

Regular Meeting – December 6, 2016

The Graham County Board of Commissioners met Tuesday, December 6, 2016 at 5:30 p.m. in the Graham County Community Building located at 196 Knight Street Robbinsville, NC for their regular monthly meeting. All board was present.

1. Chairman Eller called the meeting to order.
2. Chairman Eller asks Commissioner Williams to give the Invocation.
3. Chairman Eller asks Commissioner Orr to lead the Pledge of Allegiance.
4. Chairman Eller asks for approval of the agenda. Clerk Crisp stated that we needed to amend the agenda to add Item 5A T.J. Holland, EBCI and Item 11 – add Becky Garland, Sophia Paulos and Larry Hembree to closed session. Commissioner Orr made the motion to approve the agenda with the amendments as stated. Commissioner Williams seconded this motion. Vote unanimous.
5. Chairman Eller asks for approval of the Workshop and Regular Minutes of November 15, 2016. Commissioner Orr made the motion to approve the minutes. Commissioner Nelms seconded this motion. Newly elect Commissioner Wiggins was excused from the vote. Vote was unanimous.
6. Chairman Eller asks T.J. Holland, EBCI to speak. Mr. Holland stated that the county had allowed the Tribe to do a study on the Fort Hill site to see if the Fort Montgomery Site could be located. Mr. Holland stated that the site was not found but 175 yards of the road was found that was used for the Trail of Tears. Mr. Holland stated that he would like to meet with the county to discuss this area and further stated that he is also working with the US Forest Service into Tennessee for further details on the removal of the Cherokee. Commissioner Williams asks if the museum is going to be rebuilt. Mr. Holland stated that it is going to be rebuilt and we will be receiving collections of other museums throughout the country. The board discussed a possible date for another meeting. The board all agreed to meet on Tuesday, January 17, 2016 at 4:30 p.m. to have further discussion with Mr. Holland.
7. Chairman Eller asks for the finance report. Ms. Garland gave a highlight report of our audit and stated that we had a surplus of \$112,739.00 in the general fund and on overall surplus of \$311,318.00 which includes the 911 Funds. Ms. Garland stated that the county did receive a decrease on the 911 Funding for next year due to our overage. Ms. Garland stated that our unassigned fund balance is \$4,976,398.00 which is 33% of our total expenditures and though the state recommends 35% we are still within range. Ms. Garland stated that our tax collection rate was 96.13% and we had an unmodified report meaning that we received a clean bill of health in finance. Ms. Garland stated that we have an unrestricted cash balance of \$6,223,295.48. Ms. Garland stated that we will be having a pre-bid conference tomorrow on the new 911 Call Center and the bid openings are scheduled for December 14<sup>th</sup> and this center is 100% grant funded.
8. Ms. Garland stated that we needed to purchase a Barracuda Filter for our Email and the cost is \$3278.44 and further stated that this filter will be attached to our county owned server. Commissioner Orr made the motion to approve the purchase of the Barracuda Filter. Commissioner Williams seconded this motion. Vote unanimous.
9. Ms. Garland stated that our Transit Department had a federal audit and passed with one small finding and this is the need for a separate website. Ms. Garland stated that she reached out to Stars Creative and the cost for the new website will be \$3300.00. Ms. Garland stated that the county could pay for this website through the operating expenses in the Transit Budget. Juanita Colvard, Transit Director also spoke and stated that she must put the TAB Board members names and contact information, Title IV and any other postings according to federal compliance on the site. Commissioner Nelms made the motion to approve the website for Transit in the amount of \$3300.00. Commissioner Williams seconded this motion. Vote unanimous.
10. Ms. Garland stated that the Sheriff had requested \$3500.00 to install cameras around the library which will point in the direction of the school. Ms. Garland stated that the money can be taken from Impound Fees or the NC Federal Drug Money. Commissioner Wiggins stated that no local dollars would be spent. Ms. Garland stated that this was correct. Commissioner Williams made the motion to approve the cameras at the Sheriff's request. Commissioner Orr seconded this motion. Vote unanimous.

11. Chairman Eller asks Sophia Paulos to speak. Ms. Paulos stated that she was here tonight to give her monthly report. Ms. Paulos stated that she and Commissioner Orr had attended the official launch of the Mountain West Partnership which was created to fill the void left by Advantage West. Mountain West Partnership is being developed by the seven most western counties to serve the seven most western counties and they will provide an avenue for the economic developers in these counties to leverage their power and influence as a unit to tackle large scale projects which affect the region. Examples of such projects include but are not limited to Corridor K and Broadband.
12. Ms. Paulos stated that Stars Creative has done an exceptional job on the Economic Development Website and a slide presentation was given to the board. Ms. Paulos stated that in January, when Commerce has its site ready, this page will piggy back off of their site to provide available site information to site selectors both nationally and internationally. The county website will require more inquiry by Katalyst and Stars Creative remains on standby to get into this project and run with it. We are currently working with Katalyst to address some technical issues that are preventing our ability to redirect that site to make it available to Stars Creative for access for design and development.
13. Ms. Paulos stated that she is working with the Travel and Tourism Board and they have contracted with Stars Creative to produce several marketing videos. The first was created to market toward car and motorcycle enthusiast and this video will be in use at all of the industry shows attended by T&T in the coming months. T&T will be able to use this video to promote Graham County on their website, in social media as well as at industry shows. The link for the video is <https://vimeo.com/193105177/568cf7dfb7>.
14. Ms. Paulos stated that our consultant for Broadband, Ron Carmanico hit the ground running on the first of this month and he is reaching out to all major interests in the region and is planning a site visit for next month. We will be having a meeting via phone in Asheville this coming Friday with L.T. Ward, VP of Western North Carolina Communities, to talk about available funding sources, current infrastructure and to network with additional partners in the region to tackle this issue. The fellow economic developers in the region have all agreed to work with Mr. Carmanico to share the feasibility studies, infrastructure assets and challenges and any other relevant information they may have to assist Mr. Carmanico in his endeavor to get a high speed service provider for the residents of Graham County.
15. Ms. Paulos stated that she had spoken with Rick Waite, one of Jimmy Lee's (Stanley Plant owner) representatives about the roof at Stanley and ask what the holdup was on getting the roof started at the Stanley Building and received a very good answer. Oak Valley Hardwood had been using Han Jin Shipping to ship all of its hardwood product to China. In the first week of September, Han Jin declared bankruptcy. This was the largest shipping bankruptcy in history and in order to pull into port and off load product the shipping company must pay a fee. Having declared bankruptcy, Han Jin was able to pay the fee, pull into port, and off load product. For the last three months Oak Valley Hardwood has had 175 shipping containers full of product floating out at sea on Han Jin Ships, as such, Oak Valley has been unable to submit invoices and has been in limbo as millions of dollars of their product was lost at sea. The good news, the containers have been off loaded and Oak Valley can resume business and they are looking forward to having their capital back to a place where they can invest in projects like the roof at the Stanley Plant.
16. Ms. Paulos stated that she had spoken with Mr. Lee at length about leasing the remaining available space at the plant and on the advice of Commissioner Nelms she contacted the Outdoor Gear Builders of WNC and spoke with Noah Wilson to encourage an outdoor gear manufacturer to take up residency in the remaining space at the Stanley building.
17. Ms. Paulos stated that she attended an Export Conference in Asheville sponsored by the Economic Development Partnership of North Carolina. This event provided me with many of the tools needed to encourage our small businesses to get into the export business. While she was there she was able to network and get contact information for the Director of EDP's Import/Export Team Paul Wyatt and as a result, Wehrloom Honey is considering expanding their essential line of body products to reach into the export market. She will be meeting with Mr. Wyatt as well as the Director of EDP's London office this coming Monday to discuss the pathway and opportunities available for Wehrloom Honey to expand in this way.
18. Ms. Paulos stated that the local business owners meeting will meet again this month. In the absence of a Chamber of Commerce, I feel it is important for local business owners to get together to share challenges and opportunities. This also provides her the opportunity to

present them with resources available to them through our regional and state partners. This month, Pam Schaffer will be bringing Lisa Morgan of the Small Business Association to talk about the best steps to get a small business loan. Josh Carpenter will be attending this meeting as well and he will let the owners know about the free services available to them through the Economic Development Partnership and this includes a free tax hotline with a live accountant that many will find useful come January in addition to a number of other resources. Ms. Paulos stated that of the seven most western counties Haywood is the only county not listed as a Tier 1 County.

19. Chairman Eller asks DSS Director Butch Sanders to speak. Mr. Sanders gave the board a packet of information concerning the new building and stated that DSS is the only program that has access to money for capital outlay. Mr. Sanders stated that we needed to design the building for the most cost effectiveness and further stated that the payback could be with a total life of 35 years instead of the 45 years considered and this will generate the county several more dollars. Mr. Sanders asks that the board review the paperwork and he looks forward to working with the commissioners on the new building. Mr. Sanders also stated that the DSS Audit was clean and he was very proud of his staff and their hard work.
20. Chairman Eller asks for public comment. Clerk Crisp presented the list to Chairman Eller. Chairman Eller asks that one person be named as the spokesperson for each group represented tonight and asks Joe Bonnette to speak. Mr. Bonnette thanked the board for allowing him to speak and stated that he was here as a homeowner of Bear Creek. Mr. Bonnette stated that the Bear Creek Homeowner's Association is opposed to the shooting range being a public range at the Bear Creek property owned by the county. Mr. Bonnette stated that he supports the kids shooting range but there are 25 of us in the association and they did not want any type of shooting range on this property. Mr. Bonnette stated that he had spoken with former County Manager Mike Edwards and he was under the impression that this site would be studied for fact finding and asks if we was willing to consider just the kids range. Mr. Bonnette stated that he met with Commissioner Nelms and Sophia Paulos to discuss the issue more and after that meeting the letter was drafted by the homeowners in opposition of any type of shooting range. Mr. Bonnette stated that there are (25) of us homeowners that will be affected by the noise. Mr. Bonnette stated that he has learned that the commissioners made a motion to allow the kids to shoot there and last week equipment had been moved in to work on the site and the neighbors began coming to me. Mr. Bonnette stated that unless he missed it there was no public notice, no one called him to let him know and the county manager had left and we needed to know exactly what was planned, is the site for the public or just the kids and wasn't there restrictions on the site as far as obtaining NRA Grants. Mr. Bonnette stated that there has been a lot of clearing and asks if the site had water issues because they use wells and a shooting range will put lead in the groundwater and further asks if the county obtained permits. Mr. Bonnette asks specifics on what they were going to do up there and if there are plans written. Mr. Bonnette stated that the county was going to put in a transfer site at one time and didn't because of wet soil. Commissioner Nelms stated that on November 3<sup>rd</sup> the Commissioners called an emergency meeting because the shooting team did not have a place to shoot and we made the motion to allow the kids to use this site for a shooting range, the site is not open to the public but is open to the shooting team and the work on the site is to make it safe and usable. Commissioner Nelms stated that the county received DOT permits for a new entrance and guardrail and Graham County does not have an ordinance concerning soil and erosion and DENR is not involved unless you disturb more than an acre. Commissioner Nelms stated that silt fences already exist to prevent erosion. Commissioner Nelms stated that as of now this site is for the shooting team only. Mr. Bonnette stated that they are pushing on an acre now and they have a dozer and a track hoe on the property and further stated that he was concerned about the zone decimals and the people that will be affected.
21. Chairman Eller asks Andy Lynn to speak. Mr. Lynn stated that the property had to be made safe for the kids and this is the main reason for the equipment. Commissioner Williams stated that they are doing everything possible on making berms to prevent the noise and this is all about the kids. Commissioner Williams stated that the county was going to put in a recycling station on the property and the Bear Creek Homeowners raised cane over that proposal. Commissioner Williams stated that the kids will not shoot on Wednesday nights or Sunday's and the hours would be set and this is a good thing for our kids in keeping them off the streets and buying drugs. Mr. Bonnette stated that he totally agrees and he will help find a place for the kids to shoot. Mr. Bonnette stated that it helps to know that this is a temporary site and that they are

- doing all that they can to keep it as quiet as they can. Commissioner Williams stated that one property in the Bear Creek Homeowners Association has a shooting range set up and he shoots.
22. Pat Jayco stated that the noise from the shooting range would be nothing compared to the noise that is made by the motorcycles and that these kids practice a few hours on Saturday and in the evenings. Mr. Jayco stated that if this had been the football team everyone would have been all for it. Mr. Jayco stated that these kids don't play sports and are considered outcasts but when they shoot the guns and skeets they "light up" and to watch them shoot and to see them "light up" is a great experience.
  23. Chairman Eller asks Andy Lynn to speak. Mr. Lynn presented a power point presentation to the commissioners and stated that our intention is to teach these kids who don't at this time have a right to vote and they are our future leaders and our lives here consist of hunting, fishing and outdoor sports and this is our culture. Mr. Lynn stated that he had family that live up north and they wore a tee shirt advertising his gun store and he was told that he could not wear that shirt in that community because it had a gun on it. Mr. Lynn stated that we do not want that here. Mr. Lynn gave statistics of the high school shooting team, the middle school shooting team and the 4-H shooting team and a big majority of the kids place 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup>. Mr. Lynn stated that the kids are taught hunter safety. Mr. Lynn stated that the kids went to state this year and BJ Collins won 1<sup>st</sup> place in Hunter Skills and Garrett Holder won 1<sup>st</sup> place in Shotgun and our team did great. Mr. Lynn stated that we used to shoot at Papa's Pizza. Mr. Lynn stated that sand can be put in for the lead and safety berms will be built. Mr. Lynn stated that we are not asking the taxpayers for money but we are asking for the opportunity to allow these kids a place to shoot. Mr. Lynn stated that kids get college scholarships for shooting sports and this would be huge for Graham County. Mr. Lynn stated that they intend to be good neighbors and in all the time that the kids have shot they have never had an injury. Lois Pressley, a member in the audience stated that she lives close to Papa's Pizza and when the kids shot there they did not have a problem with the noise. Ms. Pressley stated that our school kids can continue practice through the 4-H Program in the summer and she appreciates the county allowing the kids to use this land. Mr. Lynn thanked that board for allowing the kids to use the property and further stated that they will stay within the bounds of the law. Jimmy Orr, a member in the audience stated that four men from Bear Creek Church had tested the sound with a 30-06, a 12 gauge and a 22 pistol and the four of us went into the church and the only gun you could hear was the 30-06 and further stated that Bear Creek Church supports the shooting range. Chairman Eller stated that they would work with the church when any events were held there. Commissioner Williams stated that these kids are our future and this gives them something to do and asks that all the kids come up front. Everyone gave the shooting team kids an applause.
  24. Chairman Eller stated that we would now go into the discussion items. Clerk Crisp stated that she needed approval for the Releases in the amount of \$27,366.59 and there were no discoveries. Commissioner Williams made the motion to approve the releases. Commissioner Orr seconded this motion. Vote unanimous.
  25. Clerk Crisp stated that a request had been made for us to amend our CTP Transportation Plan for Project B2822 (143 Business to West Buffalo) to include a bike lane from IU Gap all the way to West Buffalo. Commissioner Orr made the motion to amend the CTP Transportation Plan for Project B2822 as stated. Commissioner Williams seconded this motion. Vote unanimous.
  26. Clerk Crisp stated that Sharon Edmundson with the Local Government Commission was coming to town and requested a workshop with the Board of Commissioners on the Roles and Responsibilities of Local Elected Leaders on Thursday, December 15, 2016 from 9:00 a.m. to 12:30 p.m. Clerk Crisp stated that she needed to RSVP and asks which commissioners would like to attend. All commissioners will attend this workshop.
  27. Clerk Crisp stated that it was time to appoint a NCACC Voting Delegate for the 2017 Legislative Goals. Commissioner Williams made the motion to appoint Commissioner Orr. Commissioner Wiggins seconded this motion. Vote unanimous.
  28. Clerk Crisp stated that Commissioner Keith Eller had resigned from the DSS board due to three commissioners being seated and we needed to accept his resignation. Commissioner Williams made the motion to approve the resignation of Commissioner Keith Eller from the DSS Board. Commissioner Wiggins seconded this motion. Vote unanimous.
  29. Clerk Crisp stated that Commissioner Jacob Nelms had resigned from the RDA Board due to three commissioners being seated and the board needed to accept this resignation. Commissioner Williams made the motion to accept the resignation of Commissioner Nelms from the RDA Board. Commissioner Wiggins seconded this motion. Vote unanimous.

30. Commissioner Nelms asks that the board review the changes to the P&J Building and give their suggestions to him.
31. Chairman Eller asks for a motion to go into closed session under G.S. 143-318.11(a) (1) (5) (6) for privileged or confidential information, personnel and contracts. Commissioner Orr made the motion to go into closed session as stated. Commissioner Williams seconded this motion. Vote unanimous.
32. Commissioner Orr made the motion to go back into open session. Commissioner Wiggins seconded this motion. Vote unanimous.
33. Commissioner Wiggins made a motion to send Anthony Sequoia a letter concerning the overdue EMS Bills for Tribal Members in Graham County. Commissioner Orr seconded this motion. Vote unanimous.
34. Commissioner Orr made the motion to pay Patsy Cable (70) hours of her comp time. Commissioner Wiggins seconded this motion. Vote called. Commissioners Eller, Orr, Nelms and Wiggins voted yes. Commissioner Williams voted no. Motion carried four to one.
35. Commissioner Williams made the motion to buy a (40) hour labor block from Katalyst for \$8000.00. Commissioner Orr seconded this motion. Vote unanimous.
36. Commissioner Williams made the motion to allow Ashton Massey to use four (4) days of unpaid leave. Commissioner Nelms seconded this motion. Vote unanimous.
37. Commissioner Orr made the motion to adjourn. Commissioner Williams seconded this motion. Vote unanimous.

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Keith Eller, Chairman, Graham County Commissioner

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Connie Orr, Vice-Chairman, Graham County Commissioner

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Jacob Nelms, Member, Graham County Commissioner

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Dale E. Wiggins, Member, Graham County Commissioner

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Raymond Williams, Member, Graham County Commissioner

ATTEST:

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Kim Crisp, Clerk to the Board