



**MACON COUNTY BOARD OF COMMISSIONERS
SEPTEMBER 10, 2024
MEETING MINUTES**

Chairman Shields called the meeting to order at 6:00 p.m. All Board Members, County Manager Derek Roland, 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) Mr. Roland announced his intent to step down as Macon County Manager. He said the decision had not been easy as he has given the past 15 years of his life to the organization with the 10 of those years being as County Manager. Mr. Roland said it has been an honor and a privilege to serve alongside some of the most talented, driven, and compassionate individuals he has ever known. He said together with the Macon County employees we have faced challenges, celebrated victories, mourned losses, and through that became more than colleagues, more than friends, but became family. Mr. Roland shared that October 8, 2024, will be his last board meeting.

(B) Mr. Roland announced that Additions and Adjustments to the agenda would be handled before public comment.

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

PLEDGE OF ALLEGIANCE: Led by Commissioner Antoine, the pledge to the flag was recited.

PUBLIC HEARING(S):

(A) 5311 ADMIN GRANT – Transit Director Darlene Asher explained that this grant is for fiscal year 2026 in the amount of \$230,232 and is an 80/5/15 grant with a local share of \$34,536. She said the grant pays for administrative salaries, fringe, electrical power, natural gas, office supplies, travel, etc. Commissioner Shields opened the public hearing at 6:05 p.m. With no one signed up to speak, Commissioner Shields closed the public hearing at 6:06 p.m.

Commissioner Young made a motion, seconded by Commissioner Shearl to approve the grant request as presented. The vote was unanimous.

(B) 5310 ELDERLY AND/OR DISABLED GRANT – Ms. Asher explained that this grant is for fiscal year 2026 in the amount of \$200,000 and is a 50/50 grant with a local share of \$50,000. She said Macon County Transit will use EDTAP and Block Grant funds as a match and the grant aids in paying for transportation for elderly (65 or older) and/or disabled citizens of Macon County. Commissioner Shields opened the public hearing at

6:08 p.m. With no one signed up to speak, Commissioner Shields closed the public hearing at 6:08 p.m.

Commissioner Shearl made a motion, seconded by Commissioner Young to approve the grant request as presented. The vote was unanimous.

(C) COMBINED CAPITAL GRANT - Ms. Asher explained that this grant is for fiscal year 2026 in the amount of \$74,139 and is a, 80/10/10 grant with a local share of \$7,413. She said this funding will be utilized to replace the camera computer and to add a laptop and a new camera system for all vehicles. Ms. Asher indicated that the current camera system is outdated and the system is necessary for the safety of the drivers and passengers. Commissioner Shields opened the public hearing at 6:09 p.m. With no one signed up to speak, Commissioner Shields closed the public hearing at 6:10 p.m.

Commissioner Young made a motion, seconded by Commissioner Shearl to approve the grant request as presented. The vote was unanimous.

(D) CONCEPT GRANT - Ms. Asher explained that this grant is for fiscal year 2026 in the amount of \$100,000 and is a 50/50 grant with a local share of \$50,000. She said Macon County Transit will use contract revenue from Swain and Haywood Counties along with Medicaid revenue to match this grant. Ms. Asher stated the grant is used to operate the WNC Express route to Asheville Monday through Friday. Commissioner Shields opened the public hearing at 6:11 p.m. With no one signed up to speak, Commissioner Shields closed the public hearing at 6:13 p.m.

Commissioner Young made a motion, seconded by Commissioner Shearl to approve the grant request as presented. The vote was unanimous.

Following the public hearings, Commissioner Shields made a motion, seconded by Commissioner Antoine to approve the FY26 Program Resolution and FY26 Local Share Certification. The vote was unanimous.

PUBLIC COMMENT PERIOD: The following citizens had signed up to speak during the public comment period at the August 13, 2024, regular meeting but did not get to speak due to reaching the 45-minute maximum public comment period. These citizens were informed they would be allowed to speak at this meeting: **Ed Haight** was not present when his name was called. **Paul Chew** spoke about erosion control and the watershed and requested experts be consulted before making any changes. **Michelle Ruigrok** was not present when her name was called. **Cindy Kares** was not present when her name was called. **Ben Banick** was not present when his name was called. **Doug Woodward** was not present when his name was called. **Heather Dombroskil** spoke about the quarter-cent sales tax referendum and requested public education be provided about it before November. She also mentioned funding through the health department that was mentioned at the last board meeting that had provided support for the Farmer's Markets held on Saturdays and local farmers. **Sarah Johnson** spoke in opposition to RV parks and subdivisions in the watershed and flood-prone areas. She requested permission to put up signs at Parker Meadows requesting rocks not be stacked so that marine life could be protected. **Jason Love** spoke about the Soil and Erosion Control Ordinance, specifically 153.05 Part A regarding a 1:1 slope. He encouraged the Planning Board and Board of Commissioners to take another look at the ordinance and slope requirements. **Angela Faye Martin** was not present when her name was called. **Jim Gaston** was not present when his name was called. Additional citizens signed up to speak during the meeting include: **John deVile** spoke about meetings between the Board of

Commissioners and the Board of Education and requested these meetings be open to the public to foster trust. **Marcia Doty** spoke about Animal Control staffing issues and having more control over dog fighting. **Robert Seibert** stated he was speaking as a representative of the American Legion in Hayesville and requested the board donate a World War II gun statue located at the old National Guard Armory to the American Legion in Hayesville. Commissioner Young said he did not want to see the statue go out of the county. Commissioner Antoine said he would like to see the statue relocated to the Veteran's Memorial Park at the Macon County Recreation Park. **Mary Ann Ingram** spoke about the floodplain ordinances. **Heavenly Leamor** stated she was representing the Nantahala Community Club and requested approval to put a veteran's memorial stone near the flag poles at the new club location. She shared an estimate of \$600. Ms. Carpenter verified there are still funds available that would cover the cost. Commissioner Higdon made a motion, seconded by Antoine to approve the purchase. The vote was unanimous.

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

- To remove Item 10A under Old Business, Update on Quarter-Cent Sales Tax Referendum, per Commissioner Shields
- To remove Item 10D under Old Business, Discussion regarding Watershed Protection Ordinance, per Commissioner Shields make sure the Planning Board has had to opportunity to review the Watershed Protection Ordinance again and that interested parties have had an opportunity to share their feedback and that stakeholders are aware of the potential impacts of the changes. Commissioner Shields proposed bringing the ordinance back to the regular meeting in January 2025. Commissioner Young suggested the Planning Board also review the Floodplain Ordinance as well. Commissioner Higdon said he would like some entity to do a feasibility study on the Lake Emory Dam removal as a free-flowing stream and said it would be a phenomenal asset to this community. He said the Planning Board will have three tasks: to review two ordinances and assist with the study on the removal of Lake Emory Dam.
- To add Item F under New Business, Discussion regarding County Manager, per Commissioner Young.
- To remove Item 10E under Old Business, Approval of lease for offices utilized by North Carolina Department of Adult Corrections Probation and Parole, per Mr. Roland.

OLD BUSINESS:

(A) UPDATE ON QUARTER-CENT SALES TAX REFERENDUM – JOHN KNIPPEL, BUSINESS ADVISORY COUNCIL – Removed.

(B) APPROVAL OF THE FARMLAND PROTECTION PLAN – Soil and Water District Director Doug Johnson reminded the board that the plan was presented and discussed at the August 13, 2024, regular meeting and he was requesting approval of the plan. Commissioner Shearl said he was concerned when the plan was presented because he did not know about the plan and did not want to do anything to impact our farmers. He said he had spoken with some of the farmers and made a motion, seconded by Commissioner Antoine to approve the plan as presented. The vote was unanimous.

(C) APPROVAL OF THE MACON COUNTY PUBLIC HEALTH BILLING

GUIDE AND FEE PLAN - Health Director Kathy McGaha stated that she has to present the fee plan and billing guide to the Board on an annual basis for review and approval. She said she understood from the last meeting that there were some questions about how fees were determined. Ms. McGaha provided a handout and explained the process for establishing fees. Commissioner Shearl asked about the cost of purchasing vaccines and supplies that had caused increases in fees. Ms. McGaha indicated that they are covering their cost and have seen an increase in the cost of products and that she would be willing to provide invoices for the Board's review. After some additional questions and dialogue between Commissioner Shearl and Ms. McGaha, Commissioner Higdon requested approval of the fee plan excluding the environmental health fees. He requested the health department conduct a pilot program to waive environmental health fees and believes this will enhance our economy. Commissioner Higdon said he would like the department to look at this and bring a proposal back to the October meeting. Commissioner Higdon made a motion, seconded by Commissioner Shearl to approve fees as presented except the Environmental Health fees until a pilot program can be reviewed. Ms. McGaha stated that the Board of Health had reviewed the fees and discussed the implications of eliminating the environmental health fees. Commissioner Higdon said it has to be a contract-based program as a thank-you for investing in and supporting employment in Macon County. He further clarified that his motion would keep environmental health fees as they are until further discussion. The vote was unanimous.

(D) DISCUSSION REGARDING WATERSHED PROTECTION ORDINANCE -
Removed and tabled until January 2025.

(E) APPROVAL OF RENEWAL LEASE FOR OFFICES UTILIZED BY NORTH CAROLINA DEPARTMENT OF ADULT CORRECTIONS PROBATION AND PAROLE - Mr. Roland asked to table this item.

NEW BUSINESS:

(A) RELOCATION OF FRANKLIN HIGH SCHOOL (FHS) WEIGHT ROOM FOR NEW CAMPUS CONSTRUCTION - Mr. Roland indicated that the FHS campus is going to be an active campus while the new high school is being built. He said there is concern about what to do about the weight room that is going to be impacted by the demolitions. Auxiliary Services Director Todd Gibbs with Macon County Schools said as soon as football season is over demolition on the field house that houses the weigh-room will begin. He said the weight room is used by athletes from all sports as well as the BFS PE classes at FHS. Mr. Gibbs stated that it is not feasible to find space on the current campus to have those classes and the suggestion to use the Macon Middle School (MMS) Multipurpose room was made. He said that to use that space the addition of a rubber floor to preserve the permanent floor as well as transportation to and from FHS would be needed. Mr. Gibbs shared that the associated cost for the rubber flooring from the estimate received from Carroll Daniel would be \$76,289.84 installed for roughly 5000 square feet. He said bus drivers and buses to transport students would cost approximately \$97,000 (\$48,866.66 per driver) per year for two drivers for two years for a total of approximately \$194,000. After some additional discussion, Mr. Gibbs said the total would be \$270,000 to cover the rubber flooring and bus drivers for the two years. Ms. Carpenter asked for the costs to be broken down by fiscal year rather than for two academic years and Mr. Gibbs said he would recalculate the costs and provide that. Ms. Carpenter said the bonds were approved today, but the funding is not yet secure and she will have to bring back a budget ordinance to

the October meeting. She suggested the bus drivers come out of the contingency. Macon County Board of Education Chairman Jim Breedlove said he could support that and LS3P Project Manager Emily Kite said the contingency is there to protect the project and she doesn't want to tap into that before the project even starts. She said she thinks there is some fact-finding that can be done to make sure some of this is not already covered. Ms. Carpenter suggested approving the flooring tonight and then the drivers at the October meeting, if needed. After additional discussion, Commissioner Young made a motion, seconded by Commissioner Shields to approve the funds contingent upon the discovery of funding Carroll Daniel already has implemented in the project for \$76,290 from the general fund balance for the mats. Commissioner Young said the Board of Education needs to order the mats and suggested seeking quotes from local vendors. Ms. Carpenter said she wants three quotes. The vote was 3-2 with Commissioner Young, Commissioner Shields, and Commissioner Antoine voting in favor of the motion and Commissioner Shearl and Commissioner Higdon opposed.

(B) HIGHLANDS SCHOOL PROJECT GUARANTEED MAXIMUM PRICE (GMP) – LS3P Project Manager Emily Kite presented a project timeline via a PowerPoint presentation. Kevin Aull from Vannoy Construction presented three mitigation options for the fuel tank at Highlands School. Hilary Wilkes representing the Macon County Board of Education said they prefer option 2 which involves removal of the underground storage tank at a cost of \$825,000. After discussion regarding how the costs for mitigation were reached and funding options, Commissioner Shields made a motion, seconded by Antoine to take \$7,983,983 from the general fund balance and a budget amendment to cover the cost. The vote was 4-1 with Commissioner Shields, Commissioner Antoine, Commissioner Shearl, and Commissioner Higdon in favor of the motion and Commissioner Young opposed. Commissioner Higdon had left the meeting earlier so his vote counts in the affirmative as he was not present for the vote.

(C) MACON MIDDLE SCHOOL TRACK PROJECT UPDATE – Macon County Schools Auxiliary Services Director Todd Gibbs shared that the subgrade was found to have organic matter and moisture in it and could not compact. He said two options are being proposed and both come at a considerable cost in the range upward of \$120,000. Mr. Gibbs said he would obtain a third quote and report back to the Board.

(D) DISCUSSION AND APPROVAL TO REPEAL ORDINANCES – Attorney Ridenour shared that a recent review of the ordinances had been conducted as part of the process to get the ordinances codified and put on the website. He indicated that the following ordinances need to be repealed and explained the reasons for each: Title XI Business Regulations, Chapter 110 Cable Television and Title I General Provisions, Chapter 8-A Mediacom Franchise, and Chapter 8-B Northland Cable Franchise; Title VII Traffic Code; and, Title IX General Regulations, Fire Prevention including Appendix A: Violations Schedule and Appendix B: Fire Inspection Fee System. Commissioner Antoine made a motion, seconded by Commissioner Shearl, to repeal the ordinances as requested. The vote was unanimous. Commissioner Higdon had left the meeting earlier so his vote counts in the affirmative as he was not present for the vote.

(E) DISCUSSION REGARDING RECREATIONAL FACILITIES – Commissioner Young said the Parks and Rec Commission had been approached about creating a new amphitheater below the pool. He shared that they have been approached by several groups wanting to host concerts and events. Commissioner Young said he is requesting approval to use the area as an event venue. Commissioner Antoine made a motion, seconded by Commissioner Shearl to approve the request. The vote was unanimous. Commissioner

Higdon had left the meeting earlier so his vote counts in the affirmative as he was not present for the vote.

(F) DISCUSSION REGARDING COUNTY MANAGER – Commissioner Young said he feels that the Board of Commissioners has the obligation to fill the seat and suggested a special called meeting with the County Attorney present to have a good healthy work discussion to talk about an interim and/or a search. He suggested next Tuesday, September 17, 2024, at 9:00 a.m. and to recess this meeting until then. Commissioner Shearl said he would be on vacation until October 1, 2024. There was a consensus to meet on Tuesday, September 17, 2024, at 9:00 a.m., as requested.


CONSENT AGENDA: Upon a motion by Commissioner Shearl, seconded by Commissioner Antoine, the board voted unanimously to approve the consent agenda as presented which includes: (A) Minutes of the August 13, 2024, regular meeting, (B) Budget Amendments #53-68, (C) Resolution Approving Plat Review Officers, (D) Tax releases for the month of August 2024 in the amount of \$18,462.31, (E) The Settlement Report for 2023 Taxes, and (F) Monthly ad valorem tax collection report for which no action is necessary.

APPOINTMENTS: None

CLOSED SESSION: At 9:32 p.m., upon a motion by Commissioner Shearl, seconded by Commissioner Antoine, the board voted unanimously to go into closed session as allowed under NCGS 143-318.11(a)(3), to consult with an attorney in order to preserve the attorney-client privilege. At 10:00 p.m., upon a motion by Commissioner Shearl, seconded by Commissioner Antoine, the board voted unanimously to come out of closed session and return to open session.

Upon return to open session, Commissioner Young made a motion, seconded by Commissioner Antoine to approve the sale of the Old Gulf Station Property for \$195,000. The vote was unanimous.

ADJOURN: With no other business, at 10:01 p.m., upon a motion from Commissioner Antoine, seconded by Commissioner Young, the board voted unanimously to adjourn.



Derek Roland
Ex Officio Clerk to the Board



Gary Shields
Board Chair