \$9,392,928 total GMP. Commissioner Young said he wants to see an all-inclusive GMP which is what he thought we approved last month and it is a matter of principle. Commissioner Shields made a motion, seconded by Commissioner Young, to approve budget amendment #111 in the amount of \$560,845 from the General Fund Balance, approve WSP's proposals in the amount of \$74,300, approve the change in LS3P's contract in the amount of \$75,000, and approve Terracon's in the amount of \$36,000 as presented by Ms. Carpenter. The vote was 4-1 with Commissioner Shields, Commissioner Young, Commissioner Antoine, and Commissioner Shearl voting in favor of the motion, and Commissioner Higdon opposed.

**(G) DISCUSSION AND APPROVAL OF PROPOSAL AND CONTRACT CHANGES FOR THE FRANKLIN HIGH SCHOOL PROJECT – Ms.**

Carpenter presented two proposed contract changes and indicated both were already included in the budget. She said the first was Kessel Engineering Group's Proposal for Geotechnical Engineering, Special Inspections & Construction Materials Testing in the amount of \$1,340,200. Commissioner Young made a motion, seconded by Commissioner Antoine, to approve the amendment to LS3P's contract as presented by Ms. Carpenter. The vote was 4-1 with Commissioner Young, Commissioner Antoine, Commissioner Shearl, and Commissioner Shields voting in favor of the motion, and Commissioner Higdon opposed. Ms. Carpenter said her and 2) an amendment to LS3P's contract to incorporate building commissioning services as required by the North Carolina Energy Code with services provided by CMTA Engineering, a consultant of LS3P. Commissioner Young made a motion, seconded by Commissioner Antoine, to approve the proposal for Kessel Engineering Group as presented by Ms. Carpenter. The vote was 4-1 with Commissioner Young, Commissioner Antoine, Commissioner Shearl, and Commissioner Shields voting in favor of the motion, and Commissioner Higdon opposed.

**(H) DISCUSSION REGARDING HIGHLANDS SCHOOL SOCCER FIELD –**

Commissioner Shearl said he had a meeting with some of the contractors and school board members and determined that it is not even feasible to go in and remove all of that muck under the current field. He said that after the storm the drains that were installed years ago are still working, and they want to have an engineer come in and tell how much of the rock face needs to be blasted out and figure out what to do about the water coming off of the Satulah. Commissioner Shearl said his focus on that soccer field is how to get rid of the water

and he is not in favor of even considering turf on that field at this time.

**NEW BUSINESS:**

- (A) REVIEW AND APPROVAL OF BID TO DEMOLISH AND REMOVE THE OLD LIBRARY/COMMUNITY CLUB MOBILE UNIT FROM NANTAHALA SCHOOL** – Mr. Morgan said he received one bid for \$8,000 from Cope \_\_\_ and that is the only bid submitted. Commissioner Young made a motion, seconded by Commissioner Shearl, to approve as requested. Ms. Carpenter stated there is money left in the library fund to cover this expense. The vote was unanimous.
- (B) UPDATE FROM OTTO FIRE DEPARTMENT INCLUDING PROGRESS ON CONSTRUCTION OF A NEW FACILITY** – Otto Volunteer Fire Department Chief provided an update stating the department has signed a letter of commitment from Civic Bank in the amount of \$2,800,000 and plans to sign the loan in January with the total projected loan cost of \$3,100,000. Chief Fountain indicated that Otto Volunteer Fire Department will put down \$300,000 and Wright Construction will be the contractor. Mr. Cabe spoke about the ambulance that Macon County has been housing at the current fire department location and would like approval to pursue a possible lease in the old building for a permanent location. He said with the Board's permission he and Attorney Ridenour will pursue a lease. There was consensus among Board members for Mr. Cabe and Attorney Ridenour to pursue a lease as requested.
- (C) APPROVAL OF THE AMENDED AND RESTATED PLANNING BOARD ORDINANCE** – Attorney Ridenour acknowledged that Intern Callie Barnett and Ms. Keezer have been working diligently to get our ordinances codified and on our website. He said that one of the documents that is missing from the current ordinance book is the Planning Board Rules of Procedure. Mr. Ridenour said Ms. Barnett has re-typed these so they can be added in. Commissioner Young made a motion, seconded by Commissioner Shearl, to approve the amended and restated ordinance as requested. The vote was unanimous.
- (D) DISCUSSION AND APPROVAL TO REPEAL ORDINANCES –**  
Attorney Ridenour said two ordinances need to be repealed because they are outdated. He said the first is the Hazardous Substance Ordinance and the second is the 2007 Ordinance Requiring Criminal Background Checks. Commissioner Higdon made a motion, seconded by Commissioner Antoine to repeal the ordinances as requested. The vote was unanimous.
- (E) REVIEW AND APPROVAL OF PROPOSED CHANGES TO ARTICLE V, SECTION 12 OF THE MACON COUNTY PERSONNEL POLICY (EFFECTIVE SEPTEMBER 12, 2023) REGARDING BACKGROUND CHECKS** – Mr. Ridenour explained that the personnel policy needs to be updated to reflect the current policy for background checks. Commissioner Higdon made a motion, seconded by Commissioner Antoine to approve the policy revision as requested. The vote was unanimous.
- (F) DISCUSSION AND CONSIDERATION OF OFFER TO PURCHASE PROPERTY LOCATED AT 88 NO NAME ROAD** – This item was removed.

**(G) REVIEW AND APPROVAL OF BID TO REPLACE UPS SYSTEM**

**THAT POWERS THE 911 SYSTEM** - Mr. Cabe presented a bid in the amount of \$107,733 for the replacement of the uninterruptable power system that runs the 911 system. He said it would cost more to replace the batteries in the current system than to purchase a new one and that this expense is in the 911 budget already. Commissioner Higdon made a motion, seconded by Commissioner Young, to approve the request as presented. The vote was unanimous.

**(H) DISCUSSION REGARDING LAKE EMORY DAM** - Commissioner


Higdon explained he wanted the possibility of eliminating Lake Emory Dam looked at and said he felt this would be an advantage to the County to have a free-flowing river. Commissioner Shearl said he would like to task the Planning Board with studying the possibility of removing the dam. He said this is directly connected to the Floodplain Ordinance that will be discussed in January. Commissioner Shearl made a motion, seconded by Commissioner Higdon, for the completion of a comprehensive feasibility study. The vote was unanimous.

**CONSENT AGENDA:** Upon a motion by Commissioner Higdon, seconded by Commissioner Young, the board voted unanimously to approve the consent agenda as presented which includes: (A) Minutes of the October 8, 2024, regular meeting, (B) Budget Amendments #112-118, (C) Approve Surplus Service Weapon for Michael Langley, (D) Approve Grant Project Ordinance Amendment for Weatherization Assistance Program FY2025, (E) Approve Capital Project Ordinance for Airport Renovation of Hangar/Repair Shop, (F) Approve Grant Project Ordinance Amendment for ARPA, (G) Approve Resolution Exempting Engineering Services for Streamflow Rehabilitation Assistance Program, (H) Tax releases for the month of October in the amount of \$3,557.02, (I) Request for relief of the taxing unit for collection of Real Estate Taxes that are Ten Years Past Due in the amount of \$38,144.82, (J) Monthly ad valorem tax collection report – no action necessary

**APPOINTMENTS:** None

**CLOSED SESSION:** None

**ADJOURN:** With no other business, at 9:04 p.m., upon a motion from Commissioner Higdon, seconded by Commissioner Young, the board voted unanimously to adjourn.

  
\_\_\_\_\_  
Warren Cabe  
Ex Officio Clerk to the Board

  
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Gary Shields  
Board Chair