

The Graham County Board of Commissioners met Tuesday, September 5, 2017 at 5:30 p.m. for their regular monthly meeting in the Graham County Community Building located at 196 Knight Street Robbinsville, NC. All board was present.

1. Chairman Eller called the meeting to order.
2. Chairman Eller asks Commissioner Nelms 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 she needed to add a TAB Board appointment to the agenda. Commissioner Orr made the motion to approve the agenda with the change as stated. Commissioner Nelms seconded this motion. Vote unanimous.
5. Chairman Eller asks for approval of the Workshop and Regular Minutes of August 15<sup>th</sup>; the Continued Meeting of August 23<sup>rd</sup>; the Special Meeting of August 23<sup>rd</sup> and the Special Meeting with Travel and Tourism on August 23<sup>rd</sup>. Commissioner Orr made the motion to approve the minutes as stated. Commissioner Nelms seconded this motion. Vote unanimous.
6. Chairman Eller asks Wanda Hill, Senior Center Director to speak. Ms. Hill stated that she was here to obtain permission to apply for General Purpose monies for the senior center. Ms. Hill stated that the amount of the funds was \$10,939.00 with a county match of \$3,646.00 for a total of \$14,585.00. Commissioner Orr made the motion to allow Ms. Hill to apply for the general purpose monies. Commissioner Nelms seconded this motion. Vote unanimous.
7. Chairman Eller asks Sophia Paulos to speak. Ms. Paulos presented her monthly report. Ms. Paulos stated that the Mountain West Partnership has selected ECC Technologies to perform Phase 1 of the regional Broadband study being conducted by the Southwestern Commission and the Mountain West Partnership. This study is vital to Graham County's citizens gaining access to high speed internet. Phase 1 of the study will include the following:
  - Conduct Broadband Training for Elected Officials
    - Perform 1 and ½ day training for officials in the (7) counties on the following topics: Legal and regulatory matters as well as net neutrality.
    - Broadband friendly policies and administrative policy
    - Types of public/private partnership models
    - Review of community survey and community profile tool
  - Community Assessment/Broadband Profile
    - On-line survey of residents, businesses, and organizations serving vulnerable populations.
    - Assist communities with using information gained from survey to conduct a needs assessment.
    - Develop strategy for each county based on results of needs assessment.
    - Types of public/private partnership models.
    - Combine findings into comprehensive regional assessment and inventory.

Participating in this study will accomplish two critical goals. It will give us the information necessary to make efficient, informed, decisions with regard to policies, partnerships, and regulatory matters. Equally important, the study will provide us with the needs assessment and strategy necessary to begin soliciting providers in Phase II.
8. The EDC has been hard at work identifying the most effective projects to take on. Beefy Rogers has asked me to put together a flyer outlining potential sites for businesses and what each site has to offer (water, sewer, internet, etc.) as well as a one page flyer of county, state and federal incentives that can be used to attract businesses. Ms. Paulos will be working over the next month to gather information regarding infrastructure and costs of various sites. The information that is collected will be used to design marketing materials for use by the EDC, Graham County and other state and regional economic development initiatives. While this will be time consuming she believes that she can attend to this effort as well as work on final negotiations for the USFS Plan Revision. One site has been identified and will need to be considered by the board, the County's Fort Hill site is ideal for development for a variety of reasons. The board will have to consider whether to sell/lease this land to a private company for private development or whether this is land that the county is going to need in the near future for the building of county facilities (Courthouse, Admin buildings, Community Center, etc.)
9. Blue Ridge Craft Trails. Last month Ms. Paulos attended a meeting at the John Campbell Folk School for the upcoming Blue Ridge Craft Trails project. The Blue Ridge National Heritage Area is creating a modern revitalization of the Hand Made in America project from the 1990's. This is an exciting time to be getting involved as they are in the beginning stages of designing this concept

and what is most exciting for her is that this project will give our local crafts people an incredible opportunity to reach a broad audience and more importantly increase their bottom line. Crafts people who participated in Hand Made in America saw an average annual increase in sales of 28%. That number is likely to be even higher as the digital age gives a broader reach to thousands of people who visit this area in search of these unique high quality goods. With such an abundance of crafts people in Graham County, this project will help increase tourism and more importantly the bottom line for our County's talented crafts people.

10. ARC Distressed County. Every year the ARC releases special funds for distressed counties and in the years past ARC had a certain amount of money set aside for each distressed county. This year there will not be a set aside amount of Distressed County funds for each county. The best projects will be funded regardless of which county they are from and at this time we are unsure of the amount of funding available but are hoping that number to be \$400,000.00. There are only two counties that qualify for this funding: Graham and Swain. A team has been put together of people to try and access this money. Those members are Sophia Paulos, Rick Davis, Becky Garland, Bob Wehr, Brian Johnson, Zelerie Rogers, Revonda Williams and possibly Carolyn Stewart. The goal of the team is to design projects that will qualify for these ARC funds. Ms. Paulos stated that she will be coming to the board for support on their efforts in the form of matching funds and/or resources.
11. USFS. Graham County continues to have a strong voice in the discussions that will shape management practices and project level decision making in the Nantahala Forest for the next 15-20 years. The end of this month will see the final draft of the Partnership's proposal for the Forest Revision Plan delivered to the USFS. At this point, the partnership has agreed to the following:
  - a. The Fontana GA will be recommended as a "Recreation Priority Area". This designation will lead USFS decision making to hold recreation (hunting, camping, fishing, boating, horseback riding, bicycling, paddling, rock climbing, etc.) as the number one priority for this GA. This will go a long way toward increasing visitation and tourism spending. Additionally, all of the recommended wilderness has been removed from this GA.
  - b. No new wilderness until.....this is the fine point that brought us into the partnership. The partnership has agreed to suspend recommending any new wilderness in the Unicoi GA. Instead, there will be a provisional recommendation. The provisions are that no recommendation would move forward until certain benchmarks are achieved across both the Unicoi and Fontana GA's. The most important condition is that there will be a doubling of timber harvest in the Nantahala over the next three to five years. Additional benchmarks include re-opening some of the closed USFS roads, improved recreation opportunities, and proper maintenance and restoration of existing facilities (bathrooms, campgrounds, trails, etc.) Because the recommendation is provisional, Graham County will have to get what it needs out of the forest before any recommendation for wilderness could move forward in the future. It also ensures our partners that if/when the county sees our requirements met (particularly doubling timber harvest) then we will not oppose the designation of the Snowbird WSA or the extension of Joyce Kilmer (excepting around Tapoco Lodge) designated as wilderness.
12. Chairman Eller asks for the Manager's Report. Manager Garland stated that Jacob Nelms is re-registered for well inspections on August 31<sup>st</sup> and today for septic tanks and we are now waiting for a visit from the regional septic specialist.
13. Manager Garland stated that Commissioner Orr has been placed on the NCACC Board as a member at large for the 2017-2018 Fiscal Year. This will be a vital role in representing rural counties and this rural county in particular and our issues at the forefront of the legislative agenda. Manager Garland stated that Ms. Orr has also been asked to serve on the NACO rural caucus and the next meeting will be held at Kitty Hawk, North Carolina.
14. Manager Garland stated that Transit passed its System Safety Plan Review on August 23<sup>rd</sup> with flying colors with no deficiencies and gives Graham County Transit high praise.
15. Manager Garland stated that she has attached a synopsis of House Bill 248 which took effect July 1, 2017 and governs the appointments and administration of the Community Advisory Committee for Long Term Care. This legislation requires that the procedures surrounding appointment and training for members of the committee be strengthened. Sara Jane Melton and our regional ombudsman Larry Reeves will be coming to our September workshop to go over these new changes in detail.
16. Manager Garland stated that the Graham County Public Library has a large electric screen and would like to donate it to the county. Manager Garland asks if she cannot find a department that needs the screen can she give it to the school. Commissioner Orr made the motion to give

the electric screen that was donated by the library to the school if the county could not use it. Commissioner Nelms seconded this motion. Vote unanimous.

17. Manager Garland stated that she has attached a letter to the USFS for the board's review and she wants to know if any changes needed to be made. Manager Garland stated that this proposed fee increase puts a financial burden on our residents because many of them utilize the facilities as their only vacation and we have issues with the current maintenance of trails and facilities and worry that more user fees will not improve the situation.
18. Manager Garland stated that Duke Energy announced a rate increase that will affect two million customers in central and western NC and their reason for the rate increase is to modernize power plants, generate cleaner energy via natural gas and solar energy and responsibly manage coal ash. The rate increase will cost customers \$647,000.00 and will cost residential customers 16.7% more and commercial customer's 11.4% more on their electric bills if the NC Utilities Commission approves the rate request. According to news reports in Charlotte papers, the increase will cover the cost of the coal ash clean up as well as cover pre-construction costs for a nuclear plant that has been scrapped and customers will pick up the tab for the reimbursements to the State.
19. Manager Garland stated that she had spoken with NC Forest Service Ranger Frank Cline and he brought the new employee by to meet our staff. Manager Garland stated that she has received emails from Tim Howell and Greg Yates concerning the funding. Attorney Coward stated that he would advise the board to stay with the general statutes and give the 25% as mandated. The board agreed with Attorney Coward.
20. Manager Garland stated that last week Tammy Holloway had presented her an Order signed by William H. Coward, Senior Resident Superior Court Judge, District 30A. Manager Garland stated that the order stated: It appearing to the Court that the courthouse in Graham County ("Courthouse") may not be adequate to provide for a modern trial with the expected provisions for security and due process, and that a new courthouse is an expense that the County government is reluctant to approve (and would be a long-range solution in any event), and that a presiding judge on rotation might determine that a very serious jury trial should not be continued but should be held in another county, and that advanced planning is necessary to prepare for dealing with such determination without delay, NOW THEREFORE, the Senior Resident Superior Court Judge for District 30A does hereby adopt this Plan, under the authority and obligation of his office, in order to provide for a fair and efficient administration of justice. The goal of this plan is to provide for the transportation of jurors and court personnel, with appropriate security detail, to and from Cherokee County (Murphy), which has a courthouse adequate to handle an out-of-county jury trial without severe inconvenience to court schedules already in place there. (In the event the presiding judge determines that Cherokee County cannot accommodate the needs of Graham County as established by this order, and that another county in District 30A can accommodate these needs, he or she may substitute such other county in all respects as if set forth herein.)

The findings of fact supporting this Order are as follows:

1. The Courthouse has multiple entrances that are not always monitored. The courtroom has windows to the street. In general, the Courthouse is not secure in relation to the modern-day threats of violence.
2. Jurors (petite or venire) have no place to go during breaks and will unavoidably be thrown outside the courthouse in unsheltered and unprotected areas, or within the stairwells, hallways, bathrooms, or other county offices, there to mingle with criminal defendants, witnesses and victims.
3. The jury deliberation room in the Courthouse is inadequate for the following reasons:
  - a. The jury room is too small to accommodate 12 persons, or more where there are multiple alternates.
  - b. The jury room has no bathroom (not even one) for the jurors. Jurors are forced to use the bathrooms in other areas of the courthouse, and their travel to and from the bathrooms is fraught with the danger of contact with non-jurors. Additionally, the bathroom journey is a waste of time.
4. The jury room is not sound-proof. While in the jury deliberation room, the jurors can be heard talking by those present in the courtroom, the jurors can hear what's going on in the courtroom when they are sequestered from the courtroom during trial.
5. The jury has no separate entrance or a jury assembly room, so it is almost impossible to insure that the jury won't see the defendant enter the courtroom from the rear entrance, which comes up from the jail, so a trial judge cannot possibly insure that jurors will not see the defendant on his way to or from the jail.

6. The Courthouse has only one courtroom, which means that a lengthy trial will require District Court Sessions to be held at inadequate offsite facilities.
7. The Courtroom lacks adequate, reliable and modern audio/visual equipment. This results in extra courtroom time being wasted on outdated presentation methods.
8. On the outside, there is inadequate parking for jurors.
9. The undersigned is very concerned as to whether the Courthouse is ADA compliant. At the very least, it is extremely inconvenient for those with disabilities. Wheelchair accessibility is practically impossible from the sidewalks into the courthouse. There is no handicap access in the courtroom for jurors, witnesses, court personnel and spectators. The elevator is at times unreliable in time of high usage, which effectively results in no access for disabled persons.
10. There is no room available for use by the Grand Jury in the Courthouse, which means that during a jury trial, the Grand Jury must be bussed to an offsite location, which creates enormous problems of security and efficiency.

Based upon the foregoing findings of fact, in the discretion of the Court, the following provisions (along with any additional provisions determined by the presiding judge) will be made in the event a presiding judge determines that venue for a trial must be transferred out of Graham County:

1. Jury Venire. Prior to jury selection, the entire jury panel will be transported in air-conditioned and heated buses to Murphy, North Carolina. The Sheriff shall post at least one deputy on each bus. The Sheriff shall provide an escort vehicle for the buses.
2. The County of Graham will provide lunches for the Jury, both Venire and Petite, while they are in Cherokee County.
3. The County of Graham will certify that all Jurors are reasonably and adequately insured against all perils resulting from transportation to and from Murphy.
4. The County of Graham will pay travel expenses for all Graham County personnel required to travel to Murphy, to the extent that such expenses are not covered by the AOC.
5. The County of Graham will provide two bailiffs to assist the bailiffs in Cherokee County during the trial, and pay the expenses of the bailiffs.
6. If the Defendant(s) is/are in custody during the trial, he/she/they will be transported to Murphy at Graham County's expense in such a way that it is impossible for a juror to determine that the Defendant(s) is/are in custody.
7. Graham County will pay for all meals consumed by the Defendant(s) during the trial, unless the Defendant(s) is/are already being housed in Cherokee County under an existing arrangement.
8. Upon request by the District Attorney, Graham County shall assist in meeting the additional burdens and expenses incurred by testifying victims of crime because of the lack of adequate court facilities in Graham County.

In order to provide that the foregoing provisions are implemented without delay, the Graham County Commissioners are hereby ordered to investigate the logistics and expenses reasonably expected in this matter (including the requirements as may be applied in counties other than Cherokee), and to set aside from the County funds an amount sufficient to pay for these expenses.

A report of this investigation and proof of the budgetary action necessary to insure payment of the expenses required shall be provided to the undersigned Superior Court Judge on or before October 25, 2017.

The Commissioners of Cherokee, Swain, Clay and Macon Counties shall be notified concerning the contents of this order, and shall take such steps as deemed reasonable necessary to prepare for the transfer of venue as contemplated herein.

This the 25<sup>th</sup> day of August, 2017.

William H. Coward, Senior Resident Superior Court Judge, District 30A

21. Chairman Eller stated that the board needed to revisit putting a bond referendum back on the ballot. Attorney Coward stated that if and when it goes on a ballot make sure the Board of Elections knows what this is because last time it wasn't explained on the ballot and no knew what they were voting for or against. Commissioner Williams stated that he took it for granted that the people knew it was for a Justice Center Bond.

22. Manager Garland stated that she attached a draft for a citation to be used by Sanitation for illegal dumping and dumpster diving. Commissioner Wiggins stated that he was meeting some people to see about installation of cameras at the dump site. Commissioner Wiggins stated that we needed to do an analysis to see the cost if we gate the sites.
23. Manager Garland stated that Larry Hembree had requested permission to begin the bid advertisement for a new ambulance. Commissioner Orr made the motion to begin the bid process. Commissioner Williams seconded this motion. Vote unanimous.
24. Manager Garland stated that she did have a change order on the new DHHS building which involves the tile and the cost is \$20,900.00 Manager Garland stated that the board did have another option that was a little cheaper but the tile would be slick. Chairman Eller stated that Jacob Nelms would be excused from the vote due to a conflict of interest as the Building Inspector. Commissioner Orr made the motion to accept the change order for \$20,900.00. Commissioner Williams seconded this motion. Vote unanimous with the exception of Commissioner Nelms.
25. Manager Garland stated that the new 911 Call Center was moving along smoothly.
26. Manager Garland stated that she would be gone until Friday to go to Washington to speak on PILT. Commissioner Orr stated that Manager Garland would be the only representative from North Carolina speaking before the committee.
27. Manager Garland stated that she would now go to the discussion items. Manager Garland stated that she needed approval for the Discoveries of \$203,318.11. Commissioner Wiggins made the motion to approve. Commissioner Williams seconded this motion. Vote unanimous.
28. Manager Garland asks the board if they want to re-advertise for the 1999 Bus and what minimum bid did they wish to use. The board all agreed to hold on this issue and revisit at the next meeting.
29. Manager Garland stated that Nash County had requested that the 100 counties adopt a resolution concerning creeks and waterways. The board agreed to review the resolution and revisit at the next meeting.
30. Manager Garland stated that she needed approval for the poll that was taken for her to travel to Washington, DC. Commissioner Williams made the motion to approve the poll. Commissioner Orr seconded this motion. Vote unanimous.
31. Manager Garland stated that the county had an offer on the knuckle boom at sanitation and asks if the board is interested in trading or selling this equipment. Manager Garland stated that the county would need to surplus this prior to the trade or sale. The board will revisit this at the next meeting.
32. Manager Garland stated that a prep meeting will be skyped for Project A-0009 on September 26<sup>th</sup> at 10:30 a.m. at the Transit Facility located on West Fort Hill.
33. Manager Garland stated that Clerk Crisp had some board appointments for the board. Clerk Crisp stated that we needed to replace David Hyatt with Jacob Nelms on the Accident Review Board. Commissioner Orr made the motion to accept this change. Commissioner Williams seconded this motion. Vote unanimous.
34. Clerk Crisp stated that we needed to replace David Hyatt with Jacob Nelms on the Grounds Committee. Commissioner Orr made the motion to accept this change. Commissioner Williams seconded this motion. Vote unanimous.
35. Clerk Crisp stated that we needed to replace Alicia Parham with Matt Smith on the Grounds Committee. Commissioner Orr made the motion to accept this change. Commissioner Williams seconded this motion. Vote unanimous.
36. Clerk Crisp stated that we needed to replace David Hyatt with Jacob Nelms on the Floodplain Committee. Commissioner Williams made the motion to accept the change. Commissioner Orr seconded this motion. Vote unanimous.
37. Clerk Crisp stated that we needed to replace Andy Cable with Sophia Paulos on the HCCBG Committee now that she is County Planner. Commissioner Orr made the motion to accept this change. Commissioner Williams seconded this motion. Vote unanimous.
38. Clerk Crisp stated that we needed to replace Alicia Parham on the TAB Board and asks if the board wanted to wait until a new director was hired. Commissioner Orr made the motion to appoint Commissioner Wiggins to this board until a director is hired. Commissioner Williams seconded this motion. Vote unanimous.
39. Chairman Eller asks for new or old business. Commissioner Wiggins asks that the board consider writing a letter to NCDOT requesting the speed limit be raised to 40 MPH instead of 30 MPH from Massey Branch to the Skyway. Commissioner Wiggins stated that a lot of our residents are receiving tickets through this area. The board tabled this issue until the next meeting.
40. Chairman Eller asks for public comment. Manager Garland stated that Lynn Cody had signed in for public comment. Lynn Cody stated that he was here to talk about Hwy 28 to Fontana and his

concern for the people driving to work and for fire and rescue response time. Mr. Cody stated that several trees have been down on this road and they have had to cut trees out before they could respond to a call. Mr. Cody stated that the trees are overhanging the road and they need to be trimmed back. Mr. Cody stated that some fallen trees are lodged into others and this is very dangerous and these are not small trees. Mr. Cody stated that he has called NCDOT about this concern and they will not cut the trees back because of the environmentalists and the fact that this is a scenic byway and they do not want it touched. Mr. Cody stated that this causes us problems responding to wrecks and 911 calls. Mr. Cody stated that the trees are beautiful but they will and are going to harm people if they are not trimmed back. Mr. Cody stated that the sun cannot come through the trees to thaw out the road during winter months. Mr. Cody asks the board to consider writing a letter to the NCDOT requesting the trees be trimmed back for safety reasons. Commissioner Orr stated that District 14 controls their own funds now so we should be able to get a quick response from them. Sophia Paulos stated that if it was okay with the board she would talk to the partners to find out who had concerns about the trees not being cut. Commissioner Williams stated that safety comes first. Chairman Eller stated that the main problem is the people in Raleigh make these decisions on scenic byways whom have never visited this area and they do not realize the danger that this creates.

41. Mr. Cody stated that we are also experiencing problems with dumpster diving at the Stecoah Dumpster site located on Hwy 28 and the fire department has had to put out several fires at this location. Commissioner Wiggins stated that the commissioners are working on this issue. Mr. Cody stated that the board may need to consider having one site the way that Swain County is doing. Mr. Cody stated that they had trouble at first but now it is working well. Mr. Cody thanked the board for their time and their continued support for the Fire and Rescue Squad at Stecoah.
42. Chairman Eller stated that we would now go into closed session under G.S. 143-318.11(a) (1) (3) (5) (6) for privileged or confidential information, attorney-client privilege, personnel and contracts. Commissioner Williams made the motion to go into closed session as stated. Commissioner Wiggins seconded this motion. Vote unanimous.
43. Commissioner Wiggins made the motion to go back into open session. Commissioner Nelms seconded this motion. Vote unanimous.
44. Commissioner Nelms made the motion to sign the contract with NCDOT concerning Project U-5866 for \$11,224.00. Commissioner Wiggins seconded this motion. Vote unanimous.
45. Commissioner Nelms 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