

Regular Meeting – December 21, 2021

The Graham County Board of Commissioners met Tuesday, December 21, 2021, at 5:30 p.m. in the Graham County Community Building located at 196 Knight Street Robbinsville, NC for their regular monthly meeting. Board present Keith Eller, Lynn Cody, Jacob Nelms and Dale Wiggins. Board absent Connie Orr. Also, present Manager Jason Marino, Finance Director Becky Garland and Clerk Kim Crisp.

1. Vice-Chairman Eller called the meeting to order.
2. Vice-Chairman Eller asks Commissioner Nelms to give the Invocation.
3. Vice-Chairman Eller asks Commissioner Wiggins to lead the Pledge of Allegiance.
4. Vice-Chairman Eller asks for the election of a new chair and vice-chair for 2022. Commissioner Wiggins made the motion to appoint Connie Orr as the Chair. Commissioner Nelms seconded this motion. Vote unanimous. Commissioner Wiggins made the motion to appoint Keith Eller as the Vice-Chairman. Commissioner Cody seconded this motion. Vote unanimous.
5. Vice-Chairman Eller asks for changes or approval of the agenda. Vice-Chairman Eller asks that he be in closed session under personnel. Commissioner Cody made the motion to approve the agenda. Commissioner Wiggins seconded this motion. Vote unanimous.
6. Vice-Chairman Eller asks for approval for the minutes of November 16th Workshop and Regular Meeting, November 8th Emergency Meeting and December 7th Special Meeting. Commissioner Nelms made the motion to approve the minutes as stated. Commissioner Wiggins seconded this motion. Vote unanimous.
7. Vice-Chairman Eller asks NCDOT Commissioner Dirk Cody to speak. Commissioner Cody thanked the board for their time and stated that he, Brian Burch, and Wanda Austin was here tonight to give an update on the A-9 Corridor. Commissioner Cody asks that Wanda Austin, who is the only female Division Engineer and the second one only ever to serve as District Engineer to give the updates. Ms. Austin stated that there have been no changes to the three sections of A-9 and the State is identifying permits that are needed and have submitted the roadway plan where some adjustments may be made for right of way issues, but the footprint is there. Ms. Austin stated that the Robbinsville section has been submitted and the rest will follow in January-February after working with the Utilities. Ms. Austin stated that they are working with USFS on wildlife crossings and the plans are in their hands for review. Ms. Austin asks for questions, no questions. Commissioner Cody stated their division won an award from the environmental community with excellence on a National Award for the Official 1st Wildlife Crossing in Western NC and this will be the first in the west. Vice-Chairman Eller stated that he went to Raleigh for five years and the environmentalist changed everything in 1 ½ hours that took the county five years to plan so they should have given an award. Commissioner Cody stated that he doesn't disagree, but they have a very strong voice. Vice-Chairman Eller stated that Graham County has been the only one to give up anything on this project. Commissioner Cody stated that in this issue its best to give some away rather than to receive nothing. Vice-Chairman Eller stated that was exactly what was offered to the county. Commissioner Cody asks Brian Burch to speak regarding the remaining funds from the A-9 project. Mr. Burch stated that the estimated amount left after the current section is completed is \$44M and with the Jobs Act bill they have access to add \$83M that will be used for the remaining A9 from Robbinsville to Andrews and to fund A-11 DD in Clay County where US 64 did not warrant for a four lane but did for improvements. Mr. Burch stated that there has been one complication in that the project was originally given 18.1 miles from Stecoah to Andrews and from Stecoah to Robbinsville there is 11 miles so that leaves 6.5 miles from Robbinsville to Andrews which is not enough so they will need congressional action to add miles to the project which will take some time. Mr. Burch stated that they are working to get this section added and hope the agencies such as ARC will help this be successful and he is very optimistic that this will happen. Mr. Burch stated that Chair Connie Orr sits on the ARC Board, and she has been very instrumental in helping projects move forward. Mr. Burch stated that the county would have to choose what section of the 6.5 miles would need improvements first and suggested that they look at the section just west of the Brady Curve at Ledbetter Rd because this is the least safe portion of road and they would like to allocate the 6.5 miles to this area so that the planning can get started and further stated that the money is there they just need to begin the plans, designs and construction. Mr. Burch stated that they would like to start the planning and get started while the money is available. Commissioner Cody stated that it was important for the board to know about the mileage limitations because when he got the email he had never heard of that restriction. Mr. Burch stated that he had never heard of it either. Commissioner Cody stated that NCDOT will deliver all that they can, but they must compete for funding. Vice-Chairman Eller stated that the fastest way to Andrews is through Tatham Gap. Mr. Burch stated that NCDOT does recognize this, but it would be very challenging for this to happen, and it is ideal, but he is not optimistic for that area due to the environmental challenges. Mr. Burch stated that NCDOT, with the money that is available, use it to help the people of the region where it will be most beneficial. Mr. Burke stated that safety is the concern at the area previously discussed. Mr. Burch stated that they will continue to lobby to see the entire road built. Mr. Burch stated that NCDOT would like to see

- the four lane, at Andrews, connected and if they can get Congress to give the extra funding this could be successful. Commissioner Eller asks if the commissioners agree for the improvements at Ledbetter will that exempt Tatham Gap consideration. Mr. Burch stated that he was right. Commissioner Wiggins stated that they have talked for years about the Atoah section and asks if this will be addressed again. Mr. Burch stated that Wanda Austin could better address that question but the most successful route due to the environmental is to stay on the existing as much as possible. Commissioner Cody stated that they can only go 6.5 miles until other funds are given, and the board needed to consider the area that was the least safe. Commissioner Wiggins asks if this will be a super two or a four lane. Mr. Burch stated that NCDOT must look at the traffic and make determination based on the feasibility study if a four lane is warranted. Mr. Burch stated that the area from Brady Curve to Topton would be a challenge but is suited better for a four lane. Commissioner Cody stated that he felt that the road would be a super two. Commissioner Wiggins stated that this would allow for passing lanes. Mr. Burch stated that the county would need to pass a resolution on the remaining miles that they wish to see improved.
8. Commissioner Wiggins stated that he had a question on the property at Wolf Creek where the slide was located and asks if NCDOT owns this property. Commissioner Cody stated that the school owns that property. Commissioner Cody stated that the school did own the property, but he thought at one time they were trying to sell. Vice-Chairman Eller asks if there is a motion to adopt a resolution to support the improvements for the 6.5 miles at Ledbetter. Commissioner Wiggins made the motion. Commissioner Nelms seconded this motion. Vote called Commissioners Wiggins, Cody and Nelms voted yes. Commissioner Eller voted no. Motion carried three to one.
9. Vice-Chairman Eller asks Wanda Hill, Senior Center Director to speak. Director Hill stated that she is here tonight to get permission to apply for General Purpose monies for the Senior Center for \$10,963.00 with a 25% county match of \$3,564.00. Commissioner Wiggins made the motion to allow Director Hill to apply for the funding. Commissioner Cody seconded this motion. Vote unanimous.
10. Vice-Chairman Eller asks for public comment. Vice-Chairman Eller asks Bill Flannigan to speak. Mr. Flannigan stated that the Frontier telephone company was a joke and the elderly folks in the Tuskegee area needed help. Mr. Flannigan stated that he worked for a telephone company for years and they took pride in their work but the people that is sent out to fix the service do not have a clue of what to do to fix anything. Mr. Flannigan stated that his wife has Stage 4 cancer and if they need 911 services they are out of luck because the phones in their area stay out more than they are on. Mr. Flannigan stated that his neighbor's phone has been out fourteen days and his has been out for over seven days and he called the corporate offices, and you get someone that cannot understand English and it's a damn shame, so he is asking that the board draft a letter and send to Frontier of the safety issues that they are responsible for because he is in his eightties and this ridiculous. Vice-Chairman Eller asks Director Garland if the county still has a contact person with Frontier. Director Garland stated that she no longer works there but her advice was to get a list of the people who has outages with their addresses and phone numbers, and she will send to a supervisor of Frontier or use a cellphone. Mr. Flannigan stated that the area where his lives does not have cellphone coverage. Director Garland stated that the biggest issue we face is not having the population to get the help because if enough people complain they try to resolve the issues. Mr. Flannigan stated that the contractors are getting paid \$38.00 per hour and they had the nerve to ask to use his tools. Commissioner Wiggins stated that Frontier went into bankruptcy. Mr. Flannigan stated that was correct and they paid their CEO a salary of \$495,000.00 last year.
11. Vice-Chairman Eller asks Connie Gross to speak. Ms. Gross stated that she sits on the Nantahala Regional Library Board, and they are asking the board to name a replacement for Raymond Williams. Ms. Gross stated that they have four meetings a year and currently they are held by zoom. The board asks that this be added to the January agenda.
12. Vice-Chairman Eller asks Manager Marino for the Manager's/Project Managers reporting. Manager Marino stated that the new sanitation truck that was struck by lightning was received and is currently operating as intended.
13. Manager Marino stated that the Sixth US Circuit Court of Appeals lifted the stay on the federal governments rule requiring employers with at least 100 employees ensure workers are vaccinated against the coronavirus or undergo weekly COVID-19 testing and to give employers time to comply, OSHA will not enforce any requirements under its Emergency Temporary Standard until January 10, 2022, and several appeals have been filed so this could be headed for the US Supreme Court.
14. Manager Marino stated that House Bill 334 officially allows Graham County to use the appropriated \$5M for new construction towards a Justice Center.
15. Manager Marino stated that he did not have any new updates on the CDBG Grants, and he is currently working with Alice Briggs, Withers Ravenel Consultant on administration and procurement.
16. Manager Marino stated that Martin & Slagle Geosciences, PA completed the replacement of one monitoring well at the Sheriff's Department and the second well was found to not have

sustained any damage bringing the total cost to \$4,489.38 instead of the \$7,660.00 cost that was originally quoted for two wells.

17. Manager Marino stated that EagleView High Resolution Arial Imagery had its kickoff meeting December 13, 2021, and they are currently at 50.93 hours remaining to capture the county.
18. Manager Marino stated that we are currently going through the five-year EMS Systems Plan Recertification and Ambulance 513 was completed and NCOEMS commented on its improvement. Manager Marino stated that the review of the system plan has been rescheduled for January 20, 2022, and barring any issue, recertification should be complete on that date.
19. Manager Marino gave the project manager reporting. Manager Marino stated that the RDA Moose Branch Subdivision Project is at 75% complete with the materials being stored and the construction sign has been installed.
20. Manager Marino stated that the new Cemetery Building is at 63% project complete, and the new Recreation Building is at 50% complete.
21. Manager Marino stated that the Board of Elections renovations is at 68% complete and the total framing for the bathroom remodel is at 99% complete.
22. Manager Marino stated that the Middle School 6th Grade Addition and Renovation is at 51% complete.
23. Manager Marino stated that the Little Snowbird Creek Bank Remediation and Clear and Snag are at 56% complete.
24. Manager Marino stated that the Elementary School Gym Floor is at 95% complete and the project should be completed within the next two to three weeks.
25. Vice-Chairman Eller asks for the finance reporting. Director Garland stated that the county ended the month with a \$8,821,943.33 cash balance. Director Garland stated that we are behind \$46,265.21 from this time last month but it is very explainable with the projects that are ongoing. Director Garland stated that we currently have \$2,276,298.39 in our Capital Projects NCCMT account; \$114,175.95 in our School Capital Projects account and \$266,596.10 in our American Rescue Plan Act account.
26. Director Garland stated that our tax collections for the month is \$1,136,880.05 for current year and \$13,502.95 or prior year and \$49,437.53 for DMV. Director Garland stated that our year-to-date collection is \$3,213,572.12 and our DMV is \$280,387.15 giving us a positive variance for the year of \$255,905.17 for real and \$16,150.97 for DMV. Director Garland stated that the tax collection rate is 43.82%.
27. Director Garland stated that our revenues for the month was \$2,036,893.25 and our expenditures was \$1,400,045.68 for a surplus of \$636,847.57. Director Garland stated that our year-to-date revenues was \$7,322,700.90 and our expenditures was \$7,235,139.34 for a year-to-date surplus of \$87,561.56.
28. Director Garland stated that the sales tax collection for the month was \$223,001.91 which was ahead of this time last year and we have seen a growth of 8%.
29. Director Garland stated that the past due tax collections that have been collected since 2013 is \$634,427.52 and further stated that the tax office remains diligent in their collections.
30. Director Garland stated that the ideal percentage of budget remaining should be 59% and we are holding at 63%.
31. Director Garland stated that we received an additional \$46,773.59 in American Rescue Plan funding and this funding relates to EMS and Public Health.
32. Director Garland stated that we received our 2nd year of funding from Duke Endowment for the Paramedicine Program and have used \$83,257.00 and have \$31,000.00 remaining that can be used to enhance the program. Director Garland stated that we have (30) active patients, and this program has been a blessing for our county. Director Garland stated that our EMS Director is requesting to purchase enhancements to the Tytocare system with the extra funding. Commissioner Wiggins made the motion to allow for the purchase as stated. Commissioner Nelms seconded this motion. Vote called. Commissioner Wiggins, Nelms and Eller voted yes. Commissioner Cody voted no. Motion carried three to one.
33. Director Garland stated that she needed permission to pay ImageTrend \$3762.00 with our HRSA Funds to update our medical records program which has not been updated since 2008. Commissioner Wiggins made the motion to approve the purchase. Commissioner Nelms seconded this motion. Vote called. Commissioner Eller, Nelms and Wiggins voted yes. Commissioner Cody voted no. Motion carried three to one.
34. Director Garland stated that she had received the quotes for a new dental chair of \$18,435.46 and she would need approval for this purchase. Commissioner Nelms made the motion to approve the purchase as stated. Commissioner Cody seconded this motion. Vote unanimous.
35. Director Garland stated that the sheriff department needed to replace some of the vehicles that has been damaged and she does have quotes for the vehicles to be purchased under our fleet management plan at net zero. Commissioner Wiggins made the motion to allow the changes. Commissioner Nelms seconded this motion. Vote unanimous.
36. Director Garland stated that she would need approval of a Budget Amendment #9 for the purchase of the dental chair of \$18,435.46. Commissioner Wiggins made the motion to approve as stated. Commissioner Cody seconded this motion. Vote unanimous.

37. Director Garland stated that she has Budget Amendment #7 to amend to recognize additional LINKS funding for foster youth for \$30,000.00. Commissioner Nelms made the motion to approve as stated. Commissioner Cody seconded this motion. Vote unanimous.
38. Director Garland stated that she has Budget Amendment #8 to recognize water utility assistance for DSS with LAWAP Funding in the amount of \$3,359.00. Commissioner Nelms made the motion to approve as stated. Commissioner Wiggins seconded this motion. Vote unanimous.
39. Vice-Chairman Eller asks for the discussion items. Manager Marino asks for approval of the Releases for \$878.70 and the Discoveries of \$749.13. Commissioner Nelms made the motion to approve the releases and discoveries as stated. Commissioner Cody seconded this motion. Vote unanimous.
40. Manager Marino asks Clerk Crisp to present the next items. Clerk Crisp stated that the county must adopt the newly revised 2021 Records Retention and Disposition Program Records Schedule and the 2021 Record Retention and Disposition Schedule – General Records and further stated that this is the statewide schedule that is used. Commissioner Wiggins made the motion to approve as stated. Commissioner Nelms seconded this motion. Vote unanimous.
41. Vice-Chairman Eller asks for new or old business. No new or old business.
42. Vice-Chairman Eller 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 Wiggins made the motion as stated. Commissioner Cody seconded this motion. Vote unanimous.
43. Vice-Chairman Eller asks for a motion to go back into open session. Commissioner Wiggins made the motion as stated. Commissioner Cody seconded this motion. Vote unanimous.
44. Vice-Chairman Eller asks Clerk Crisp for business from closed. Clerk Crisp asks for a motion to redesignate up to \$365,000.00 of the ARPA Funds as Revenue Loss Funds. Commissioner Wiggins made the motion to approve as stated. Commissioner Cody seconded this motion. Vote unanimous. Clerk Crisp asks for a motion to avail the Revenue Loss funds up to \$365,000.00 for all employees who are employed January 1, 2020, to June 30, 2021, and all detention employees who are employed January 1, 2020, to November 30, 2021, to receive \$1500.00 prorated by the time employed with the exception of the employees that were furloughed and to allow Transit to give \$1500.00 to their employees with the CARES ACT funds. Commissioner Wiggins made the motion to approve as stated. Commissioner Nelms seconded this motion. Vote unanimous.
45. Vice-Chairman Eller asks for a motion to adjourn. Commissioner Wiggins made the motion to adjourn. Commissioner Nelms seconded this motion. Vote unanimous.

Connie Orr, Chair

Keith Eller, Vice-Chairman

Lynn Cody, Member

Jacob Nelms, Member

Dale Wiggins, Member

ATTEST:

Kim Crisp, Clerk to the Board