

Regular Meeting – September 20, 2016

The Graham County Board of Commissioners met Tuesday, September 20, 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 Nelms called the meeting to order.
2. Chairman Nelms asks Commissioner Williams to give the Invocation.
3. Chairman Nelms asks Commissioner Orr to lead the Pledge of Allegiance.
4. Chairman Nelms stated that we have changes to the agenda and those changes are:
  - a. Add to Item 9 – approval of the public hearing minutes.
  - b. Delete Item 10 Reid Miller and Add Item 10 Wanda Hill, Senior Center.
  - c. Add to Item 14 New Business: USFS Request for P&J Building; Road Naming Board recommendations.

Chairman Nelms asks for approval of the agenda with the changes. Commissioner Williams made the motion to approve the agenda with the stated changes. Commissioner Orr seconded this motion. Vote unanimous.

5. Chairman Nelms asks for approval of the September 6<sup>th</sup> Regular Minutes. Commissioner Orr made the motion to approve the minutes. Commissioner Eller seconded this motion. Vote unanimous.
6. Chairman Nelms asks for a motion to close the regular meeting and open the public hearing for CDBG Infrastructure funds. Commissioner Eller made the motion. Commissioner Williams seconded this motion. Vote unanimous.
7. Chairman Nelms asks Joan Stillwell to speak. Ms. Stillwell stated that she was the Project Manager of Grant Administrator's Inc. and was present to discuss the purpose of the public hearing for the County of Graham's CDBG-I funding application. Ms. Stillwell stated that the purpose of the public hearing was to obtain citizen's views and to respond to funding proposals and answer any questions posed by citizens. Ms. Stillwell also stated that the public hearing must cover the County's community development needs, development of the proposed activities, and a review of program compliance before the submission of the County's CDBG-I funding application to the state of the North Carolina.

The County proposes requesting funding from NCDEQ'S CDBG-I program for Old Sweetwater Sewer Extension for LMI Housing Rehabilitation. The purpose of the CDBG-I grant program are:

- To improve the quality of life for low to moderate income people by providing a safe, clean environment and clean drinking water through water and sewer infrastructure improvements and extensions of service.
- To benefit a residential area where at least 51% of the beneficiaries are low to moderate income as defined by the United States Department of Housing and Urban Development.
- To perform eligible activities.
- To minimize displacement, and
- Provide displacement assistance as necessary.

For the fiscal year of the CDBG-I funding available is expected to be 26 million dollars, the maximum available grant \$2.0 million over a 3 year period. Applications for funding are received September 29, 2016.

The CDBG program is able to fund a wide variety of community development activities. The State of North Carolina has chosen to fund two activities: water and sewer infrastructure, and economic development projects that lead to job creation or retention. The infrastructure program, or CDBG-I program can fund a range of water and sewer infrastructure and economic development activities, including, but not limited to the, following:

Water:

- Projects that resolve water loss in distribution systems.
- Projects that extend public water to areas with contaminated wells.

- Projects that extend water lines to areas with dry wells.
- Projects that assist with low water pressure in public water systems.
- Projects that regionalize two or more water systems.
- Project that rehabilitate or replace a water treatment plant.

Wastewater:

- Projects that resolve inflow and infiltration to collection systems and surcharges from pumps stations and manholes.
- Projects that extent public sewer to areas with failed septic tanks.
- Projects that rehabilitate a wastewater treatment plant to allow for greater efficiency/compliance with regulations.

The County is seeking an amount in CDBG-I funds not to exceed \$2,000,000.00 for Old Sweetwater Sewer Extension for LMI Housing Rehabilitation. The purpose of the County's request is to extend public sewer by installing approximately 11,800 linear feet of 8-inch diameter sewer line to provide public sewer service to serve 2 to 3 LMI housing rehabilitation projects on Old Sweetwater Road in Graham County. The selected addresses are as follows: 156 Old Sweetwater Road, Robbinsville; 455 Old Sweetwater Road, Robbinsville, NC; and tentatively 1366 Old Sweetwater Road, Robbinsville, NC; Habitat for Humanity is also looking for a home rehabilitation or home replacement project on Old Sweetwater Road for an eligible family. All of these homes are owner occupied, single family and low-income homeowners. The LMI homes are being rehabilitated through USDA Housing Preservation Grant and the proposed CDBG Infrastructure Grant for a Sewer Extension project will also serve these homes. There are a total of 23 occupied homes that will benefit including the housing rehabilitation projects.

The project proposed by the County of Graham was identified in Town of Robbinsville's Asset Management and Capital Projects Plan 2015. Informal community meetings were held in the project area to inform citizens of the potential project, and get feedback from the residents.

A total of 100% of the CDBG- I funding will be used to benefit Low to Moderate Income (LMI) people. The project area in the County of Graham has been determined to have an Income survey area of 74.07%. The project area includes area between the sewer connections close to the Robbinsville High School on Sweetwater Road to 1366 Old Sweetwater Road, Robbinsville, N.C.

The range of activities covered by the CDBG-I funds for the Old Sweetwater Sewer Extension for LMI Housing Rehabilitation includes:

- Construction.
- Environmental Review
- Engineering Design
- Construction Administration and observation.
- Legal activities.
- Surveying.
- Grant Administration.

If County of Graham is awarded a CDBG-I grant, the county is required to adhere to federal procurement requirements and other federal regulations which include:

- American with Disabilities Act/Section 504 Survey
- Davis-Bacon & Related Labor Acts
- Adoption/Submittal of a Citizen's Participation Plan
- Adoption/Submittal of an Equal Opportunity Plan
- Adoption/Submittal of a Fair Housing Plan
- Adoption/Submittal of a Language Access Plan
- Adoption/Submittal of a Relocation Assistance Plan

- Adoption/Submittal of a Section 3 Plan
- Excess Force Provision

The State of North Carolina requires that if the County of Graham receives CDBG grant funding that the county will certify that they will comply with the requirements of the general displacement and relocation policy for CDBG grant funding. This policy assists low to moderate income people with costs associated with relocation or displacement, should such relocation become necessary due to the project activities. CDBG funds can be used for those costs, if necessary. If no displacement and relocation will occur as a result of the proposed CDBG grant activity, then the County of Graham confirms that during this public hearing. No displacement and relocation will occur as a result of the proposed CDBG grant activity.

In the past, the County has applied for and received for the following completed CDBG project:

- List Name of Projects:
  - 2009 CDBG Scattered Site Housing
  - 2010 CDBG Senior Center Facility
  - 2012 CDBG Scattered Site Housing

The County will submit its CDBG-I application for the Old Sweetwater Sewer Extension for LMI Housing Rehabilitation on September 29, 2016. The CDBG-I application will be available for review during normal business hours at 12 N. Main Street, Robbinsville, NC. Additional information is available from 8:30 – 5:00 by contacting Mike Edwards, 12 N. Main Street, Robbinsville, NC 28771 or by phone (828) 479-7961 or e-mail [mike.edwards@grahamcounty.org](mailto:mike.edwards@grahamcounty.org). Should you have any complaints or grievances regarding the subject public hearing, they should be addressed to the addressee mentioned above by September 26, 2016 and a written to the written complaints and/or grievances will be sent by the County within 10 business days, where practicable.

Ms. Stillwell stated that this is a \$2,000,000.00 grant over a three year period and the application had to be in Raleigh by September 29, 2016. Ms. Stillwell asks for public comments.

8. Rebecca Garland, Finance Officer for Graham County stated that she did have a few questions and stated: In my MPA program, I have been taught two things. One, municipalities and counties working together to form coherent plans for economic and infrastructure development is a desirable thing. With appropriate planning, boards can forge agreements to expand infrastructure to underserved areas and work ahead for future development. However, I have also been taught that the best laid plans for future development can never come to fruition. Sometimes, the idea that “if we build it, they will come” does not always occur. The second thing I have learned is that large projects that involve multiple governmental units require months and even years of meetings and preparation to create inter-local agreements to determine the varying roles the multiple governments will play in the project. With these statements in mind, I have a few questions.
  1. When is the deadline for the grant application for this CDBG grant?
  2. The resolution you have before you references an inter-local agreement between Graham County and Town of Robbinsville.
    - a. Where is the agreement?
    - b. What meetings were held by the joint boards since last year when the grant application was denied?
    - c. Is the agreement in writing?
    - d. Who determined the roles that Graham County and Town of Robbinsville will play in this agreement?
    - e. Who will be the owner of the project after it is completed? Who will bear the expenses of maintenance and upkeep, fee schedule determination, and operation of the extended lines?
  3. Who will bear the costs of pre-project activities? Last year, Graham County paid McGill and Associates \$3900.00 for “Technical Support for the CDBG Application”. Graham

County has received no recompense for these costs, therefore, the taxpayers paid the costs.

4. Who will administer the grant from a financial aspect, therefore, who will be liable for appropriate compliance with CDBG regulations?
5. This project will fall under Single Audit? What unit of government will be liable to pay for the additional costs of audit?

These are a few questions that I feel bear additional consideration. Getting a \$2M grant is a wonderful thing for our County as long as the appropriate steps are taken in front of the project to ensure that all questions are answered and all potential issues are made clear between all parties. Getting a grant on behalf of another entity requires more than acting as conduit for the money.

9. Jacky Ayers, Town Alderman for the Town of Robbinsville stated that this grant is just like the Senior Center Grant and the Water Plant on Tallulah and we have done this before. Mr. Ayers stated that we will have a satellite annex.
10. Ms. Stillwell stated that this is the same application that was submitted before and nothing new is on this one and the inter-local agreement would not come into play until we are awarded the grant and both the Town and the County's lawyers could work that out. Ms. Stillwell stated that she has done (3) CDBG grants in the county and (2) in the town and she has yet to have a complaint, concern or a finding. Ms. Stillwell stated that the county is not guaranteed this grant.
11. Ms. Garland stated that we can work together but she felt that the inter-local agreement needed to be in place prior to the submission of the application so that everything is clear to all parties.
12. Chairman Nelms stated that some things needed to be addressed. Commissioner Orr stated that this will be the first step once the grant is awarded.
13. Jacky Ayers stated that David Hyatt had approached the Town and wanted the sewer line installed on Old Sweetwater Road which was fine but they would have preferred Tallulah. Chairman Nelms stated that this is why we need to incorporate an inter-local agreement. Ms. Stillwell stated that just because we apply no one has to accept the money and if an agreement is not reached then you can back out. Mayor Steve Hooper stated that the reason the Town did not apply for this grant is because they are tapped out on grants so they prompted the county to go after this grant. Mayor Hooper stated that we supply a state of the art sewer system to dump your sewer in and we control the lines. Chairman Nelms stated that he understood the logic of the county's applying for the grant. Ms. Stillwell stated that the county benefits from public sewer and water in property value increases and this will give the county an opportunity to have growth. Ms. Stillwell stated that the town gets the revenue but the sewer plant is very expensive to own and operate and the county would never want to get in the sewer and water business. Ms. Stillwell stated that she has three years in this project with applying last year but keep in mind that we can back out even if we get the grant. Manager Edwards asks how many inter-local agreements the town had. Jacky Ayers stated that we worked together on the Fort Hill projects and the Tallulah Water Project. Commissioner Eller stated that we had to work with the Town in order to get around the Floodplain ordinance requirements. Commissioner Eller stated that the Town incorporated Bojangles into the Town as well so we have worked with the town in these projects. Rebecca Garland stated that she is not saying it won't work she is stating that we needed to be talking about the projects prior to any deadlines. Sophia Paulos, EDC Director stated that she is a resident of the Town and was in favor of this project but felt that an agreement needed to be finalized prior to any submission of grant applications because if the county sends money back this will harm them on other grants in the future. Ms. Paulos stated that this inter-local agreement should have been discussed prior to 9 days before the application had to be submitted. Jacky Ayers stated that the town needed to expand their sewer lines. Ms. Paulos stated that her job is critical to grants and if no agreement is reached and the money is returned this will harm us in the future. Mayor Hooper stated that the Town had received \$2.5 million dollars in grants for a state of the art sewer plant and an \$800 thousand dollar sludge plant and they have never sent back one cent. Mayor Hooper stated that we had an extra \$50 thousand left from one of the grants and we ask permission to go a different direction and this was given. The board discussed setting up a joint meeting to discuss the inter-local agreement. Manager Edwards stated that the county has already spent \$3900.00 to McGill and Associates on this project and we will never receive a return so his question is who will spend the money if the grant is awarded and who will run the system. Chairman Nelms stated that we needed to meet with the town and send the paperwork to our attorney's for review.

Commissioner Williams stated that we will hash this out and take care of business. No further comments was made.

14. Commissioner Williams made the motion to close the public hearing and reopen the regular meeting. Commissioner Orr seconded this motion. Vote unanimous.
15. Commissioner Williams made the motion to approve the Resolution by Governing Body of Applicant for the CDBG Grant. Commissioner Eller seconded this motion. Vote unanimous.
16. Commissioner Eller made the motion to approve the public hearing minutes. Commissioner Orr seconded this motion. Vote unanimous.
17. Chairman Nelms asks Wanda Hill, Senior Director to speak. Ms. Hill stated that she had received Senior Center of Excellence and further stated that her funding was increased by \$10,887.00 with a county match of \$3,626.00. Commissioner Williams made the motion to approve the match and congratulated Ms. Hill for her hard work. Commissioner Orr seconded this motion. Vote unanimous.
18. Chairman Nelms asks for the finance report. Ms. Garland stated that the county ended the month of August with a \$5,934,052.96 cash balance which is one million ahead from this time last year and this was good news given the capital projects that the county is doing. Ms. Garland stated that our tax collection rate is 96.36% and our collections are \$40,000.00 more than this time last year. Ms. Garland stated that we are \$23,000.00 ahead in prior tax collections and thanked the tax office for their hard work. Ms. Garland stated that our total revenues for the month is \$1.3 million and the total expenditures was \$998,000.00 giving us a surplus of \$431,000.00 which is more good news. Ms. Garland stated that our sales tax is ahead by \$20,000.00 from this time last year partly due to the law change of Article 42. Ms. Garland stated that we have had a growth of 9% in sales tax. Ms. Garland stated that the budget was tracking exactly where it needed to be; our register of deeds records are now digitized; and we are working on our big items that was discussed in budget. Ms. Garland stated that the plans for the new 911 Center was almost finalized and they would be presenting this to the board of commissioners soon.
19. Ms. Garland stated that she needed approval to pay WCC for repairs to our radios and that amount is \$2,836.00. Commissioner Orr made the motion to approve. Commissioner Williams seconded this motion. Vote unanimous.
20. Ms. Garland stated that we received a bill from MCP for their percentage of project completion and this amount is \$8,555.25. Commissioner Orr made the motion to approve. Commissioner Williams seconded this motion. Vote unanimous.
21. Ms. Garland stated that she needed approval for the health department to spend \$1,365.28 on car seats through Child Health. Commissioner Williams made the motion to approve. Commissioner Eller seconded this motion. Vote unanimous.
22. Commissioner Orr thanked Ms. Garland for being a watchdog for our county and she appreciated her for looking out for the county's well-being.
23. Chairman Nelms asks for public comment. No public comment was given.
24. Chairman Nelms asks Manager Edwards to give the manager's report. Manager Edwards stated that our maintenance department had budgeted \$20,000.00 in their budget for a new building and his question is the location. One location is the empty lot beside Transit and the other is the property beside the Rescue Squad Building where the old EMS Base was located. The board wanted to have further conversation on this issue.
25. Manager Edwards stated that the wilderness study is receiving a lot of activity by our state leaders. Manager Edwards stated that Senator Thom Tillis has entered an amendment to the Resilient Federal Forests Act of 2015 that would give North Carolina counties the final say as to whether their land is designated as wilderness study areas by the United States Forest Service. The amendment will direct the USFS to build a dialogue with local officials to determine how to best manage the land and gives the counties final authority to have final approval of what lands if any are designated wilderness. Chairman Nelms stated that his concern was if now the USFS would go straight to wilderness and bypass the wilderness study. The board was very pleased with this amendment.
26. Manager Edwards stated that Senator Thom Tillis and Senator Richard Burr have voted to advance an amendment that prevents TVA from banning houseboats on Lake Fontana and Hiwassee Lake. The Senators and Congressman Meadows are working on this issue.
27. Commissioner Orr stated that an open house is being held at the Forest Service from 3:00 to 6:00 p.m. on Thursday, September 22, 2016.

28. Manager Edwards stated that he needed approval of the prioritization of the NCDOT projects slated for Graham County. Manager Edwards stated that we scored very high and are number two and three on the list. Commissioner Williams made the motion to accept the prioritization of the NCDOT projects as submitted. Commissioner Orr seconded this motion. Vote unanimous.
29. Manager Edwards stated that he would now go into the discussion items and stated that he needed approval for the Releases \$78.32 and the Discoveries of \$194,216.30. Commissioner Williams made the motion to approve the releases and discoveries. Commissioner Cody seconded this motion. Vote unanimous.
30. Manager Edwards asks Clerk Crisp to discuss the next item. Clerk Crisp stated that she and EMS Director Larry Hembree had scored the two bids according to the specifications requested and recommends Southeastern Specialty Vehicles for \$107,000.00. Commissioner Eller made the motion to accept Southeastern Specialty Vehicles bid for \$107,000.00. Commissioner Orr seconded this motion. Vote unanimous.
31. Clerk Crisp stated that the next item is the amended Compensatory Policy. Clerk Crisp stated that the policy needed a change to 2b concerning the accrual of the comp time. Commissioner Cody made the motion to approve the Amended Compensatory Time Policy. Commissioner Orr seconded this motion. Vote unanimous.
32. Clerk Crisp stated that she received a call from Tim Sosbee, a USFS employee, with a request that the forest service be allowed to use the P&J Building as a command center in the event of large forest fires. Clerk Crisp stated that she told Mr. Sosbee that the building is in the middle of renovations. Clerk Crisp stated that he then asks if the parking lot could be the command center and the USFS would bring in trailers. Commissioner Williams made the motion to deny this request due to our renovations and the need to repair the parking lot but they could use some of the Stanley property if needed. Commissioner Eller seconded this motion. Vote unanimous.
33. Manager Edwards stated that the Road Naming Board had met and he presented a list of 911 names for consideration. Those names are: Simple Living Trail on Cochran's Creek; Harley Hill on East Buffalo; Mickle Way on Yellow Creek; Copperhead Rd on Cornsilk Branch; Paul Millsaps Dr. on Fort Hill and Heyward Crawford Dr. on Fort Hill. Commissioner Cody made the motion to approve the names as recommended by the Road Naming Board. Commissioner Eller seconded this motion. Vote unanimous.
34. Manager Edwards stated that the new 911 Center is moving along well but would like to request that the board raise his spending limit to \$5,000.00 for this project to prevent further delays. Manager Edwards stated that this would be for the 911 Center only. Commissioner Eller made the motion to grant this request. Commissioner Cody seconded this motion. Vote unanimous.
35. Manager Edwards stated that the dialysis center was moving along and we are reaching out for providers. Manager Edwards stated that Chairman Nelms and Juanita Colvard had traveled to Raleigh and we are one step closer to our certificate of need. Manager Edwards stated that the facility will have five beds.
36. Manager Edwards stated that he received an email from Dick Evans on the Forest Service Trails and he asks that we speak with Angela Gee. Manager Edwards stated that the GREAT Organization wants the county to form an Understanding of Agreement with them to maintain the bike trails on forest service land. The board all denied this request.
37. Manager Edwards asks for a motion to have BLE do the core work on the new 911 center for approximately \$4900.00. Commissioner Williams made the motion to approve. Commissioner Cody seconded this motion. Vote unanimous.
38. The board requested that the building for Maintenance be added to our next agenda.
39. Commissioner Williams made the motion to authorize the manager to get bids (two or more bids required) on the roof replacement at the Stecoah Valley Center. Commissioner Eller seconded this motion. Vote unanimous.
40. Chairman Nelms stated that the board 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 contacts. Commissioner Cody made the motion to go into closed session. Commissioner Eller seconded this motion. Vote unanimous.
41. Commissioner Eller made the motion to go back into open session. Commissioner Cody seconded this motion. Vote unanimous.
42. The board directed Clerk Crisp to set up a special joint meeting with the Town of Robbinsville.
43. The board discussed the Yuletide Helpers donation. Ms. Garland stated that Yuletide Helpers is not incorporated in NC therefore it cannot be legally registered with the IRS as a 501(c) 3 organization. The law states that if Graham County gives a nonprofit organization more than

\$5000.00, then the organization must either produce a financial statement or a Form 990 which is evidence with the IRS that the organization is keeping a set of books and records. Ms. Garland stated that the NC Constitution states that “all public funds, no matter their source, be expended for the benefit of the citizens of the unit generally and not solely for the benefit of particular persons or interest.” This leaves a grey area as to the legality because DSS used to carry out this project and therefore the project is considered an extension of a government service Graham County used to provide. Commissioner Eller stated that a letter needed to be drafted to all persons or organizations that request funding from the county that it must be registered as a 501(C) 3 to ensure accountability and recordkeeping of the taxpayer’s money. Commissioner Cody seconded this motion. Vote unanimous.

44. Commissioner Cody made the motion to adjourn. Commissioner Eller seconded this motion. Vote unanimous.

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Jacob Nelms, Chairman, Graham County Commissioner

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Keith Eller, Vice-Chairman, Graham County Commissioner

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Lynn Cody, 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