

Regular Meeting – August 18, 2020

The Graham County Board of Commissioners met Tuesday, August 18, 2020 at 5:30 p.m. in the Graham County Community Building located at 196 Knight Street for their regular monthly meeting. All board was present. Attorney JK Coward joined the meeting by teleconference.

1. Chairman Wiggins called the meeting to order.
2. Chairman Wiggins asks Commissioner Cody to give the Invocation.
3. Chairman Wiggins asks Commissioner Orr to lead the Pledge of Allegiance.
4. Chairman Wiggins asks for changes to the agenda. Manager Garland stated that we needed to add Commissioner Lynn Cody as Item 7A. Commissioner Eller made the motion to approve the agenda with the requested change. Commissioner Nelms seconded this motion. Vote unanimous.
5. Chairman Wiggins asks for approval of the minutes for the Workshop and Regular Meeting July 21; Continued Meeting July 24; and Special Meeting July 28. Commissioner Eller made the motion to approve the minutes as stated. Commissioner Cody seconded this motion. Vote unanimous.
6. Chairman Wiggins asks Wanda Hill, Senior Citizens Director to speak. Director Hill stated that she was here to get approval for the FY 2020-2021 General Purpose Funding of \$10,515.00 with a 25% county match of \$3505.00. for a total projected budget of \$14,020.00. Commissioner Orr made the motion to approve the General Purpose Funding. Commissioner Nelms seconded this motion. Vote unanimous.
7. Chairman Wiggins asks Beth Fields to speak. Ms. Fields thanked the board for their time, introduced the Stecoah Valley Center Board Members Rick & Sara Davis, Marsha Davies, Marsha Hollifield and Karen Mickler, and stated that they were here to inquire about the Stecoah Valley Center Lease that was approved in 2019 and the notice was in the Graham Star. Ms. Fields stated that the county has expressed the desire to use of the building for Court and they will work with the county. Ms. Fields stated that the lease is for a 25-year term and contained no changes from the previous lease. Ms. Fields stated that in Section 10 it addresses subleasing for the use of the pavilion, for weddings and have rented space to the Graham County Sheriff's Office. Ms. Fields stated that the facilities could be used except for times that they have after-school. Chairman Wiggins stated that the board did approve a lease for the Stecoah Valley Center with concern over Imminent Domain on a 25-year lease and wanted this clarified prior to signing any future leases. Chairman Wiggins stated that the issues with the court facilities came up with a Judge's Order that we have to comply with and needed further clarification on how to proceed. Manager Garland stated that the latest draft of the lease was emailed to her just minutes ago and items in the lease had to be corrected plus adding the issue of using the facility when the courts required. Ms. Fields stated that the board executed the lease in May 2019 and they have done lease amendments in the past for Shirley Crisp and for the Sheriff's Office, which is much cleaner and clearer. Manager Garland stated that changes needed to be made to Clause 3 and Clause 7 on the use of the property for courts. Manager Garland stated that the lease calls for the Stecoah Valley Center to pay all utilities and part of our agreement was that we reimburse SVC for utilities. Manager Garland stated that she would be glad to send the lease over to Ms. Fields and her board for their review. Attorney Coward stated that we could make modification and make them retroactive to the May 2019 date. Attorney Coward stated that the board did approve a lease for SVC but not for terms, conditions, and this needed to be clarified. Attorney Coward stated that Emily Montoya had sent the lease to him this afternoon with the last minute changes and one change will be that Graham County will reimburse SVC for the utility usage when they are required to hold court in the building. Attorney Coward stated that Graham County needed to right to use the facility in the events such as mandated court dates and he understands that there could be conflicts with the center at certain times. Attorney Coward stated that they added a termination clause, which was not added in the past. Ms. Fields stated that she and her board and an attorney would need the opportunity to review and she understood that court was to be held on November 9th and the Gallery is open on Friday's and Saturday's and they will have after-school programs during this time. Ms. Fields stated that she cannot close the afterschool without notice and the terms of the lease with no changes was approved on May 21, 2019. Commissioner Orr asks Clerk Crisp when the board had discussed any changes to the SVC Lease. Manager Garland stated that in the June Commissioner Meeting

the board did discuss the lease. Chairman Wiggins stated that the current lease did not expire until October and the board would have the changes approved with plenty of time. Rick Davis asks if they would forward a copy of the lease to him and Manager Garland stated that she would. Rick Davis asks at what date will the lease be approved once the changes are made and Manager Garland stated that on the September 15 Commissioner Meeting it could be approved. Chairman Wiggins stated that they had never faced a situation where we had to provide a place for the courts to use but we are dealing with it and we will put the agreements in place around SVC's programs and activities and move forward. Beth Fields thanked the board for their time.

8. Chairman Wiggins asks Commissioner Cody to speak. Commissioner Cody stated that our completion of the Census is short and we have to get our people counted because Graham County is on the bottom of the list. Commissioner Cody stated that some of our staff might need to help get people counted and the county needs to step up and help the people be counted. Commissioner Cody stated that the county receives money and our county needs all the monies that are available to us. Commissioner Orr stated that 28% (1/3 of the county) is all that is counted and some of our county employees need to help. Commissioner Orr stated that we as a county needed to be vigilant to get our people counted and it does affect the schools, our budget and tax rates which will affect the counties ability to borrow money for capital projects. The board asks that a post be done on Facebook to encourage everyone to be counted.
9. Chairman Wiggins asks for the finance and manager's report. Manager Garland stated that the county ended the month with a cash balance of \$8,443,022.19, which is ahead from this time last year. Manager Garland stated that we have spent \$160,000.00 in our CARES ACT Funding and will be reporting this total this week. Manager Garland stated that the county department heads are holding the line on spending and she is very thankful for their support and hard work. Manager Garland stated that our current year tax collection is \$757,245.67 our prior years \$30,221.16 and our DMV collections was \$52,701.26 which is \$59,000.00 ahead from this time last year. Manager Garland stated that our current tax collection rate is 11.09% and stated that our collection appears higher because our levy is lower and does not include utilities at this time. Manager Garland stated that we would receive the utilities later this month. Manager Garland stated that we need to begin talking about revaluation because we are currently under 100% and this drives our utilities down.
10. Manager Garland stated that our revenues for the month was \$1,351,670.33 and our expenditures was \$842,743.91 for a surplus of \$508,926.42.
11. Manager Garland stated that our sales tax collection for the month was \$192,390.94, which was \$8,700.00 better than this time last year and almost \$10,000.00 more than last month. Manager Garland stated this does not include the ¼-cent sales tax and we have been able to save \$2.1 million dollars for capital reserve.
12. Manager Garland stated that our past due tax collections total to date is \$628,516.79 and thanked the tax office for being diligent in their collections.
13. Manager Garland stated that our budget is 93% with the ideal remaining of 92% and thanked all the department heads for holding the line and is very pleased with the spending freeze of necessities only.
14. Manager Garland stated that she did have a Capital Project Ordinance for the board to approve on the Sixth Grade Wing at the Robbinsville High/Middle School in the amount of \$4,266,667.00 of which \$3, 200, 00.00 will come from the North Carolina Needs Based Public School Capital Fund and the remaining \$1,066,667.00 will come from proceeds from loan borrowings and the ¼ sales tax. Manager Garland stated that she also had a Declaration of Official Intent to Reimburse that would need approval as well. Manager Garland asks that the board table the decision until they have had a chance to review the paperwork. All board agreed.
15. Manager Garland asks Project Manager (PM) Jason Marino to update the board on the capital projects. PM Marino stated that we now that three construction floor plans for the boards review and a layout of how the new justice center could look. PM Marino stated that the Board of Elections did receive their first set of plans about three weeks ago but he has had no response from them. PM Marino stated that the Recreation Director was happy with the plans for his building and asks that the board review those plans. PM Marino stated that the Cemetery Commission approved their new facility and asks the commissioner board to review those as well.
16. PM Marino stated that the new Justice Center will fit on the West Fort Hill Site but will require two stories and we should end with 200 parking spaces. PM Marino stated that this site does not touch the area at the 911 Center giving the county another option to use that property in

the future. PM Marino stated that the building would house two courtrooms, the sheriff's office and the detention center. PM Marino stated that the best option was the blocking and stacking of the building to separate the departments as well as two parking decks. PM Marino stated that the upper deck will house the Courts and will be accessed by the 911 road and the first deck will house the jail and the sheriff's department with secured parking. PM Marino stated that he is working with Duke Energy on their easement to give the county back around 50 feet of their buffer easement. PM Marino stated that he has sent this information to Attorney Coward and then will present to Duke for their approval. PM Marino stated that the board needed to decide which preliminary design they approve and then we will begin to move forward. PM Marino stated that this is very exciting for the citizens of this county and are glad that we could put the building on property that we already have. Chairman Wiggins asks if all three designs are two story and PM Marino stated that they were. Chairman Wiggins was pleased with the 200 parking spaces and PM Marino stated that we do still have options for potential growth. The board discussed the floor plans and the shapes of the building. Commissioner Cody asks that we consider putting the same type of rock that is on our buildings now. PM Marino stated that they did plan to put the rockwork on the building that will match the Senior Center, Transit and 911 buildings. Commissioner Orr stated that she likes the building facing toward town. Chairman Wiggins stated that he liked the pillars that look like the ones at our current courthouse. The board discussed letting the citizens of the county decide which plan they liked the best. Kevin Hensley, Graham Star Editor stated that he would be glad to do a poll through the Graham Star. The board all agreed and hoped that the citizens of Graham County would not have to build another building for at least 100 years. Chairman Wiggins stated that we needed to move quickly. Commissioner Eller stated that the Cemetery and Recreation Facilities was in last year's budget and we should be moving on these buildings now. PM Marino stated that his concerns have been the materials but he will be ready to get the contracts out. PM Marino stated that we are funded for all three projects not including the new justice facility. The board thanked PM Marino for his work and looks forward to the results.

17. Manager Garland stated that Withers Ravenel applied on our behalf for the Brownfields Assessment Grant but we were not funded "again". Manager Garland stated that we had a debrief call with EPA and it became very apparent that these grants are very subjective and we came within a few points. Manager Garland stated that this has been the scenario for the past three cycles and she and EDC Director Sophia Paulos had a follow up call with Withers Ravenel last week and they suggested that we pursue the EPA Targeted Brownfield Assessment program and if admitted the EPA will provide consulting services to finish the assessment and assist with the creation of clean up strategy. Manager Garland stated that NC DEQ would also be involved in the process. Manager Garland stated that we applied for the NC Brownfields program two years ago and we are currently in the Inactive-Eligible category, meaning that the State is giving us time to get the appropriate funding and support to begin the final assessment and clean up. Manager Garland stated that she would be sending information to Withers Ravenel as to how the State and the EPA collaborates in the process. Manager Garland stated that Withers Ravenel are requesting a board decision to begin this assistance so we can move forward with making application. Commissioner Nelms made the motion to allow Withers Ravenel to assist in the Brownfield Assessment. Commissioner Cody seconded this motion. Vote unanimous.
18. Manager Garland stated that all ARC Grants (Paramedicine and Recovery to Work) reporting is up to date and we may need to request an extension of time on the Recovery to Work due to delays of COVID19. Manager Garland stated that we are waiting on the QRV equipment installation to be completed and this grant will close September 30, 2020. Manager Garland stated that we have been working with the NCDHHS consultant on grant reporting for the Duke Endowment and will be closing the first of November. Manager Garland stated that we have a team meeting scheduled on Friday to go over data and to see how we can regroup. Manager Garland stated that it was difficult for several months to get referrals from hospitals and primary care providers so Mr. Hyde is working to meet with all the referral sources to get the process back on its feet.
19. Manager Garland gave kudos to Jimmy Hyde and the Sheriff Department for applying and receiving a \$12,000.00 grant for PPE for the Sheriff's Department.
20. Manager Garland stated that the ARC virtual annual summit begins tomorrow and there are four two-hour sessions on Wednesdays with a theme of "Economic Innovation and Ingenuity during COVID19 – An Appalachian Perspective". Manager Garland stated that she sent the link a few weeks ago for the board to sign up if they are interested and there is no cost to attend.

21. Manager Garland stated that a Community Testing Event will take place on September 12 with a weather date of September 19 where Dogwood Trust will be providing the testing kits on the condition that if recipients have insurance that the insurance be billed. Manager Garland stated that this will help defray costs and Dr. Castor has agreed to handle the medical support and the School allowed the use of the Elementary School Pickup /Drop-off as the location of the testing site. Manager Garland stated that Health Director Booth would provide further details as they develop.
22. Manager Garland stated that the school is back in session and we have several employees who have children distance learning or are dealing with Plan B, mixed on site and distance learning and are struggling with how to handle either the full time distance learning or the hybrid option. Manager Garland stated that some parents can return to partial telecommuting but we have employees who cannot successfully telecommute or their kids have no access to internet. Manager Garland asks to explore the idea of creating a study hall scenario for kids on their off days or after school and we could bring back furloughed employees to monitor and provide assistance if this is something the board would be willing to consider. Manager Garland stated that other than the one-stop election period we could use the community room, which will allow social distancing or use the departments in which the employees are housed. Manager Garland stated that this is a difficult time and while we do not want, parents losing productivity we need to support them in this challenging time and asks the board if they would consider this idea. Commissioner Orr stated that she is about helping in any way that we can but not just the county employees because there are others without connectivity and we need to be fair and equitable to all of our citizens. Chairman Wiggins asks if we have connectivity in every building. Manager Garland stated that we do under guest net and she will let them know they are welcome to sit in our parking lots to pull down their assignments. Commissioner Eller stated that School Superintendent Angela Knight had connectivity at our churches and other areas that the kids could go to as well. Manager Garland stated that she worries about our kid's ability to learn and the need for peer supports but she had not thought to reach out to the churches. Manager Garland stated she will share on Facebook the connectivity at our buildings and they are welcome to use the internet. Manager Garland stated that she would explore the options of the whole county having access to the community room and make it happen if possible. Commissioner Eller asks that we hold off seeing what the school will do in the event of an outbreak because they could send all the kids home.
23. Manager Garland stated that she submitted the first monthly report on the expenditure of the CARES Act funding in July and these reports are due every 20th day of the month following month end. Manager Garland stated that the regulations of how to spend the money change every day and all funding must be expended by December 30, 2020 or they revert to the State so she is pulling every conceivable, allowable cost she can pull. Manager Garland stated that we received an additional allocation last week for \$163,822.48 with no guidance whatsoever so she assumes the same restrictions apply to this funding. Manager Garland stated that she has Thursday marked out of the office to do a reconciliation of all the peripheral allocations that have come through Transit, Senior Center, Health Department, EMS and DSS to ensure that we are spending the funds the most wisely.
24. Manager Garland stated that in Sanitation the Peterbilt is still in the shop and Randy Rogers is trying to expedite the project as soon as possible. Manager Garland stated that we have been making do with the Kenworth and shuffling runs, which could be worrisome because it is not a new truck. Manager Garland stated that we did reach out to local contractors but they are all busy however if we get in a bind we can rent a Mack for \$145 per day plus twelve cents a mile or \$2250 per month plus twelve cents a mile. Manager Garland stated that Sanitation is struggling with trucks right now.
25. Manager Garland stated that the Sheriff has requested that we go ahead and pay the full annual fee of \$12,000.00 to the department attorney for the fiscal year and she needs permission due to the amount being over her spending limit. Commissioner Eller made the motion to approve the payment to the lawyer for the year. Commissioner Orr seconded this motion. Chairman Wiggins calls for a vote. Commissioner Wiggins, Orr, Eller and Nelms voted yes. Commissioner Cody voted no. Motion carried four to one.
26. Manager Garland stated that the Vaya Health quarterly financial report is enclosed in your packet for review and they continue to struggle with spendable cash but notes that Vaya has met the Medicaid Risk Reserve requirement of 15%.

27. Manager Garland stated that the Opioid Workgroup continues to meet via ZOOM with the latest meeting this morning. Manager Garland stated that the NCACC feels that they have made significant progress with the Attorney General's Office regarding the funding allocation and their understanding that this is a grass root level issue that needs to be handled at the local level. Manager Garland stated that the latest model they are working toward is a 70% local, 10% state and 20% local/state coordinated fund, which will be more restricted as to use. Manager Garland stated that the AG Office is listening to them now about the ability of local governments to administer their own programs and to create appropriate fiscal structure for accountability over the funds. Manager Garland stated that they expect the first case to be heard in October with NC expecting \$750,000,000.00 dollars over an 18-year period.
28. Manager Garland stated that there has been some scattered email traffic regarding getting public comment on the Corridor K proposed project but nothing definite at this time.
29. Manager Garland stated that audit season is upon us so she will be sequestering some time to do prep work and will be available as necessary. Manager Garland gave the board questionnaires that need to be completed and returned to the auditors. Manager Garland stated that the stamped envelopes are attached to the questionnaires and asks that they do not give them back to her.
30. Manager Garland stated her appreciation to the Board for allowing Clerk Crisp and herself to take a two-week sabbatical during the month of July and further stated that this allowed them to regroup and get some much-needed rest after the COVID19 Storm. Manager Garland expressed her appreciation to all department heads for carrying on with their programs in her absence.
31. Manager Garland gave the board some dates to remember which include the Labor Day Holiday on September 7, 2020.
32. Chairman Wiggins asks for public comment. No public comment.
33. Chairman Wiggins asks for approval of the Releases \$4,933.48 and the Discoveries \$6,021.21. Commissioner Eller made the motion to approve the releases and discoveries as stated. Commissioner Orr seconded this motion. Vote unanimous.
34. Chairman Wiggins asks about the tax application for Johnny Sawyer. Clerk Crisp stated that Tax Assessor Brandy Cook stated that Mr. Sawyer's application for property tax relief was received on time but due the circumstances with COVID19, he was unable to provide proof of income by the application deadline. Assessor Cook stated that she does not have the authority to approve late applications however the Board of Commissioners do given good cause for delay. Assessor Cook asks that the board consider approving this application. Commissioner Orr made the motion to approve the application. Commissioner Cody seconded this motion. Vote unanimous.
35. Chairman Wiggins asks about the approval bid for Monument resets. Clerk Crisp stated that the bid was approved by the Cemetery Commission but in order for Manager Garland to cut the check this board would need to approve the bid. Commissioner Cody made the motion to approve the bid on the monument resets from W.N.C. Marble and Granite Works for \$2,450.00. Commissioner Nelms seconded this motion. Vote unanimous.
36. Chairman Wiggins stated that the board needed to approve two board polls. The August 10 poll to repair the Peterbilt for \$10,000.00 and the August 17 poll to purchase protection vests for the Sheriff's Department of \$7,510.28. Commissioner Eller made the motion to approve the polls as stated. Commissioner Nelms seconded this motion. Vote unanimous.
37. Chairman Wiggins opened the bids for a new Sanitation Truck.
 - a. Rush Crane & Refuse Systems International for \$266,287.28
 - b. Shealy Truck Center for \$273,179.00
 - c. The Peterbilt Store in Knoxville for \$271,140.00Manager Garland asks that the board table the decision to give Sanitation Director Colvard, Commissioner Eller and herself a chance to check the specifications. The board agreed to table the decision to the September 2020 board meeting.
38. Chairman Wiggins asks for new or old business. No new or old business.
39. Chairman Wiggins 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 contracts. Commissioner Eller made the motion to go into closed session as stated. Commissioner Cody seconded this motion. Vote unanimous.
40. Chairman Wiggins asks for a motion to go back into open session. Commissioner Eller made the motion to go back into open session. Commissioner Orr seconded this motion. Vote unanimous.

41. Chairman Wiggins asks for a motion to adjourn. Commissioner Cody made the motion to adjourn. Commissioner Orr seconded this motion. Vote unanimous.

Signature page for Regular Meeting August 18, 2020

Dale Wiggins, Chairman

Lynn Cody, Vice-Chairman

Keith Eller, Member

Jacob Nelms, Member

Connie Orr, Member

ATTEST: _____
Kim Crisp, Clerk to the Board