

Regular Meeting – October 17, 2017

The Graham County Board of Commissioners met Tuesday, October 17, 2017 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 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. Chairman Eller stated that the board needed to add Public Hearing for CT 5310 Grant to Item #6 and to move Sophia Paulos to Item #6a. Commissioner Wiggins made the motion to approve the agenda with the amendments as stated. Commissioner Orr seconded this motion. Vote unanimous.
5. Chairman Eller asks for a motion to approve the Regular Minutes of October 3, 2017. Commissioner Wiggins made the motion to approve. Commissioner Orr seconded this motion. Vote unanimous.
6. Chairman Eller asks for a motion to close the regular meeting. Commissioner Orr made the motion to recess the regular meeting so they could hold the public hearing. Commissioner Wiggins seconded this motion. Vote unanimous.
7. Chairman Eller asks for a motion to open the Public Hearing for the FY19 5311 Administrative CT grant, the Consolidated Capital Grant and the Senior Center 5310 Capital Grant. Commissioner Orr made the motion to open the Public Hearing for the public hearing. Commissioner Nelms seconded this motion. Vote unanimous.
8. Chairman Eller asks Juanita Colvard, Transit Director and Wanda Hill, Senior Center Director to speak. Ms. Colvard stated that she was here to get approval to apply for the CT Administrative Grant 5311 Funds in the total amount of \$138,251.00 with a 15% county match of \$20,738.00. Ms. Colvard stated that this is the administrative grant that we apply for annually. She also stated there was a cut in the funding of around \$13,000 from the current year which would keep us from applying for indirect funds. Ms. Colvard asks for public comment. No public comment was given.
9. Ms. Colvard stated that the second grant is the Consolidated Capital Grant to replace two vehicle due to high mileage and age. She also stated that they were applying for two hand held replacement radios. Ms. Colvard stated that the grant is for \$110,100.00 with a county match of \$11,010.00. Ms. Colvard asks for public comment. No public comment was given.
10. Ms. Hill, Senior Director for Graham County stated that she was here to apply for the 5310 Capital Grant in the amount of \$94,686.00 with a county match of \$9,469.00. She stated this grant was for the elderly sixty five and older or disabled. Ms. Hill asks for public comment. No public comment was given.
11. Chairman Eller asks for a motion to close the public hearing for the grants. Commissioner Wiggins made the motion to close the public hearing. Commissioner Orr seconded this motion. Vote unanimous.
12. Chairman Eller asks for a motion to go back into regular session. Commissioner Orr made the motion to reopen the regular session. Commissioner Wiggins seconded this motion. Vote unanimous.
13. Commissioner Orr made the motion for the Senior Center, and Transit Director to apply for the three grants and to accept the resolutions for the grants as stated in the public hearing. Commissioner Wiggins seconded this motion. Vote unanimous.
14. Chairman Eller asks Sophia Paulos to give her monthly report. Ms. Paulos stated that this month she began the Leadership NC Program and she thanked the board for allowing her to participate. Ms. Paulos stated that she was the only class member from a rural county. Ms. Paulos stated that they were given a social, economic and political history of the state.
15. Ms. Paulos stated that Phase 1 of the regional broadband initiative is underway. This week we worked on the Graham County portion of the study, and released a survey to our staff, business owner, and community members via email. This survey will give us the information we need to demonstrate that we are underserved, that we have demand for this critical service and will give us the information we need to solicit large scale funding support and request for proposals from a variety of internet service providers. Ms. Paulos stated that the RFP process comes in Phase II

and she is asking the board to consider a contribution to the matching funds necessary to continue this vital project.

16. Ms. Paulos stated that a team has been put together for the ARC Distressed County Funding and the members are: Sophia Paulos, Rick Davis, Becky Garland, Bob Wehr, Brian Johnson, Zelerie Rogers and Revonda Williams and possibly Carolyn Stewart. Graham and Swain Counties are the only two that qualify and projects will be funded based on their merit. The grants discussed are Strategic Tourism Plan Implementation and Improvement of the medical services in the county. Ms. Paulos stated that in the coming months our team will be asking the board to support these projects in the form of matching funds.
17. Ms. Paulos stated that the Nantahala Pisgah Forest Partnership has formally submitted its proposal to the USFS. The proposal with regard to Graham County supports timber, recreation, and ecological restoration as a common sense means to sustain our environment, our family owned timber businesses and the heritage of this county. This plan has had more community input than any other plan in USFS history. This Thursday five members of the partnership representing national water, biking, hiking and equestrian interest groups will be spending the entire day in Graham County identifying unknown or underutilized recreation opportunities and working to develop project proposals for the forest service that will benefit recreation, timber, and even the environment in one fell swoop. The partnership has committed to holding the USFS accountable throughout the process. The forum and the partnership are gaining more and more regional attention. People are starting to take notice that such a diverse group of people from the paper mill in Canton to the wilderness society have come up with common sense solutions to decades old problems and points of contention.
18. Chairman Eller asks the Cross Creek Property Owner's Association to speak. William Lee stated that he and Fred Wheeler, President of the Association would like to speak on creating a more safety environment on the shores of Cross Creek with the installation of Buoys. Mr. Lee stated that there are 23 homes on the lake and 41 total homes in Cross Creek and are all in favor of No Wake Buoys along the channel of Ground Squirrel. Mr. Lee stated that the channel is dangerous and there are extreme hazards and erosion. Mr. Lee stated that they would not in any way restrict the fishing activities on this body of water but to enhance the fishing of the channel. Mr. Lee stated that he would like to express six points. One to maintain a safe protected hazard free environment for our docks; to protect and defend property rights with 100 foot setback and no wake traffic; prohibit further erosion from battering waves; fisherman safety comfort and solitude and endorse our petition so they can pursue Brookfield to accept our position. Mr. Lee stated that we have 36 homes with 36 docks and most of the damage is done by renters. Our main concerns are Safety Erosion and Economics. Mr. Lee gave examples of the dangers which included a woman sitting in a lawn chair on her dock and the waves turned her over out of the chair; cannot stand up on the docks when the waves come in. Chairman Eller asks if the association has spoken with NC Wildlife and Brookfield. Mr. Lee stated that he was told by Wildlife that the local governing authority had to approve of this first. Mr. Lee stated that this is a narrow channel which has a 100 foot setback so you have a very narrow channel to pass through and a lot of trees have fallen down making the channel even narrower. Mr. Lee stated that the problem is not from the fishermen's boats they are flat bottomed. Mr. Lee stated that they are constantly fixing things on the docks that other people are breaking. Fred Wheeler spoke to the board and stated that he agrees with the statements made by Bill and this is a safety issue. Mr. Wheeler stated that one local contractor almost died. Mr. Wheeler stated that he loved the lake and it is the most beautiful thing he has ever seen but we are only talking about one mile of lake. Mr. Wheeler stated that we really solicit your support and then they could go to the state and ask if the buoys can be installed. Mr. Wheeler stated that we cannot allow our grandchildren to swim at the dock due to the wake. Chairman Eller stated that before a decision could be made the board would have to reach out to Brookfield and further stated that the Wildlife patrols this aspect of the lake. Dale Little, Wildlife Officer spoke next and stated that he has logged 80 hours at Lake Santeetlah and Cross Creek is his biggest challenge. Mr. Little stated that the renters cause a lot of the problems and if a buoy fits anywhere it fits here at Cross Creek. Mr. Little stated that there are trees and debris in the water and a boat has to stay in the middle of the channel which is about 100 feet from the docks and this is why accidents do occur. Mr. Little stated that it takes 9.5 minutes to get to the end of the channel with the no wake and this will limit the speed as well for the residents. Mr. Little stated that he has written citations for thirteen who did not have floatation devices and other violations as well. Chairman Eller stated that if the board agrees to this request how long will it be before

Thunderbird and others will request the same thing. Chairman Eller stated that he would let the association know the answer at the next meeting.

19. Chairman Eller asks for the manager's report. Manager Garland stated that the county finished the month of September with a \$6,749,390.45 cash balance which is up almost one million from this time last year. Manager Garland stated that our current year tax collections for the month is \$220,750.61 and prior year of \$7,672.08 for a total of \$228,422.69. Manager Garland stated that our DMV collections was \$43,653.40. Ms. Garland stated that our tax collection rate is 19.88% which is less than last year due to Brookfield paying in December instead of in September. Manager Garland stated that our revenues was \$725,994.04 and the expenditures was \$1,161,245.59 giving us a deficit of \$435,251.55. Manager Garland stated that our sales tax collection was \$172,255.48 which is up from \$158,416.49 last month. Manager Garland credits the eclipse for this increase. Manager Garland stated that the past due tax collection to date is \$521,876.00. Manager Garland stated that our budget is at 80% and the projected amount at this time is 75% so she is very pleased with the department heads for watching their budgets. Commissioner Wiggins asks if the sales tax revenue will help the school as far as the deficit is concerned. Manager Garland stated that it should and she stated that the QZAB will be paid off in four years and this will also help.
20. Manager Garland stated that she had attended the Brookfield release dates meeting in Asheville two weeks ago and felt that it was productive. Kevin Colburn with the American Whitewater Association is a big advocate for Graham County. For the 2018 year, the County and Kevin were able to procure Memorial Day weekend as a release weekend. The initial proposed release dates for 2019 did not include Memorial Day, so we made a case for 2019 as well. This will require the County to redouble its efforts with the accommodation partners to promote for paddlers. The US Fish and Wildlife Service had no hard data on the impacts of the releases on fish and mussels.
21. Manager Garland stated that she and Commissioners Eller and Nelms traveled to Raleigh last week for two days for the Stakeholder's Meeting to go over the Quantum results for the A-0009 project, formerly known as Corridor K. They received good and positive feedback from officials with ARC and the Federal Highway Administration that the project will move forward to completion. They are getting pressure from Congress to finish out the Appalachian Highway System once and for all. It has only been 52 years since the money was authorized. The second day was less promising due to the Quantum result was a giant spaghetti bowl of scenarios. The meeting moderators wanted to get clarity from agencies as to what additional constraints needed to be added to the scenarios to narrow down options. There was little agreement and the officials expressed frustration over the fact that the approach was too broad and nebulous. Manager Garland stated that she was disappointed that there seemed to be no clarity on direction but they will have another meeting "out west" in January to go over new scenarios.
22. Manager Garland stated that the two interns from WCU were placed on board last week. They have already started their outreach to other counties for information on pay and pay plans. Manager Garland will be having a conference call with them later this week to begin directing their work.
23. Manager Garland stated that she and Commissioner Orr will be traveling to Gatlinburg for the Association of Tennessee Valley Governments meeting.
24. Manager Garland stated that David Matheson made a request that the county provide funding in the amount of \$5000.00 for material to build a concession stand in the gym that is used for our youth recreation league. The school is willing to provide all the labor. Manager Garland asks if the board is interested in partnering with the school system. Commissioner Nelms made the motion to give the \$5000.00. Commissioner Williams seconded this motion. Vote unanimous.
25. Manager Garland stated that she received a phone call from the Project CARE representative. CARE stands for Caregiver Alternatives to Running on Empty. This is a state funded dementia specific support program for caregivers of loved ones with dementia. They have four vouchers for individuals in Graham County who are caregivers to support them with respite to provide in home respite or respite in group settings. Senior Center Director Wanda Hill is doing outreach but if anyone knows of someone who is a caregiver that we can reach out to please let us know.
26. Manager Garland stated that Sarah Thompson has sent an invitation for census training for the 2020 census. A questionnaire to see if the county wants to participate in the program and coordinate the census addressing process has been received. Manager Garland asks the board's opinion. Manager Garland stated that the training will be held on October 24th. Commissioner Wiggins stated that we did need to be involved. The board all agreed that Shaun Garrison, Mapping Director will need to participate in this program.

27. Chairman Eller asks for public comment. Manager Garland stated that Jack Gross was signed in for public comment. Chairman Eller asks Mr. Gross to speak. Mr. Gross asks if the county is still pursuing the possible 6% Occupancy Tax Collections. Manager Garland stated that we did not reach out in time to legislation to get this passed but intend to do so at the next session. Commissioner Wiggins stated that this should take effect in July of next year once approved by legislation. Mr. Gross stated that he was in favor of the safety issue on Cross Creek but worries about restrictions on Lake Santeetlah. Mr. Gross stated that at one time the Town of Santeetlah wanted a ½ mile no wake from their shores. Mr. Gross stated that scares him thinking that the Town of Santeetlah may want the same thing.
28. Manager Garland stated that she would now go into the discussion items. Manager Garland stated that she needed approval of the Releases \$1288.06 and the Discoveries \$809.64. Commissioner Williams made the motion to approve the Releases and Discoveries. Commissioner Wiggins seconded this motion. Vote unanimous.
29. Manager Garland stated that the Pound Class had requested use of the community room every Monday Night for the Senior Center. Currently the classes are held at the senior center but they have outgrown this facility. Manager Garland stated that this gives credit for our Senior Center of Excellency. Commissioner Wiggins made the motion to allow the use of the community center with the understanding that if a meeting is scheduled they would have to cancel. Commissioner Nelms seconded this motion. Vote unanimous.
30. Manager Garland stated that we have an amendment to the Tobacco Ordinance for the board's review. The main amendment addresses use of tobacco in county owned vehicles. Commissioner Wiggins made the motion to table this issue. Commissioner Nelms seconded this motion. Vote unanimous.
31. Manager Garland stated that the board had received bids for the 1999 Ford Bus. The bids were:
 - a. New Hope Baptist Church - \$4,000.00
 - b. Jerry Jones - \$2,121.00
 - c. Suzanne Wiggins withdrew her bid
 - d. Jimmy Burnsed - \$1,500.00Commissioner Williams made the motion to accept the highest bid which is New Hope Baptist Church. Commissioner Eller seconded this motion. Vote called: Commissioner Eller, Nelms and Williams voted yes. Commissioner Wiggins voted no. Motion carried three to one.
32. Manager Garland stated that the board had received bids for the prentice loader (knuckle boom). The bids were:
 - a. Eddie Crisp - \$2,399.00
 - b. Phil R Orr - \$2,669.00
 - c. Eddie Stewart - \$16,000.00
 - d. D.R. Phillips - \$5,001.00Commissioner Williams made the motion to accept the highest bid which is Eddie Stewart. Commissioner Wiggins seconded this motion. Vote unanimous.
33. Manager Garland stated that the board needed to replace Billy Brown on the Travel and Tourism Board and BJ Welch would serve on the board. Commissioner Wiggins made the motion to appoint BJ Welch to the Travel and Tourism Board. Commissioner Nelms seconded this motion. Vote unanimous.
34. Manager Garland asks for approval of the Application for Boards and Committees. Commissioner Wiggins made the motion to approve the application. Commissioner Williams seconded this motion. Vote unanimous.
35. Manager Garland stated that Yuletide Ministries had requested a donation from the county. Manager Garland stated that she has not reached out to them to see their 501-C-3 paperwork and would need to before money could be given. Commissioner Wiggins stated that this needed to be tabled to the next meeting.
36. Manager Garland asks the board their preference on the Sales Tax Referendum. Did the board want it on the primary ballot or the general election ballot? Attorney Coward stated that he researched this wording on the ballot and the relevant statute states that you only ask for or against and cannot say what the referendum is for. Attorney Coward stated that he has reached out to Kara Millonzi at the School of Government to determine if you can put the language on the ballot because he can't believe that you can have a ballot that doesn't explain what it is for. Juanita Colvard who is on the Election Board stated that you cannot put what the referendum is for on the ballot and she has asked the state many times. Ms. Colvard stated that the board would need to advertise this in the paper in order for it to pass. Ms. Colvard stated that this will

not pass again if it is not heavily advertised. Attorney Coward stated that he would keep trying to receive an answer. Attorney Coward stated that it was not logical to have something on the ballot without explanation. Commissioner Williams made the motion to pursue this referendum in the general election. Commissioner Nelms seconded this motion. Vote unanimous.

37. Manager Garland stated that she received a request from Cindy Mills on Coalition against Bigger Trucks to support her in a letter to congress opposing bigger trucks. The board stated that we needed trucks in this county and would not sign the letter.
38. Chairman Eller stated that Sophia Paulos had requested the board to help with the match on the Regional Broadband for \$1500.00. Commissioner Nelms made the motion to approve the \$1500.00. Commissioner Williams seconded this motion. Vote unanimous.
39. Commissioner Nelms stated that he has given a lot of thought to the sanitation issues and feels that we should reopen the Snowbird Dumpster site until the board has a plan for all the garbage issues in Graham County. Commissioner Nelms made a motion to reopen the Snowbird Dumpster site. Commissioner Williams seconded this motion. Vote called. Commissioner Nelms and Williams voted yes. Commissioner Eller, Orr and Wiggins voted no. Motion failed three to two. The board all agreed that a plan was needed for the sanitation issues.
40. Commissioner Orr made the motion to 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 Wiggins seconded this motion. Vote unanimous.
41. Commissioner Williams made the motion to go back into open session. Commissioner Nelms seconded this motion. Vote unanimous.
42. Commissioner Orr made the motion to pay out Misty Hembree's comp time of 47.75 hours. Commissioner Nelms seconded this motion. Vote unanimous.
43. Commissioner Wiggins made the motion to allow Patsy Cable to use her sick reserve of 132.50 hours due to sickness. Commissioner Orr seconded this motion. Vote unanimous.
44. The board had further discussion on the buoys and will speak with Brookfield concerning this issue.
45. Commissioner Wiggins made the motion to send out requests for proposals on the collection of garbage and have community meetings about our sanitation issues. Commissioner Orr seconded this motion. Vote called. Commissioner Eller, Nelms, Orr and Wiggins voted yes. Commissioner Williams voted no. Motion carried four to one. Manager Garland stated that she would need to renew the permits with the forest service on these sites.
46. Commissioner Wiggins made the motion to adjourn. Commissioner Williams seconded this motion. Vote unanimous.

Keith Eller, Chairman, Graham County Commissioner

Connie Orr, Vice-Chairman, Graham County Commissioner

Jacob Nelms, Member, Graham County Commissioner

Dale E. Wiggins, Member, Graham County Commissioner

Raymond Williams, Member, Graham County Commissioner

ATTEST:

Kim Crisp, Clerk to the Board