

Regular Meeting
February 18, 2020

The Graham County Board of Commissioners met Tuesday, February 18, 2020 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 Wiggins called the meeting to order.
2. Chairman Wiggins asks Commissioner Nelms to give the Invocation.
3. Chairman Wiggins asks Commissioner Orr to lead the Pledge of Allegiance.
4. Chairman Wiggins asks for changes and/or approval of the agenda. Manager Garland stated that we needed to delete #10 Approval of the Civil Design Contract. Commissioner Eller made the motion to approve the agenda with the stated changes. Commissioner Orr seconded this motion. Vote unanimous.
5. Chairman Wiggins asks for a motion to approve the February 4th Regular Meeting Minutes. Commissioner Cody made the motion to approve the minutes as stated. Commissioner Orr seconded this motion. Vote unanimous.
6. Chairman Wiggins asks Brady Cody with the Prosperity Committee to speak. Mr. Cody thanked the board for their time and stated that he was here to speak on behalf of the Prosperity Committee. Mr. Cody stated that the committee presented a request to put alcohol sales on the ballot for November 2020. The State gives the authority to the Counties and Town under G.S. 18B-601 as you will recall that the committee came before this board in October and are here again for the same issue. Mr. Cody stated that the committee also went to the Town of Robbinsville with the same request and the general statute can be done by the County and/or the Town and at the meeting with the Town, the public has become very engaged on the issue of the sale of beer and wine. Mr. Cody stated that to say the least the Town meeting held an all-time high attendance where the meeting was moved to the library. Both sides of the issue have had a respectable debate and the Graham Star had a poll of 1200 votes where 77% were for the issue and 23% were not. Mr. Cody stated that polls are based on statistics but you cannot deny that the majority want their voice heard on the issue of the sale of beer and wine. Mr. Cody stated that throughout the discussion with the Town both sides found common ground where both groups feel that Graham County Citizens have a right to have their voices heard. Mr. Cody stated that churches signed a letter stating that they wanted the vote to be held on a county level and presented the letters to the board members. Mr. Cody stated that around 603 signatures are on the letter. Mr. Cody read the letter which stated: Because of the sale of alcohol within the city would have an impact on the whole county, we the undersigned believe that this is an issue that should be decided at the county level and further stated please do not ignore your fellow citizens and every registered voter in Graham County should have the right to help decide the outcome. Please do not put this issue on a ballot in an election which only town residents will be allowed to participate. Mr. Cody stated that the Town tabled the issue for 60 days. Mr. Cody stated that the committee is not here tonight for the board to decide but to allow the citizens of Graham County to have the right to vote on the sale of beer and wine in Graham County. Mr. Cody stated that we are not here to get the board's support on the issue but to get the board's support on the right to vote and for the sale of beer and wine to be placed on the November 2020 Ballot and allow all county citizens voices to be heard at the ballot box. Mr. Cody asks if the board has any questions for the committee. The board asked no questions. Chairman Wiggins stated that the board would not take action today as they have been given information that they have not seen prior to tonight and to allow the board to speak with other county citizens.
7. Chairman Wiggins asks Commissioner Orr to give a NCACC Update. Commissioner Orr stated that she served as a Board of Directors for the NCACC and they held a meeting in Winston Salem and discussed several issues. Commissioner Orr stated that the system where you pay your taxes at the time of tag renewal was working very well and it has increased state revenues by \$220,000,000.00. Commissioner Orr stated that in the beginning, it was a bit rough due to the amount of back taxes that was owed but they do have this working and it is a profit for the State and County.

8. Commissioner Orr stated that North Carolina has an AAA Bond Rating and is one of (14) States. Commissioner Orr stated that we do not have a budget at this time but we are using last year's budget.
9. Commissioner Orr stated that we are involved in a Class Action Suit on the Opioid Crisis and this should be settled next year. Commissioner Orr stated that our counties are working together on this issue and the offer of the settlement for North Carolina is \$18 million, which is a lot of money to the counties. Commissioner Orr stated that Ronnie Beale from Macon County is working hard to see that this money is given directly to the counties and not to an entity such as the tobacco settlement grant.
10. Chairman Wiggins asks Manager Garland for the Finance and Manager's Report. Manager Garland stated that the county ended the month with a \$10,471,772.27 cash balance even after she transferred funds to the capital project fund. Manager Garland stated that our real property tax collections was \$910,049.123; prior \$27,876.43 for a total of \$937925.55. Manager Garland stated that our DMV collections was \$40,185.66. Manager Garland stated that our year to date tax collections was \$6,608,775.45 and our DMV was \$312,213.96. Manager Garland stated that tax collection rate is 91.32% and commended the tax office for their hard work.
11. Manager Garland stated that revenues for the month was \$1,781,251.74 and our expenditures was \$1,171,945.40 giving us a surplus of \$609,306.34. Manager Garland stated that our revenues to date is \$11,476,557.01 and our expenditures was \$8,657,599.58 giving us a surplus of \$2,818,957.43.
12. Manager Garland stated that our sales tax for the month was \$185,618.70 and we are ahead from \$165,970.70 at this time last year and thanked the citizens of Graham County for buying local.
13. Manager Garland stated that we have collected \$626,406.66 in back taxes since we started in 2013. Manager Garland stated that the county has been court ordered to build a new courthouse and the estimated project cost is \$15 million and thanked the citizens for being diligent in paying their taxes. Manager Garland stated that we have \$4 million put back already for the project and being very proactive in saving all monies to be able to finance and pay for the project.
14. Manager Garland stated that our ideal percentage for the budget is 42% and we are holding at 49% and she is very pleased with this number. Manager Garland stated that she will begin budget meetings with the department heads and have asked that they reduce their budget.
15. Chairman Wiggins was very pleased to see the difference in the sales tax and asks if this increase is due in part to the state legislature that was passed. Manager Garland stated that it did increase some but a portion of that revenue is earmarked for the school.
 - a. Manager Garland stated that she did have three budget amendments for the board to review. Budget Amendment #11 was to amend to recognize changes in TANF funding for DSS with no net change to the budget. Manager Garland stated that this amendment was approved but needed ratification with signatures.
 - b. Budget Amendment #12 was to amend to recognize additional Crisis Intervention and LIEAP allocations from the State for \$13,099.00. Commissioner Orr made the motion to approve Budget Amendment #12 as stated. Commissioner Eller seconded this motion. Vote unanimous.
 - c. Budget Amendment #13 was to amend to increase funding allocation for May for \$103,000.00. Commissioner Eller made the motion to approve Budget Amendment #13 as stated. Commissioner Orr seconded this motion. Vote unanimous.
16. Manager Garland gave the board an update on the annual audit for the county. Manager Garland stated that we were able to express a "clean opinion" in our audit report for the year ended June 30, 2019, which is the best opinion the County can receive. Manager Garland stated that there were no significant deficiencies or material weaknesses were disclosed and during our audit, we did not identify any deficiencies in internal control that we consider material weaknesses. Manager Garland stated that there were no instances of noncompliance or other matters were identified and the results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under Government Auditing Standards. Manager Garland stated that we were able to express a "clean opinion" in our Federal Single Audit report for the year ended June 30, 2019, no instances of noncompliance were identified, and no material weaknesses or significant deficiencies were disclosed. Manager Garland stated that we were able to express a "clean opinion" in our State Single Audit report for the year ended June 30, 2019 and the results of our tests disclosed no instances of noncompliance or other matters

that were required to be reported under the State Single Audit Implementation Act. Manager Garland stated that in the financial highlights there were no budget violations and management maintained a proactive stance on monitoring spending across County departments to ensure compliance with the budget. Manager Garland stated that we had a positive effect on net position and our total net position was increased by \$1,225,911.00. Manager Garland stated that we had a positive effect on debt with a debt decrease by \$562,242.00 (10.97%) during the current fiscal year and the County incurred only one additional capital lease for cameras. Manager Garland stated that the primary factor in the net decrease in debt was due to the scheduled principal payments on debt already outstanding from the prior fiscal year. Manager Garland stated that our fund balance available for appropriation can be a useful measure of government's net resources available for spending at the end of the fiscal year and fund balance available may be comprised of amounts shown as restricted, committed, assigned or unassigned. Manager Garland stated that at the end of the current fiscal year, Graham County's fund balance available in the General Fund was \$7,382,127.00 while total fund balance reached \$8,860,776.00. Manager Garland stated that each year the staff of the Local Government Commission analyzes the financial statements of cities and counties to determine the amount of fund balance available for appropriation in the General Fund, and the amount of fund balance available for appropriation as a percentage of that fund's expenditures. Manager Garland stated that the staff sends letters to units if the amount of fund balance available for appropriation as a percentage of expenditures in the General Fund falls below 8%. Manager Garland stated that the County currently has an available fund balance of 48.15% of general fund expenditures (as adjusted), while total fund balance represents 57.80% of that same amount. Manager Garland stated that this is the first time that DSS has received a clean audit opinion. Commissioner Cody stated the same and further stated that a lot of hard work has been done and thanked the employees and our new Director Cris Weatherford and our Interim Director Kay Fields.

17. Manager Garland stated that she would now go to the Manager's report and stated that we are waiting on clarification of the quotes that was received for the civil work on the Cemetery and Recreation Buildings. Manager Garland stated that she might have to poll the board on the quotes when they are received. The board was fine with the poll.
18. Manager Garland stated that the county received \$210,442.99 in sales tax refunds and paired this revenue with the quarter cent sales tax for January and transferred \$230,926.60 to the NCCMT Courthouse Fund. Manager Garland reminded everyone that Davenport recommended that we have a total of \$4,000,000.00 laid aside in addition to our unrestricted fund balance before we break ground on the new courthouse.
19. Manager Garland stated that the Guardian Ad Litem program is currently recruiting for their program, which is an essential service for our foster kids to have a court advocate, and they have asked us to assist with advertising. The board gave Manager Garland a directive to advertise for the program.
20. Manager Garland stated that the recreation committee has been active and a need for new or upgraded bathrooms at our facilities was expressed. Manager Garland stated that we are currently collaborating with the Public Policy Institute of Western Carolina University in assisting us with a new Recreation Masterplan at no cost to the county. Manager Garland stated that the committee needed to make a recommendation to replace David Haney who had to step away due to work conflicts and recommended Kyle Garland. Commissioner Orr made the motion to appoint Kyle Garland to the Recreation Committee. Commissioner Eller seconded this motion. Vote unanimous.
21. Manager Garland stated that we have gotten all of the trees removed at the playground on Moose Branch Road and the contractor had to remove and re-install the fencing and it is still serviceable but looks worse for the wear. Manager Garland stated that the cost to replace the fencing for that portion of the playground is quoted at \$1,355.82. Manager Garland stated that the quote to fix the fence destroyed by the tree falling is \$1758.14. Manager Garland asks if the board wanted to move forward on fencing. The board wanted to look at the fencing and would do a poll if needed.
22. Manager Garland stated that the new 2020 Medicare Prevailing Rates are in and we need to update our ambulance fees to match. Chairman Wiggins asks if this will allow us to bill the maximum to Medicare. Manager Garland stated that it would. Commissioner Nelms made the motion to approve the 2020 Medicare Prevailing Rates for our EMS Fees. Commissioner Eller seconded this motion. Chairman Wiggins calls for a vote. Commissioners Wiggins, Orr, Eller and Nelms voted yes. Commissioner Cody voted no. Motion carried four to one.

23. Chairman Wiggins asks for public comment. Manager Garland stated that eight people had signed in for public comment. Chairman Wiggins asks Joe Deddo to speak. Mr. Deddo thanked the board for their time and stated that before the board voted on alcohol they needed to debate on what the cost is to bring alcohol into the county. Mr. Deddo stated that 28 million Americans are affected by alcohol and 28% die in car accidents due to alcohol. Mr. Deddo stated that when you add alcohol and curvy roads the 28% would go up. Mr. Deddo asks "at what cost"? Mr. Deddo stated that Andrews has booze and they are not a booming town. Mr. Deddo stated that our tourist season is from Memorial Day to Labor Day, Fontana and Tapoco already have alcohol, and they are still having a hard time remaining open. Mr. Deddo stated that if alcohol passes then bars will be going up and people will be going home drunk at 2:30 a.m., which will increase the dead bodies that the county will have to take care of. Mr. Deddo stated that the Bible states "Don't be taken by much wine" and he is saved by Grace and felt the need to ask At What Cost to our county will this bring. Mr. Deddo thanked the board for allowing him to speak.
24. Chairman Wiggins asks Carolyn Deddo to speak. Mrs. Deddo thanked the board for their time and stated that she lives in the Panther Creek Community and she is against alcohol. Mrs. Deddo stated that alcohol is a disease and we would not allow the sale of diabetes or cancer or have them on a shelf for our loved ones to get so why take a chance in Graham County for our loved ones to drink. Mrs. Deddo stated that our ancestors of Graham County wanted what was best for Graham County in not allowing the sale of alcohol.
25. Chairman Wiggins asks Lynn Kinley to speak. Ms. Kinley thanked the board for allowing her time to speak and stated that she is a broker in Graham County, a retired member of the Air Force and a member of the Prosperity Committee. Ms. Kinley stated that the issue on alcohol is getting confused some because the committee is asking the right to vote, she has served and fought for our country, and this issue has not been voted on since 1948. Ms. Kinley stated that this question is very powerful and the people need to decide on this issue and not several individuals. Ms. Kinley stated that revenue will be brought into the county with the sale of alcohol and she understands that alcoholism is a disease but it only affects a small percentage of people. Ms. Kinley stated that her husband drinks and he does not have a problem. Ms. Kinley stated that they are not asking if it is right or wrong they are asking the right to vote on the issue. Ms. Kinley stated that she chose to be here in this County and believes that we have a right to vote.
26. Chairman Wiggins asks Roger Carlton to speak. Mr. Carlton stated that in the twenty years that he has lived here he has heard a lot of arguments and heard the members of the faith based community and heard the gentleman say "At what cost" but Graham County has the lowest income in the state, the highest poverty in WNC and we are losing our young people due to a shortage of jobs. Mr. Carlton stated that we need career jobs with benefits. Mr. Carlton stated that opioids and crack are worse than alcohol and asks that the board give the people a chance to vote on whether they want the sale of beer and wine. Mr. Carlton stated that it should be county wide instead of the Town. Mr. Carlton stated the sale of beer and wine is natural to everyone. Mr. Carlton stated that we have one chain grocery store and one chain drug store only and the sale of beer and wine would affect their sales. Mr. Carlton stated that we should have a countywide vote because alcohol ended in 1948 not by (5) people but by a democracy vote. Mr. Carlton stated that it is difficult to understand why the sale was removed but for us to hesitate to allow the people to vote on an issue is not right. Mr. Carlton stated that we need to allow the issue to be on the ballot and let everyone have the right to vote.
27. Chairman Wiggins asks Ann Hagar to speak. Ms. Hager thanked the board for their time and she appreciated the help given to the Guardian Ad Litem program because there is nothing more fulfilling than working for our children. Ms. Hager stated that the committee came last October to speak on the issue and there has been a lot of research done and a lot of ground covered on this issue but the Town of Robbinsville stated that this is a county issue and not a Town one. Ms. Hager stated that the board needed to do an official poll offered by certified pollsters and look at those results then let the constituents have the right to vote.
28. Chairman Wiggins asks Aaron Bradley to speak. Mr. Bradley stated that he has lived here since 2001 and he spent six years in the Navy and one year was spent underwater and he fought for our country and the people should have the right to vote on this issue. Mr. Bradley stated that they will go back to the Town and if they postpone they will come back to the county because our voice, the people, needs to be heard. Mr. Bradley stated that he would like to know if it is a yes or a no to allowing a vote on this issue.

29. Chairman Wiggins thanked those present for their service and he appreciates our Veteran's and their sacrifices.
30. Chairman Wiggins asks Deborah Cheney to speak. Ms. Cheney thanked the board for allowing everyone a chance to speak, stated that she was a child of a functioning alcoholic, and drank until he died. Ms. Cheney stated that at no time did she blame the bottle for what her Dad did. Ms. Cheney stated that the citizens have a right to vote on alcohol sales in our community. Ms. Cheney stated that she rarely drinks but it is not her place to judge others but they do have a right to vote on the sale of alcohol. Ms. Cheney stated that she appreciates the board for listening and asks that they let the people vote as a respect to everyone.
31. Chairman Wiggins asks for approval of the Releases for \$125.29. Commissioner Eller made the motion to approve the releases as stated. Commissioner Orr seconded this motion. Vote unanimous.
32. Chairman Wiggins asks for new or old business. No new or old business.
33. Chairman Wiggins asks for a 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 Eller made the motion to go into closed session as stated. Commissioner Orr seconded this motion. Vote unanimous.
34. Chairman Wiggins asks for a motion to go into open session. Commissioner Eller made the motion to go back into open session. Commissioner Cody seconded this motion. Vote unanimous.
35. Chairman Wiggins asks for a motion to grant Laura Adams (4) days of leave without pay. Commissioner Orr made the motion to grant Laura Adams leave as stated. Commissioner Cody seconded this motion. Vote unanimous.
36. The board discussed the issues at the P&J Building with the HVAC System and agreed that more evaluation needed to be done by a third party with pictures and a report.
37. Chairman Wiggins asks for a motion to continue this meeting to Wednesday, February 19th at 10:00 a.m. to meet with the United States Forest Service. Commissioner Orr made the motion to continue the meeting as stated. Commissioner Nelms seconded this motion. Vote unanimous.

Dale Wiggins, Chairman, Graham County Board of Commissioners

Lynn Cody, Vice-Chairman, Graham County Board of Commissioners

Keith Eller, Member, Graham County Board of Commissioners

Jacob Nelms, Member, Graham County Board of Commissioners

Connie Orr, Member, Graham County Board of Commissioners

ATTEST:

Kim Crisp, Clerk to the Board