

Regular Meeting – October 21, 2013

The Graham County Board of Commissioners met Monday, October 21, 2013 at 5:00 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. Commissioner Edwards called the meeting to order.
2. Commissioner Edwards asks Commissioner Williams to give the Invocation.
3. Commissioner Edwards asks Commissioner Orr to lead the Pledge of Allegiance.
4. Commissioner Edwards asks for approval of the agenda. Commissioner Williams made the motion to approve the agenda. Commissioner Orr seconded the motion. Vote unanimous.
5. Commissioner Edwards asks for approval of the Regular and Workshop Meeting Minutes of September 16<sup>th</sup>; Special / Public Hearing Minutes September 26<sup>th</sup> and Emergency Minutes October 14<sup>th</sup>. Commissioner Eller made the motion to approve the minutes as stated. Commissioner Holder seconded this motion. Vote unanimous.
6. Commissioner Edwards asks Rebecca Garland to give the finance report. Ms. Garland stated that the county ended the month with a \$4.6 million dollar cash balance and our tax collection rate was 96.75% which was great. Ms. Garland stated that the new DMV system was in place and the Tag Agencies are now collecting the monies for the counties. Commissioner Williams asks if the tag agencies are receiving more money from the state for doing this. Ms. Garland stated that yes the tag agents get a small portion of money to collect the tax. Ms. Garland stated that we are tracking ahead in tax collections but we are tracking behind in sales tax collections and contributes that to our slow economy and reminds us that our local economy has stalled. Ms. Garland stated gave the departmental budget reporting and stated that our spending is lower which is always good.
7. Ms. Garland stated that she has three amendments for the board's consideration and approval.
  - Budget Amendment #1 : Amend to recognize Duke Energy Assistance Funds received to Graham County for heating assistance for \$20,000.00
  - Budget Amendment #2: Amend to recognize incentives for Electronic Medical Systems approved by the BOC in previous meetings for \$63,750.00
  - Budget Amendment #3: Amend to realign department supplies and uniforms for \$2,500.00Commissioner Edwards asks for approval of the Budget amendments as stated. Commissioner Williams made the motion to approve the budget amendments. Commissioner Holder seconded this motion. Vote unanimous.
8. Ms. Garland gave a quarterly report on Smoky Mountain Mental Health and stated that they have \$3.4 million dollars in the bank. The commissioners had discussion on the consolidation that is taking place with Western Highlands and the need to keep commissioners on as board members.
9. Ms. Garland stated that she had been looking into a NC Capital Trust Fund to keep some of the counties money in to bring in more revenue and the more she looked the more uneasy she became, so she got with our local bank First Citizens and found a money market that draws a .05% interest rate and would like to shift some money into the money market. Ms. Garland stated with the Commissioner's permission she would use the EMS Billing payments account for this money market. Ms. Garland stated that you can withdraw these monies if needed. Ms. Garland stated that she would need permission from the board to get signature cards made from the bank to open an account. Commissioner Orr made the motion to allow Ms. Garland to open a Money Market Account at First Citizens Bank using the EMS billing monies as funding source. Commissioner Eller seconded this motion. Vote unanimous.
10. Commissioner Williams asks how the EMS Billing is going. Ms. Garland stated that collections are up by one hundred thousand dollars and the county is tracking ahead on the old receivables. Commissioner Williams wanted a year to date total at the next meeting of what the billing company has collected. Ms. Garland stated that with all the new Medicare /Medicaid codes the company was staying on top of the billing.
11. Commissioner Edwards asks Andy Cable, Economic Development Director to speak. Mr. Cable stated that the EDC Board had approved another training program through the Guthrie Group Inc. with participation from Adam's Lumber, Fontana Village and Stanley Furniture and was here seeking the board's approval for this training. Mr. Cable thanked the board for their resolution in allowing the use of EDC funds and in securing that those funds did not drop below \$200,000.00. Commissioner Edwards asks for a motion to approval the training in the amount of \$89,100.00. Commissioner Williams made the motion to approve the training. Commissioner Orr seconded the motion. Vote unanimous.
12. Mr. Cable gave the board an update on our Data Communications Hotel Project on receiving another \$180,000.00 as part of the North Carolina 2014 Appalachian Investment Program

through recommendation by Appalachian Regional Commission which will tie the loop together around Massey Branch Road. Mr. Cable stated that this is a very important loop for Graham County Economic Development. Mr. Cable also gave the board a working list of the projects that he has been working on in the county with a total project funds requested of \$2,185,000.00 with a \$13,500.00 County Match which had a 353 job creation. Mr. Cable stated that good things are happening in the county. Commissioner Williams stated that he appreciated all of Andy's work. All the board was in agreement.

13. Commissioner Edwards recessed the regular meeting and opened the public hearing for the 5311 CT Grant Fiscal Year 2015.
14. Commissioner Edwards asks Juanita Colvard, Transit Director to speak. Ms. Colvard stated that she was here to present the Community Transportation Program Resolution Section 5311 Fiscal Year 2015 Resolution. Ms. Colvard stated that we are seeking permission to apply for Community Transportation Program funding, enter into agreement with the North Carolina Department of Transportation, and provide the necessary assurances and the required local match. Ms. Colvard asks for public comment. No public comment was given. Commissioner Edwards thanked Ms. Colvard.
15. Commissioner Edwards adjourned the public hearing and reconvened the regular meeting.
16. Commissioner Edwards asks the board to approve the Fiscal Year 2015 5311 Community Transportation Program Resolution. Commissioner Williams made the motion to approve the resolution. Commissioner Eller seconded this motion. Vote unanimous.
17. Ms. Colvard also stated that she needed to surplus one of her 2008 Dodge Vans due to her receiving two new 2014 Dodge Caravans. Ms. Colvard stated that in the past the county can surplus the van for auction or give the van to another county department. Commissioner Eller made the motion to surplus the van to the Jail. Commissioner Williams seconded this motion. Vote unanimous. Ms. Colvard stated that she would like to recommend that if the van is sold or any other van that is surplus from the Transit department that the funds be deposited back into the Transit budget. Commissioner Williams made the motion that all transit vans that are sold the money from the sale are to be deposited into the Transit budget. Commissioner Holder seconded this motion. Vote unanimous.
18. Commissioner Edwards asks Roy Stiles to speak. Mr. Stiles was not present.
19. Commissioner Edwards asks Eldon Alexander to speak. Mr. Alexander stated that the Animal Control Group had met on October 10<sup>th</sup> and had decided to contact Alicia Parham and Dispatch on taking control of the dangerous animals. They have also decided to take photos of dangerous animals which are found in the county and publish these with an article describing the location of the animal along with information to locate the owner in the Graham Star, Face Book, Internet, etc. They will supply copies of various laws governing lost pets, rabies and rabies vaccinations to the commissioners and they request that the attorney review the possibility of any county liability associated with any accident / incident involving a dangerous animal. There concern is such an animal could potentially cause harm to any citizen, visitor or another animal. They also request that Manager Cable provide an update on his conversation with the Valley River Humane Society and they will continue to attend the commissioners meetings in order to keep the commissioners informed of the groups meetings, discoveries and direction. Manager Cable stated that he had spoken with Mr. David Ackerman with the Valley River Humane Society and the issue of Graham County owing them money is not an issue and we have moved past that. We do have the door open for cooperation with them and this is a step forward. Commissioner Edwards stated that at the last meeting he began to ask the far west counties about their issues with animal control in their counties and they are having the same problems that we are facing in fact the nation is having the same issues. Commissioner Edwards stated that he is open to remedy and appreciates the animal control group but will remind everyone that if you write me or this board a letter it will be public record and he does his homework on these issues. Commissioner Edwards stated that he did not appreciate the unsigned letter he received which he will not read aloud due to the language but this board cannot afford to hire an officer, provide benefits, and provide an automobile and all the expenses with our financial situation. Commissioner Edwards stated that it is important to understand that our animals run free in our community's they are not strays. Commissioner Edwards stated that municipalities have more flexibilities than county statutes and you can obtain more information on the website: [www.ncraoa.com](http://www.ncraoa.com). Commissioner Edwards stated that this is a universal problem and a major financial problem. Commissioner Williams stated that the county could not be sued and the only dogs that we are responsible for are the K9's from the Sheriff's Department. Commissioner Williams stated that he has been a dog owner all of his life and if anyone is caught harassing a hunter or a hunter's dog then it is a felony. Commissioner Williams stated that the reason I as a commissioner stopped supporting Valley River Humane Society was because one of my hunting dogs was stolen and taken to Valley River Humane Society and if I hadn't found out quickly, it would have been sent away. Commissioner Williams stated that the

baby that was eaten up by the dog shouldn't have happened and he was there within thirty seconds of the incident and after that incident was when the animal ordinance was put in place and he, Bobby Smith and Larry Hembree were named as board members. Commissioner Edwards stated that to his knowledge neither Cherokee nor Clay County pay Valley River Humane Society money at this time either. Manager Cable stated that Cherokee and Clay Counties have renewed a working relationship with Valley River but was not sure of the details at this time. Commissioner Eller stated that he drives the roads a lot and he does not see the stray problem that the animal control group is discussing. Commissioner Eller stated that he does see dogs without collars that belong to people and they do go back to their homes. Commissioner Eller stated that he asked the Sanitation Workers to pay attention while on their routes and at the dump sites and keep a count of stray animals and they have seen four strays. Commissioner Eller stated that he did not see the "problem" that some are seeing. Mr. Alexander thanked the commissioners for listening and stated that the animal control group is working to fix the problem and he has encountered dogs without collars who are neglected and the question is "What do you do with those animals?" and he realizes that this is not just a Graham County problem.

20. Commissioner Edwards asks for public comment. Clerk Crisp stated that no one had signed in for public comment.
21. Commissioner Edwards asks Sandra Odom to speak. Ms. Odom stated that her husband Jamal Odom worked for the Sheriff's Department and he was recently fired and the reason that Sheriff Mickey Anderson gave him was that the commissioners told him to fire Jamal and hire the Deputy from the neighboring county and her question was did you request that the Sheriff fire her husband. All commissioners responded at the same time "NO". Commissioner Williams stated that he was in the hospital and the commissioners have never told the sheriff who to hire or fire. Commissioner Holder stated that he was one of five commissioners and he did not tell him that. Commissioner Edwards stated to Ms. Odom that it took a lot for her to stand in front of this board to come here and he thanked her for her courage and told her that this board took an oath of Ethics and read to her their duties that they are bound by. Commissioner Edwards stated that the Sheriff's hiring and firing is "at the will of the sheriff" in all cases except to hire a relative and that is the only time that the commissioners are involved. Commissioner Edwards stated that this board did not tell the sheriff to fire your husband nor would they and thanked Ms. Odom once again for coming with courage to speak to the commission board.
22. Commissioner Edwards stated that the board would now go into the discussion and action items and asks Manager Cable to present these to the board.
23. Manager Cable stated that he would need approval on the Releases and Discoveries. The Discoveries are made by the Tax Assessor by law but the Releases can only be released by the commissioners. Commissioner Williams made the motion to approve. Commissioner Eller seconded this motion. Vote unanimous.
24. Manager Cable gave an update on the EMS Project Site with David Hyatt's assistance. The site below the EMS was in fact permitted five (5) years ago and the project work was done by McGill & Associates as a usable site. The site is buildable. The board agreed not to allow dirt from the senior project to be dumped on this site now that they know it is a buildable site. The board discussed possible future use of the site and discussed if the county wanted to pursue further plan costs. Commissioner Williams made the motion to put the dirt beside the EMS Base contact DENR about the permit and do not engage McGill & Associates on the site below the EMS Base. Commissioner Eller seconded this motion. Vote unanimous.
25. Manager Cable stated that DSS Director Claudie Burchfield resigned from the Health Board because she needed to focus on her new job duties as DSS Director but thanked the Board of Commissioners. Manager Cable stated that Andy Cable had volunteered to serve on the Health Board if that was pleasing to the board. Commissioner Orr made the motion to appoint Andy Cable to the Health Board. Commissioner Williams seconded this motion. Vote unanimous.
26. Manager Cable presented the request to the board from Jeff Knight seeking permission to use the Bear Creek property as the school shooting team practice field. Manager Cable stated that the school is not allowed to use the shooting range on Atoah which is on Forest Service Land because they shoot skeet's. The board discussed the liability and the need for paperwork to be signed exempting the county from any liability. The board discussed the wetland area which would need to be protected and the emergency debris site. Commissioner Williams made the motion to table this issue until further information is gathered. Commissioner Eller seconded this motion. Vote unanimous.
27. Manager Cable asks Clerk Crisp to discuss the Senior Center bill for the new chairs, trash bins for the new facility at \$3,387.67. Clerk Crisp stated that the chairs were previously ordered and she would need to engage Attorney Cody on this issue but this is the last of the orders for the new senior center facility. Clerk Crisp stated that the county would be getting a credit for the chairs of \$1,000.00 and the shipping costs were \$735.00 because of the weight of the metal in the

- chairs and the trash receptacles. Clerk Crisp stated that these chairs should last because they are heavy duty and the trash receptacle is metal. Commissioner Williams made the motion to approve the expenditure. Commissioner Holder seconded the motion. Vote unanimous.
28. Manager Cable stated that the county did receive an additional \$180,000.00 for a Data Communications Hotel Project which will connect the loop around Massey Branch Road. Manager Cable stated that this was very exciting news.
  29. Manager Cable stated that the Town of Robbinsville had requested that the county go into a Memorandum of Agreement with them to pick up their dried waste from their new wastewater treatment plant. Clerk Crisp stated that Attorney Cody was working with the Town's Attorney to request that the paperwork be included verifying that this is non-hazardous waste that is being picked up for removal. Commissioner Williams made the motion to have the attorney's draw up the Memorandum of Agreement. Commissioner Eller seconded this motion. Vote unanimous.
  30. Manager Cable gave the monthly performance status report for the CDBG 10-C-2231 and 12-C-2417 for the month of October 2013 and stated that both grants were on schedule and everything was running smoothly. Commissioner Orr made the motion to accept the reporting. Commissioner Williams seconded this motion. Vote unanimous.
  31. Manager Cable presented two requests to the commissioners for special appropriations, one was from G.R.E.A.T. for the Dolly Parton Imagination Library and the other was from Yuletide Helpers. The board all stated that if the board wanted to give individually they could but with the government shutdown the county couldn't commit to special appropriations right now.
  32. Manager Cable stated that he needed approval on the polls that were taken. The polls were as follows:
    - a. Inmate Program – Permission to hire full time supervisor to oversee the inmate work program. The poll was taken September 26, 2013. Commissioner Eller made the motion to approve the poll. Commissioner Williams seconded this motion. Vote unanimous.
    - b. Resolution on Smoky Center – Poll taken on October 1, 2013. Commissioner Orr made the motion to approve the poll. Commissioner Williams seconded this motion. Vote unanimous.
    - c. Install drop inlet pipe and box instead of rip/rap and swell for \$1800.00. The poll was taken on October 2, 2013. Commissioner Williams made the motion to approve the poll. Commissioner Holder seconded this motion. Vote unanimous.
    - d. Memorandum of Agreement with the Town of Robbinsville to haul the solid waste from their wastewater treatment plant. The poll was taken on October 9, 2013. Commissioner Williams made the motion to approve the poll. Commissioner Holder seconded this motion. Vote unanimous.
  33. Manager Cable gave an update on the government shutdown and the impact that it was having on county government. Manager Cable stated that the county held an emergency meeting to discuss the agencies that are impacted by the federal funded programs and the county had agreed to cover the month of November with general fund monies in the amount of \$127,000.00. Manager Cable stated that he was glad that an agreement had been reached and the government had reopened and so far the county has not lost any monies due to the shutdown. Manager Cable stated that the county will be working on a plan due to the potential shutdown of January 15<sup>th</sup> and the county will continue to monitor spending and traveling. Commissioner Williams asks that Manager Cable, Finance Officer Rebecca Garland and Clerk Crisp have something to present to the commissioners at the next meeting of how the county needs to plan for the January shutdown. Manager Cable stated that he would get with the department heads and plan the best way that he could but it is hard to determine what programs the federal government will go after and the state government did not give any guidance the last time of what to expect or how to proceed. Manager Cable stated that he is working with the NCACC closely will report to the board as new developments come in.
  34. Manager Cable stated that Randall Gore with USDA will be presenting the Housing Preservation Grant of \$76,955.35 to the Board on Thursday, October 24, 2013 in the Graham County Manager's Office.
  35. Manager Cable reminded the board of the Special Meeting and Public Hearing for the 5310 Transit Grant on November 7, 2013 at 5:00 p.m.
  36. Commissioner Edwards asks the board for further business. No further business was discussed.
  37. Commissioner Edwards asks for a motion to go into closed session under G.S. 143-18.11 (a) (1) (3) (6) – privileged or confidential information, attorney client privilege, personnel and contracts. Commissioner Holder made the motion to go into closed as stated. Commissioner Orr seconded this motion. Vote unanimous.
  38. Commissioner Orr made the motion to go back into open session. Commissioner Williams seconded this motion. Vote unanimous.

39. Commissioner Williams made the motion to hire Marilyn Colvin as the custodian for DSS at 20 hours per week through December 2013 with a letter signed by Ms. Colvin understanding this temporary position. Commissioner Orr seconded this motion. Vote unanimous.
40. Commissioner Williams made the motion to adjourn. Commissioner Holder seconded this motion. Vote unanimous.

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Robert M. (Mike) Edwards, Member, Graham County Commissioner

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Keith Eller, Member, Graham County Commissioner

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Billy Holder, Member, Graham County Commissioner

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Connie Orr, 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