

Regular Meeting – September 4, 2018

The Graham County Board of Commissioners met Tuesday, September 4, 2018 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 Williams to give the Invocation.
3. Chairman Eller asks Commissioner Orr to lead the Pledge of Allegiance.
4. Chairman Eller asks for approval of the agenda. Commissioner Nelms made the motion to approve the agenda. Commissioner Williams seconded this motion. Vote unanimous.
5. Chairman Eller asks for approval of the Workshop and Regular Minutes of August 21st. Commissioner Orr made the motion to approve the minutes as stated. Commissioner Wiggins seconded this motion. Vote unanimous.
6. Chairman Eller asks for a motion to close the regular meeting and open a public hearing for the 2018 Community Development Block Grant-Neighborhood Revitalization Program. Commissioner Wiggins made the motion to close the regular meeting and open the public hearing as stated. Commissioner Orr seconded this motion. Vote unanimous.
7. Chairman Eller asks Joan Stillwell, Grants Administrator to discuss the 2018 Community Development Block Grant – Neighborhood Revitalization Program. Ms. Stillwell explained the purpose of the Public Hearing is to receive public comments for consideration for the 2018 Community Development Block Grant - Neighborhood Revitalization Program for housing. North Carolina has received approximately \$10.0 million for NC Neighborhood Revitalization Program to serve low and moderate income residents with housing needs. Graham County is considering applying for a \$750,000 Grant - Neighborhood Revitalization Program for housing needs. Activities for consideration are rehabilitation, acquisition, clearance, relocation, substantial rehabilitation, replacement housing and emergency repairs. All homes/households must be owner occupied, single-family and low income in order to qualify. Ms. Stillwell explained that all of the site visits had been made on the original list. The remaining sites will be visited next week. She explained she would be presenting pictures and addresses to the Selection Committee soon for selection and prioritizing anyone on the list. She also explained, that some were already ineligible due to mobile homes without permanent foundations. A second public hearing will be held September 18 at 5:30 p.m. Ms. Stillwell said if anyone needs additional information contact the County Manager at 12 North Main Street, Robbinsville, NC or at (828) 479-7961. Written comments concerning the application process may be submitted to the County following the public hearing. Persons with disabilities or need assistance should contact the County Manager, at 12 North Main Street, Robbinsville, NC or by phone (828) 479-7961 or Becky.Garland@grahamcounty.org TDD # 1-800-735-2962 or Relay North Carolina 7-1-1 The Public Hearing information will be available in Spanish or any other language upon request. Please contact the County Manager at (828) 479-7961, or at 12 North Main Street, Robbinsville, NC for accommodations for that request.
8. Chairman Eller asks for public comment. Commissioner Orr encouraged Ms. Stillwell to go after the money. No further comment was given.
9. Chairman Eller stated that he would need a motion to close the public hearing and reopen the regular meeting. Commissioner Wiggins made the motion to close the public hearing and reopen the regular meeting. Commissioner Orr seconded this motion. Vote unanimous.
10. Chairman Eller asks Juanita Colvard, Transit Director to speak. Director Colvard stated that she is here to get permission to apply for the 2019 ROAP (Rural Operating Assistance Program) funding and that all funding be allocated to Graham County Transit. Director Colvard stated she had been in contact with Graham County DSS and they stated they did not need the Employment Transportation funding. . Director Colvard stated that we are applying for the Elderly and Disabled Transportation Assistance Program (EDTAP) for \$48,329.00; the Employment Transportation Assistance Program (EMPL) for \$4,961.00; the Rural General Public Program (RGP) for \$45,027.00 for a total of \$98,317.00. Commissioner Orr made the motion to grant permission to Director Colvard to apply for the FY 2019 ROAP funding. Commissioner Wiggins seconded this motion. Vote unanimous.
11. Chairman Eller asks Robin Nelms to speak. Ms. Nelms was not present.

12. Chairman Eller asks for the Manager's report. Manager Garland stated that she received the Heery Report on the courthouse renovation with different scenarios. Manager Garland stated that the board needed to schedule a conference call with the consultants. Manager Garland asks how many inmates did the commissioners want the new jail to accommodate; does the cost of the expansion of the existing courthouse include the approximate \$1.5 million that was estimated with the first report and the existing front of the courthouse has a Veteran's Memorial, what would the board do with the memorial. The board reviewed the study learning that the cost is around \$12 million with any direction that they go. This will include a new jail and new court facilities. The board would like to have a conference call next week with Heery. Manager Garland stated that we will also need to hold public hearings. The board agreed to a meeting on Thursday, September 13th at 10:00 a.m. to have a conference call with Heery.
13. Manager Garland stated that she has a Determination Letter from the IRS for Yuletide Helpers dated June 2018 approving them as a 501(c) 3 organization. Manager Garland stated that they have requested us to provide an allocation of \$10,000.00 for the Christmas season. The board wanted to table this for further discussion. Commissioner Nelms made the motion to table this issue. Commissioner Wiggins seconded this motion. Chairman Eller calls for a vote. Commissioners Eller, Orr, Nelms and Wiggins voted yes. Commissioner Williams voted no. Motion carried four to one.
14. Manager Garland gave the board a reporting from the NCACC Conference. Manager Garland stated that she and Commissioner Orr attended several good sessions about the MOU between DSS and the State and also Medicaid Transformation. The session about Medicaid Transformation was most alarming because we will be losing our Medicaid Cost Settlements in 2020, which represents close to \$500,000.00 in revenue to the county. Manager Garland stated that there is more concern about the most vulnerable populations at the end of the 4th year and she will continue to research. Manager Garland stated that this will affect our Dental Office, our EMS and our Health Department. Manager Garland stated that Transit overall will be ok because we do not have UBER or other means of transportation. Manager Garland stated that this is very worrisome on the Mental Health side and Vaya Health will be able to provide us with further information. Commissioner Orr stated that the EDC Board has agreed to work on the Opioid Crisis and this will be their number one priority and a Sheriff from Beaufort County will be coming here to speak with us. Commissioner Orr stated that this is very important to her as well as working with and advocating for the Veterans and thanked the commission board for supporting her.
15. Manager Garland attached a letter from the NC Secretary of State about the Constitutional Amendments on the ballot in November and it contains more information about each amendment and has been sent to the election boards to provide to citizens.
16. Manager Garland stated that we had issues with penalties on bad checks to the tax collector's office on the 10% fee that is posed. Manager Garland stated that she called our surrounding counties and Macon County takes the position that the Machinery Act is explicit in its language that we "shall" collect the penalties as stated in the Act. Manager Garland stated that the gentlemen that questioned the penalty called all 100 counties and 70 counties out of 100 impose the 10% penalty. Manager Garland stated that this taxpayer is going to reach out to the state representative's to see if this law could be changed since it was made in 1939. Commissioner Wiggins stated that we do not violate the statute. The board all agreed.
17. Manager Garland stated that she had a call from the NC Department of Rural Health on the Community Para-medicine and they will be providing us with technical assistance as we begin implementation of the program. Manager Garland stated that someone will be coming here in October or November and we can also apply for a new grant for staffing and sustainability. Manager Garland stated that we have the potential to get \$225,000.00 per year for three years for the program. Manager Garland stated that she will provide details as we move forward and they will also provide assistance with training for our program. Manager Garland stated that in our NCACC conference meeting on the Opioid Crisis, the NCACC and other county commissioners spoke about the role that a community para-medicine program can fulfill in implementing follow up with persons who have overdosed with information on treatment.
18. Manager Garland stated that she has had a request from a taxpayer to purchase or give a donation for the nandina's (a bush) that are located where the building inspections office used to be. The board all agreed that this would have to be bid off and run in the paper to be surplus.

19. Chairman Eller asks for the discussion items. Manager Garland stated that we have discoveries in the amount of \$347.36. Commissioner Williams made the motion to approve the discoveries as stated. Commissioner Orr seconded this motion. Vote unanimous.
20. Manager Garland stated that the GREAT Organization will be meeting September 20th at 11:30 a.m. at The Hub.
21. Chairman Eller asks for new or old business. No new or old business was discussed.
22. Chairman Eller asks for public comment. Manager Garland stated that we have one group signed in for public comment. Chairman Eller stated that one person needed to speak for the group and they are limited to three minutes. Mr. Jerry Whitt stated that his would take longer than three minutes and stated that he came with concerns at the last meeting and the board told him that they would handle it and he read a statement to the board that he arrived at the Senior Center around 8:00 a.m. or 8:15 a.m. on 8/22/2018 observing a county staff member up in the face of a senior citizen pointing her finger at her yelling and screaming why did you take those pictures of my little girl. I thought she was going to do this senior bodily harm. It's my understanding that this senior is disabled. The Activities Director was having to calm the situation and this was a very heated scene which I thought was going to escalate into a physical altercation. The staff member turned and kept yelling and screaming at another senior citizen causing this senior to go and get into her car. The staff member then turned to me calling me a pedophile and pervert. She made a statement about letting the police handle me and I didn't know at the time she had already called the law and filed a complaint against me earlier that morning. The police returned a second time and when they arrived the staff member was highly irate still yelling and screaming. She told the law that I was a pedophile and pervert. Finally, the Director came out and told the irate staff member to go home. The law told her to leave or they would escort her from the property. Now I'm told that the complaint against me will permanently remain in Graham County Data Base. Mr. Whitt stated that he is here to find out if that employee had been handled. Mr. Whitt stated that he is going public with this information because he has worked hard all his life for his good name and this is not a threat but he will do all legal means possible to fix it.
23. The next speaker was Travis Freeman and he stated that ever since he was a freshman in high school he has volunteered at the senior center and he is 21 now. He stated: I watched old ones go and new ones come in and pass away and went in nursing homes. I love everyone dearly and they are close to my heart and think of them as family. I heard they do not allow volunteers no more and after that I heard that the employees get to choose who volunteers. I go down every day not always as a volunteer to help. I have got up at 5:00 a.m. and cooked jail meals and I like helping out and will help the old people it's in my nature. I am concerned how the county is being run and how this is being handled. A while back a volunteer got fired because she didn't hand one of the senior citizens a carton of milk and now one employee is having a conflict with another one and nothing is ever said against the antagonist. Now another employee was in a senior citizens face and no action on her nothing is said about that and ain't seen nothing or anybody doing nothing about that. Have they been written up or nothing? Clerk Crisp and Manager Garland stated that this is personnel. Chairman Eller stated that we cannot discuss that with the public and it is the law. Mr. Freeman stated: I appreciate your opening up in prayer but it don't take a Christian to realize something is going on down here and any adult can see something is wrong at the senior center. I am a preacher and I stand before the church all the time and I am more nervous here but this is different. I love you all and everybody.
24. Mr. Whitt asks if the board can't tell them if this employee has been written up. Chairman Eller stated that this is personnel. Mr. Whitt stated that he was sending his letter to keith.crisp@grahamcounty.org. Chairman Eller stated that this email goes to Clerk Crisp and she would get it for him.
25. Steven Pressley asks to speak next and stated that it would take longer than three minutes. He stated: I got fired today and stuff been going on for a while and I have talked to some of you about it. I got this paper handed to me about stuff I done. On 8/6/2018. Chairman Eller asks if this needs to be done in open and has Steven been given the grievance procedure. Manager Garland stated that she advised him. Commissioner Wiggins asks if this is something that you want to object to what happened. Steven Pressley stated: He has been accused of stuff that I have not done and I have come on good faith to talk to you on stuff I know. I have been called by the state from Raleigh to the NC State of Area on Aging wanting to know about stuff and the next I knowed I got 60 days probation because I wouldn't sign a state paper and I will tell you again that I ain't going to. I been picked up by the FBI and everything back before over stuff.

Chairman Eller asks if he understands the grievance. Steven Pressley stated that he will do the grievance but he wants his job back and he loves them people and he never would hurt one of them and there are things that went on between him and the director. Steven stated: I have tried to go make it right on my behalf and even went in her office to try to make it right and I love her and don't want to see either one lose their job like I love yours. I couldn't ask for a better boss but they something going on. I don't know why she drew this up and this paper right here the majority of it is lies I promise you. Commissioner Wiggins asks if Steven was told about the grievance. Manager Garland stated that she advised Steven on Chapter 8 of the personnel policy and gave him a copy and he has 15 days to give a letter requesting a grievance appeal. That's what I need for him to do bring a letter in writing. Commissioner Wiggins asks if at some point he can speak to the commissioners if he doesn't get satisfied. Manager Garland stated that it goes to the next level. Commissioner Nelms asks for a copy of the grievance letter and Manager Garland stated that she would get it from Wanda. Steven stated that he has been cussed with ** and ** you m*, ***, go to h**and it took place standing in front of the senior center doors and I ask the director to fix it. She laughed about it and said she couldn't do anything about it because it was outside of the senior center. Another cursed me and I have been followed inside the building by staff member trying to fight me and all this happened at work. This is where I worked. I love yours and I am not trying to get her fired but this has to be fixed. I love your wife Mark, your family and you can look mad at me all you want but I didn't come down here to get anyone fired but it has to be fixed. When seniors are getting cussed out and jumped on and stuff.

26. Mr. Freeman stated that the director stated that she did not have authority to do anything about anything outside the senior center so I could go out there and talk awful to the senior citizens and they can't run me off. Chairman Eller asks him if he was run off from the center and he stated no but now I can't go up there except for 15 minutes at a time. Manager Garland stated that this policy was rescinded and stated that any policy such as that need to go through the board of commissioners and her. Visiting with an employee should be limited and a policy should surround staff behavior not senior citizen's behavior and if they want to have family visit then they should be allowed to have family and friends visit but it cannot be contentious. Manager Garland stated that you do need to sign in for security and protection reasons but any policy concerning visitors needed to be county wide and not one specific department. Mr. Freeman asks if can go to the center anytime and sign in. Manager Garland stated yes he could.
27. Brenda Mills stated that her daughter don't live here in the county and she came up and drove my car and took me to Cades Cove on a senior trip and she helped get the old people on and off the bus, helped the seniors to the bathroom and served food and we need our volunteers and appreciate them. Mrs. Mills stated that she didn't understand the policy saying that they can't come but for 15 minutes. Manager Garland stated that she made the comment that volunteering needs to be more of a structured process if you want to volunteer you need background checks and she is working with the senior center and she is not sitting back on this and she is addressing issues with the staff and she will fill the board in on things in closed session on the changes that need to be made and she hears you and you will see other changes occur. Every change in policy goes before this board and goes with the personnel manual such as children in the workplace and she spends hours researching so that the board can make the best decision as necessary and she will be handling the issue with staff at that center. Manager Garland stated that she heard the comments on the dress code and stated that things never turn on a dime and she is instructing staff that we are public servants and employees of the county and serving the public is our number one priority. Manager Garland stated that the seniors deal with issues the same as us with financial issues and family issues and they need safe places to be and to be taken care of and she will not tolerate anything less. Manager Garland stated that these statements are not falling on deaf ears but she cannot comment on anything toward employees because it is protected under personnel. Manager Garland stated that she will continue to handle staff. Mr. Freeman stated that there is one in there that needs to be instructed on how to dress. Manager Garland stated that this is personnel and she has spent four hours going over our policies with staff. Mr. Whitt stated that what happened at the senior center should never have been allowed to happen. Manager Garland stated that she is dealing with the issues as she has stated. Chairman Eller stated that we are done with this conversation.
28. Chairman Eller asks for a motion to go into closed session under G.S. 143-318.11(a) (1) (6) for privileged or confidential information and personnel. Commissioner Nelms made the motion to go into closed session as stated. Commissioner Williams seconded this motion. Vote unanimous.

29. Commissioner Nelms made the motion to go back into open session. Commissioner Williams seconded this motion. Vote unanimous.
30. Commissioner Williams made the motion to give Terry Stewart a three month extension on his FMLA. Commissioner Wiggins seconded this motion. Vote unanimous.
31. Commissioner Wiggins made the motion to adjourn. Commissioner Nelms seconded this motion. Vote unanimous.

Keith Eller, Chairman, Graham County Board of Commissioners

Connie Orr, Vice-Chairman, Graham County Board of Commissioners

Jacob Nelms, Member, Graham County Board of Commissioners

Dale Wiggins, Member, Graham County Board of Commissioners

Raymond Williams, Member, Graham County Board of Commissioners

ATTEST:

Kim Crisp, Clerk to the Board