

Regular Meeting – August 20, 2024

The Graham County Board of Commissioners met Tuesday, August 20, 2024, 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. Also, present, Interim County Manager/Clerk to the Board Kim Crisp, Finance Director Stacy Carpenter and Attorney JK Coward.

1. Chairman Nelms called the meeting to order.
2. Chairman Nelms asks Commissioner Cody to give the Invocation.
3. Chairman Nelms asks Commissioner Orr to lead the Pledge of Allegiance.
4. Chairman Nelms asks for changes to the agenda. Clerk Crisp asks that we add Item 6(a) Josh Carpenter – EDC; Item 10(a) Public Comment; Item 11(j) RDA Board reappointments; Item 11(k) Surplus 1999 Kenworth and 2003 Peterbilt; and continue the meeting to Tuesday, August 27, 2024, at 5:00 p.m. 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 July 16, 2024, Workshop and Regular Meeting Minutes. Commissioner Orr made the motion to approve the minutes as stated. Commissioner Williams seconded this motion. Vote unanimous.
6. Chairman Nelms asks Robert Moody, Graham County School Superintendent to speak. Mr. Moody thanked the board for their time and for the help that they have given to the school. Mr. Moody stated that paying ½ of the tech fees helped and understood that the school did not receive the 7% increase as requested in their budget, but they will be good stewards of the funds even though they are very limited in revenues. Mr. Moody stated that there are unfunded mandates, federal cuts which affect our special needs students and there are no federal, state or local grants that help keep our kids safe. Mr. Moody stated that every kid in school eats free which is another unfunded mandate leaving the school in the negative of around \$180,000.00 last school year. Mr. Moody stated that they received local dollars that helped balance their budget but there are no more impact aid funds, timber sales funds, etc. and we have been experiencing a slow bleed for many years. Mr. Moody stated that he would like to sit down with the county officials and discuss the sales tax revenue and where this money is used, he understands that these are the funds that paid the school bond and the bleachers project but what happens with the left-over funds. Mr. Moody asks if there are any funds that the school received at the end of each fiscal year. David Matheson, Assistant Superintendent stated that there are two slow bleeds that need immediate attention, one being activity buses. Mr. Matheson stated that they have found two buses that were previously ordered for someone else that can be sold to them at a discounted price. Mr. Matheson stated that our buses are beginning to rust, and they are vital to our school activities including our elementary kids. Mr. Matheson stated that they can get two buses for \$145,923.00 each and these can be financed with a 4.9% interest rate. Mr. Matheson stated that these buses are used by all students, and they are asking the board to consider helping with the purchase of these buses.
7. Mr. Moody stated that the other ask is a new elementary school. Mr. Moody stated that they were in lockdown last week due to a person walking in town carrying a shotgun and the way the school campus is spread out it cannot be completely guarded, and this is a major safety concern. Mr. Matheson stated that there are no blueprints to the building, and they have used ESSR funds to try and keep the buildings up, but they will be seeing major problems in the future. Mr. Matheson stated that they have utilized every closet and every space for classrooms, and they cannot build on at the current location. Mr. Matheson stated that they have been inquiring about purchasing property from Bart and Kay Orr which is adjacent to our high school and the asking price is \$40,000.00 per acre. Mr. Matheson stated that they have spoken to architects and feel that a seven-acre track would be sufficient for the size building that they would need. Mr. Matheson stated that the price estimate for the new school would be around \$42M Mr. Matheson stated that our number one goal is school safety and owning this property would give us greater access to protect the students, so they feel this is a win. Mr. Moody stated that he is aware that the county must build a Justice Center, and they are willing to work with the county on school funding needs.
8. Chairman Nelms asks if the maximum amount is \$42M and how confident are they that this will pay for the project. Mr. Matheson stated that they are looking at a two-story structure and the land will not require a lot of grade work. Mr. Matheson stated that some of the property is in the flood plain and they will use that area for playgrounds, parking, etc. Commissioner Orr asks where they are applying for the grant. Mr. Matheson stated that the grant is due September 13th, and they would like to pursue the purchase of the property. Mr.

Moody thanked the board for their time and stated that he appreciated all that they do for our county and wants to keep an open working relationship with them and their staff. Chairman Nelms stated that they will work with the schools.

9. Chairman Nelms asks Josh Carpenter, Mountain West Partnership EDC Director to speak. Mr. Carpenter stated that the EDC Board had reviewed seven small business applications and approved four of those applications for assistance. Mr. Carpenter stated that the investment is \$107,000.00 with (18) jobs retained. Commissioner Orr stated that the grant amount for all businesses is a total of \$6500.00 which does not come near the investments being made in our county. Commissioner Orr made the motion to award four grant applications through the EDC which will create and sustain jobs in Graham County. Commissioner Cody seconded this motion. Vote unanimous.

10. Chairman Nelms asks Bethany Leonard, Opioid Settlement Health Services Coordinator to speak. Ms. Leonard stated that she is here to give an update on the Graham County Opioid Settlement Workgroup after receiving input from the NCACC. Ms. Leonard stated that they met twice to review the areas of unspent funds and to apply those funds to other areas for succession. Ms. Leonard stated that she will present those strategies and will need approval for a Resolution by the County of Graham to direct the expenditures of Opioid Settlement Funds. Ms. Leonard read the resolution to the board:

A RESOLUTION BY THE COUNTY OF GRAHAM TO DIRECT THE EXPENDITURE OF OPIOID SETTLEMENT FUNDS

WHEREAS Graham County has joined national settlement agreements with companies engaged in the manufacturing, distribution, and dispensing of opioids; and
WHEREAS the allocation, use, and reporting of funds stemming from these national settlement agreements and bankruptcy resolutions ("Opioid Settlement Funds") are governed by the Memorandum of Agreement Between the State of North Carolina and Local Governments on Proceeds Relating to the Settlement of Opioid Litigation ("MOA") and the Supplemental Agreement for Additional Funds from Additional Settlements of Opioid Litigation ("SAAF"); and,

WHEREAS Graham County has received Opioid Settlement Funds pursuant to these national settlement agreements and deposited the Opioid Settlement Funds in a separate special revenue fund as required by section D of the MOA; and,

WHEREAS section E.6 of the MOA states that, before spending opioid settlement funds, the local government's governing body must adopt a resolution that:

- (i) indicates that it is an authorization for expenditure of opioid settlement funds; and,
- (ii) states the specific strategy or strategies the county or municipality intends to fund pursuant to Option A or Option B, using the item letter and/or number in Exhibit A or Exhibit B to identify each funded strategy; and,
- (iii) states the amount dedicated to each strategy for a specific period.

NOW, THEREFORE BE IT RESOLVED, in alignment with the NC MOA and SAAF, Graham County authorizes the expenditure of opioid settlement funds as follows:

First strategy authorized

Name of strategy: Early Interventions

Strategy is included in Exhibit A

Item letter and/or number in Exhibit A or Exhibit B to the MOA: 6

Amount authorized for this strategy: \$50,000.00

Period during which expenditure may take place:

Start date August 20, 2024, through End date June 30, 2025

Description of the program, project, or activity: funds to cover the cost of two school based .5 FTE youth support counselors contracted through HIGHTS to support youth at-risk for substance use or affected by family members' substance use disorders

Provider: HIGHTS, Inc.

Second strategy authorized

Name of strategy: Early Interventions

Strategy is included in Exhibit A

Item letter and/or number in Exhibit A or Exhibit B to the MOA: 6

Amount authorized for this strategy: \$1,000.00

Period during which expenditure may take place:

Start date August 20, 2024, through End date June 30, 2025

Description of the program, project, or activity: fund mileage reimbursement for area Social Work interns that support school-based mental health and substance use disorder response efforts.

Provider: Graham County Schools

Third authorized strategy

Name of strategy: Post-Overdose Response Team

Strategy is included in Exhibit A

Item letter and/or number in Exhibit A or Exhibit B to the MOA: 8

Amount authorized for this strategy: \$143,552.34

Period during which expenditure may take place:

Start date August 20, 2024, through End date June 30, 2025

Description of the program, project, or activity: An existing Community Linkage to Care and Post-Overdose Response program currently based at the Graham County Public Health Department that supports people who use drugs and/or with a history of drug use, and people seeking treatment and recovery, to healthcare, social services, harm reduction, and treatment; support (2) full-time staff navigators and program expenses. Coordinate referral-based outreach to overdose survivors.

Provider: Graham County Department of Public Health

Fourth authorized strategy

Name of strategy: Recovery Support Services

Strategy is included in Exhibit A

Item letter and/or number in Exhibit A or Exhibit B to the MOA:

Amount authorized for this strategy: \$4,000.00

Period during which expenditure may take place:

Start date August 20, 2024, through End date June 30, 2025

Description of the program, project, or activity: Contracted support for a clinical counselor already providing services in Graham County to expand their scope to regularly offer evidence-based substance use disorder group counseling for county residents affected by opioid use disorder and other SUDs (referred by DSS, the PORT, self-referred, etc.), for example, the 12-week curriculum Prime for Life

Provider: Gabriell Pringle-Jenkins

Fifth authorized strategy

Name of strategy: Recovery Support Services

Strategy is included in Exhibit A

Item letter and/or number in Exhibit A or Exhibit B to the MOA: 3

Amount authorized for this strategy: \$25,000.00

Period during which expenditure may take place:

Start date August 20, 2024, through End date June 30, 2025

Description of the program, project, or activity: Support WNCAP to maintain and expand harm reduction services in Graham County including providing resources for staff time and travel and to aid in the purchase and distribution of naloxone and other supplies; to overall provide support to leverage efforts already contributed to the county by this agency.

Provider: Western North Carolina AIDS Project (WNCAP)

Sixth authorized strategy

Name of strategy: Recovery Support Services

Strategy is included in Exhibit A

Item letter and/or number in Exhibit A or Exhibit B to the MOA: 3

Amount authorized for this strategy: \$34,000.00

Period during which expenditure may take place:

Start date August 20, 2024, through End date June 30, 2025

Description of the program, project, or activity: Support Cheoah Recovery Community Center, a new program currently based at Five Point Center that supports people who use drugs and/or with a history of opioid use, and people seeking treatment and recovery, to healthcare, social services, harm reduction, and treatment; support (1) .5 FTE peer support specialist and program expenses.

Coordinate referral-based outreach and stigma reduction efforts.

Provider: Five Point Center

The total dollar amount of Opioid Settlement Funds appropriated across the above named and authorized strategies is \$257,552.34

Adopted this the 20th day of August 2024.

Commissioner Williams made the motion to approve the Resolution by the County of Graham to direct the expenditure of Opioid Settlement Funds as presented. Commissioner Orr seconded this motion. Vote unanimous.

11. Chairman Nelms asks John Colwell to speak. Mr. Colwell was not present.

12. Chairman Nelms asks Don Reynolds with Valley River Humane Society to speak. Mr. Reynolds stated that he was here to discuss the new North Carolina Department of Agriculture and Consumer Services rules and regulations regarding their animal shelter. Mr.

Reynolds stated that he gave Manager Crisp a proposal for the new fencing that is required, and they are asking the county for help with the large outdoor fencing of \$52,850.00. Mr. Reynolds stated that 16% of the animals are coming from Graham County and their facility is a no kill shelter so they must keep them a minimum of (72) hours. Mr. Reynolds stated that if the animal comes in injured, they can euthanize. Mr. Reynolds stated that they take their unadopted animals and send up north and even to Canada to be adopted. Mr. Reynolds stated that they have (150) dogs and (120) cats and with no leash laws in the county the animal's population cannot be controlled so they have been receiving a lot of puppies. Mr. Reynolds is asking the county to pay \$9072.00 of the fencing cost. Mr. Reynolds stated that a representative will be back next month to make sure the shelter is complying. Chairman Nelms stated that the board would have discussion and thanked Mr. Reynolds for the information.

13. Chairman Nelms asks Stacy Carpenter, Finance Director for the monthly finance reporting. Director Carpenter stated that the county account balances as of July 31st is \$5,104,411.99 in unrestricted funds; \$590,971.34 in appropriated funds; and \$12,566,631.54 in restricted funds.
14. Director Carpenter stated that our revenues for the month is \$1,547,865.27 and our expenditures were \$1,471,600.59.
15. Director Carpenter stated that our current year tax collections is \$862,291.42 and our prior year tax collections for are \$26,844.20. Director Carpenter stated that our DMV collections was \$68,833.03.
16. Director Carpenter stated that our sales tax collection for June is \$310,385.78 and our ¼ cent collection was \$28,370.49. Director Carpenter stated that our ¼ cent collection since inception is \$1,389,075.61.
17. Director Carpenter stated that she has met with NCACC, CPAs, and LGC and the auditors will review our audit in late December or January, and they will need both fiscal years ready for review. Director Carpenter stated that she has a UAL Visit scheduled in August.
18. Director Carpenter stated that our final regs were submitted for the CDBG-NC and CDBG-CV Grants; our Department of Justice grant reports and requisitions were completed, and our ARPA Ordinance and Policies were completed.
19. Director Carpenter stated that she has a Resolution for allowable costs and cost principles for expenditure of American Rescue Plan Act Coronavirus State and Local Fiscal Recovery Funds by North Carolina Local Government for review and approval. Commissioner Orr made the motion to approve and adopt the resolution as presented. Commissioner Cody seconded this motion. Vote unanimous.
20. Director Carpenter stated that she has five policies that needed to be reviewed and approved:
 - a. Record Retention Policy Addendum: for Documents created or maintained pursuant to the American Rescue Plan Act Coronavirus State and Local Fiscal Recover Fund Program.
 - b. Eligible Use Policy Resolution
 - c. Nondiscrimination Policy Resolution
 - d. Conflict of Interest Policy Template for the American Rescue Plan Act Coronavirus State and Local Fiscal Recovery Funds

Commissioner Cody made the motion to approve the policies as presented. Commissioner Williams seconded this motion. Vote unanimous.

21. Director Carpenter stated that she did have one budget amendment for review and approval: Budget Amendment #1 – to amend the General Fund with added revenue received in the amount of \$178,324.00 for various departments. Commissioner Orr made the motion to approve the budget amendment as presented. Commissioner Cody seconded this motion. Vote unanimous.
22. Director Carpenter stated that we have been experiencing many attempted fraud activities and positive pay at the bank is working and she has made them aware and the treasury aware of these attempts.
23. Director Carpenter stated that she needed to increase the Sheriff's Drug Buy Policy from \$500.00 to \$10,000.00 for funds that can be kept and accounted for on hand. Commissioner Cody made the motion to approve the increase in the Sheriff's Drug Buy Policy. Commissioner Orr seconded this motion. Vote unanimous.
24. Chairman Nelms asks for public comment. Joe Deddo had signed in for public comment. Mr. Deddo stated that he appreciated the information on the budget; he thanked Kim Crisp for always answering the phone, her willingness to serve the people and always gives any type of information that is needed and he appreciated that. Mr. Deddo stated that he has spoken with the some of the county commissioners who are also the Board of Equalization and Review regarding his property taxes and feels that if a Graham County resident phones

a commissioner, they need to call that resident back. Mr. Deddo stated that he has had a hard time understanding the board of equalization and reviews process because he was told that he would get a letter in the mail within 30-days of his appeal, and he has yet to see the written notice and has been told by the tax assessor's office that they are still working on it. Mr. Deddo stated that he had his property divided into three parcels for his children and this caused his property taxes to increase, how, and why. Mr. Deddo stated that he called the tax office, and they told him it is because each parcel will be billed as a homesite instead of just the one large parcel. Mr. Deddo stated that he appealed his taxes and went to Raleigh to be told that he filed the appeal one day late. Mr. Deddo stated that it is hard to make a living in Graham County and he has a small campground and sells trout, but he does not make enough money to justify a \$568,000.00 bill. Mr. Deddo stated that Chris Ferris thinks that he makes a ton of money and if he presented his income tax paperwork, his property taxes would go down, well his went up. Mr. Deddo stated that the county got alcohol in, and this was presented to solve all the problems but that hasn't done anything to help. Mr. Deddo stated that his kids would love to come home and work but there are no jobs, and real estate is much too high for young people to afford a home here. Mr. Deddo stated that the county needs to consider an impact fee and charge \$10,000.00 to those that are paying exorbitant prices for property. Commissioner Orr stated that she went and visited the Deddo property and found where one of the buildings was listed as attached to the home when in fact it was not. Commissioner Orr stated that this board will work with Mr. Deddo to come up with a legal adjustment and asks that the minutes be reviewed for this property.

25. Chairman Nelms asks Katy Lynch to speak. Ms. Lynch stated that she didn't want any money from the county, and she thanked the board for their time and the effort on residents needs but she did have questions that she hoped could be answered. Ms. Lynch asks if the board has considered what will happen to the courthouse when the new one is built. Ms. Lynch asks if they have consulted with artichokes on where the new courthouse will be; have you met with city council to see what their thoughts may be and are they going to hold a public hearing. Ms. Lynch stated that the courthouse is the heart of the town and if they move it the town will go down. Chairman Nelms stated that the board has looked at several sites and the current site is on the bottom of the list, because there is not enough room at this site and where would we put the courts during the renovation. Chairman Nelms stated that the idea for the current courthouse is to move administration into the facility so it will not be empty. Chairman Nelms stated that if the elementary school is moved, the current campus would be open, but this would be years away. Chairman Nelms stated that they have looked at a total of seven sites. Ms. Lynch asks if this is public knowledge. Ms. Lynch asks that the board hold a public hearing and take the pros and cons of each of these sites. Ms. Lynch stated that the board did not have to put the jail with the courthouse, they can build onto the current sheriff's office. Chairman Nelms stated that the sheriff's office has issues too and the remodeling costs plus the costs of moving court operations has to be considered. Chairman Nelms stated if and when the new courthouse is built, the administration, tax, building inspections, register of deeds, etc. will go into that building and they have more foot traffic than the courthouse does now other than on court days. Ms. Lynch stated that the courthouse is a historical building and from the social aspect it needs to remain in town.
26. Chairman Nelms stated that the board would now go to the discussion items. Chairman Nelms asks for Releases of \$5872.94 and the Discoveries of \$3027.25. Commissioner Williams made the motion to approve the releases and discoveries. Commissioner Orr seconded this motion. Vote unanimous.
27. Chairman Nelms asks about the project manager's report. Manager Crisp stated that Jason Marino was on military leave, but he did leave his reporting for the board's review. Manager Crisp stated that the CDBG homes are finishing completion, and final paperwork was being submitted to NC Commerce.
28. Chairman Nelms asks for approval of the following polls:
 - a. Tracy Jenkins, Transit Director with pay increase and Michael Collins, Assistant Transit Director with pay increase effective August 13, 2024
 - b. Ultrasound bed for \$7066.87 for Urgent Care
 - c. Allow annual leave donation from J Colvard to G Colvard annual leave
 - d. Medical Director change with pay increase \$2500.00Commissioner Williams made the motion to approve the polls as stated. Commissioner Orr seconded this motion. Vote unanimous.
29. Chairman Nelms asks about the 911 signs for \$6,000.00. Manager Crisp stated that in previous years the current director did not budget for the signs, it was done by the finance officer and when that position changed no one knew the need to budget for the expense.

Director Carpenter stated that we do have extra funds in the Communications Budget for the signs but in the event the HVAC fails the county may have to find additional funds. The board all agreed.

30. Chairman Nelms asks for discussion on the Valley River Humane Society request for the \$9072.00 fencing. No discussion.
31. Chairman Nelms asks for a motion to surplus a 2016 Ford Interceptor Vin#3942. Commissioner Orr made the motion as stated. Commissioner Cody seconded this motion. Vote unanimous.
32. Chairman Nelms asks about the Cyber Assessment. Manager Crisp stated that the county received the Cyber Assessment Report, and they suggested that we add more hours to the team. Manager Crisp stated that the additional hours would cost \$25,000.00 which we originally budgeted for but cut during budget and asks if the board wanted to have discussion at this time. No discussion.
33. Chairman Nelms asks about REACH. Manager Crisp stated that she had a meeting with Michelle Shiptet regarding REACH and Graham County does not have an advocate at this time but needs one. The board had discussion and agreed that we do need an advocate and to assist in finding one.
34. Chairman Nelms asks for a motion to appoint Tracy Jenkins to the following boards: HCCBG Committee, Senior Center Advisory Board and SW Aging Leadership Team. Commissioner Williams made the motion to appoint Tracy Jenkins to the board as stated. Commissioner Orr seconded this motion. Vote unanimous.
35. Chairman Nelms asks for a motion to reappoint Billy Brown, Brady Cody and Connie Orr to the Rural Development Authority. Commissioner Williams made the motion to reappoint as stated. Commissioner Cody seconded this motion. Vote unanimous.
36. Chairman Nelms asks for a motion to surplus the 1999 Kenworth and the 2003 Peterbilt for scrap only. Commissioner Orr made the motion to surplus the trucks as stated. Commissioner Cody seconded this motion. Vote unanimous.
37. Chairman Nelms asks for a motion to pay Attorney Coward's bill. Commissioner Orr made the motion to approve payment to Attorney Coward. Commissioner Williams seconded this motion. Vote unanimous.
38. Chairman Nelms asks for a motion to go into closed session. Commissioner Williams made the motion to go into closed session as stated. Commissioner Cody seconded this motion. Vote unanimous.
39. Chairman Nelms asks for a motion to go back into open session. Commissioner Williams made the motion to go back into open session. Commissioner Cody seconded this motion. Vote unanimous.
40. Chairman Nelms asks for a motion to appoint Thomas Menard as the Recreation Director. Commissioner Williams made the motion to appoint Thomas Menard as the Recreation Director. Commissioner Cody seconded this motion. Vote called. Commissioner Nelms, Orr, Cody and Williams voted yes. Commissioner Eller voted no. Motion carried four to one.
41. Chairman Nelms asks for a motion to grant leave without pay to D. Cable, Deputy Tax Collector. Commissioner Williams made the motion to approve the leave without pay. Commissioner Orr seconded this motion. Vote unanimous.
42. Chairman Nelms asks for a motion to designate the right-hand side of the Greene property on P and J Road for an AG Multi-Use Center. Commissioner Williams made the motion to designate the property as stated. Commissioner Cody seconded this motion. Vote called. Commissioner Nelms, Cody, Orr and Williams voted yes. Commissioner Eller voted no. Motion carried four to one.
43. Chairman Nelms asks for a motion to continue the meeting to Tuesday, August 27, 2024, at 5:00 p.m. Commissioner Williams made the motion to continue the meeting as stated. Commissioner Orr seconded this motion. Vote unanimous.

Signature page attached!

Jacob Nelms, Chairman, Graham County Commissioner

Natasha Williams, Vice-Chair, Graham County Commissioner

Lynn Cody, Member, Graham County Commissioner

Connie Orr, Member, Graham County Commissioner

Keith Eller Member, Graham County Commissioner

ATTEST:

Kim Crisp, Clerk to the Board