

Regular Meeting – May 21, 2024

The Graham County Board of Commissioners met Tuesday, May 21, 2024, at 5:30 p.m. for their regular monthly meeting in the Graham County Community Building located at 196 Knight Street Robbinsville, NC. All board was present. Also, present Interim/County Manager Clerk to the Board Kim Crisp, Project Manager Jason Marino, Attorney JK Coward and Urgent Care Project Manager Juanita Colvard.

1. Chairman Nelms called the meeting to order.
2. Chairman Nelms gave the Invocation.
3. Chairman Nelms asks for Commissioner Orr to lead the Pledge of Allegiance.
4. Chairman Nelms asks for changes to the agenda. Clerk Crisp asks that we add Urgent Care Project Manager Juanita Colvard as Item 8A and under Item 12 we add The Hut – Scott Hatch and the Rodeo under new or old business. Commissioner Williams made the motion to approve the changes as stated and approve the agenda. Commissioner Orr seconded this motion. Vote unanimous.
5. Chairman Nelms asks for approval of the minutes for February 26th Continued Meeting; March 19th Workshop and Regular Meetings; April 16th Workshop and Regular Meetings and the April 15th Special Meeting. Commissioner Orr made the motion to approve. Commissioner Eller seconded this motion. Vote unanimous.
6. Chairman Nelms asks for a motion to close the regular meeting and open the Board of Equalization and Review Board. Commissioner Eller made the motion as stated. Commissioner Williams seconded this motion. Vote unanimous.
7. Chairman Nelms asks for approval of the April 30, 2024, Board of Equalization and Review Minutes. Member Orr made the motion as stated. Member Colvard seconded this motion. Vote unanimous. Chairman Nelms asks Brandy Cook, Tax Assessor to speak. Assessor Cook stated that she needed the board's decision on the L&O Construction and the Tumbling Waters Campground appeals. Member Orr stated that she personally visited both sites and Tumbling Waters did need a deduction for the unusable property at the creek, there is no view, the view is a rock bluff on one side and is not usable. Member Orr stated that the shed is not attached to the house so this needs to be reduced and thought some type of reduction needed to be made. Member Orr stated that for L&O Construction she advised that they do the income approach. Chairman Nelms stated that Assessor Cook must be able to justify the change. Assessor Cook stated that she did fix the value on the building and the owner separated his property causing the value to increase but she did offer to put the property back together which would reduce the value. Assessor Cook stated that the property is located on a creek. Assessor Cook stated that on the Odom's property the only income that she has is the rent from Papa's Pizza. Chairman Nelms asks that the board recuse him due to a conflict of interest. The board all agreed. The board wanted to set another meeting with the commercial appraiser to discuss. The board all agreed. Member Colvard made the motion to continue this meeting to June 3, 2024, at 5:30 p.m. Member Williams seconded this motion. Vote unanimous.
8. Chairman Nelms asks for a motion to close the Board of Equalization and Review Board and reopen the regular meeting. Commissioner Williams made the motion as stated. Commissioner Cody seconded this motion. Vote unanimous.
9. Chairman Nelms asks Urgent Care Project Manager Colvard to give the board an update. PM Colvard stated that the set date to open the Urgent Care is August 1st and Advent Health is fast tracking to have all things in place for the opening. PM Colvard stated that the Imaging Center will be opened at the same time and is very happy that our county residents will have access to this state-of-the-art equipment.
10. Chairman Nelms asks Project Manager Jason Marino to give his reporting. PM Marino stated that the board had approved for the architects to look at three additional sites and he received the cost which is \$16,200.00 for all three sites. Commissioner Orr made the motion to move forward with the additional three sites. Commissioner Williams seconded this motion. Vote unanimous.
11. PM Marino stated that the Senior Center renovations were awarded to WNC Contracting and they issued a notice to proceed.
12. PM Marino stated that our CDBG homes are under way and tracking on time.
13. PM Marino stated that the county is short \$80,000.00 on the generator but they are looking for grant money to pay for this expenditure at the senior center.
14. PM Marino stated that the bleachers are 80% complete and should be in place for graduation. PM Marino stated that the design for the permanent bleachers is underway.

15. PM Marino stated that he received the report from Fleetwood Daniels Group, LLC on the ACM Survey for the Jail. PM Marino stated that the survey shows ACM only in the bottom layer of 9" x 9" tile and mastic throughout the office areas only. PM Marino stated that he will work on a scope of work for remediation.
16. PM Marino stated that we received three quotes for the EMS Base Parking Lot and access road engineering services and after the committee scored the three companies Dockery Engineering PLLC was chosen. PM Marino stated that the board would need to award this contract to move forward. Commissioner Orr made the motion to award the EMS Paving Engineering to Dockery Engineering PLLC. Commissioner Williams seconded this motion. Vote unanimous.
17. PM Marino stated that he is working on a scope of work for the roof replacement on the Smith Howell Building and recommended that the county use an architectural shingle or standing seam metal roof.
18. Chairman Nelms asks for the finance reporting. Manager Crisp stated that she would be bringing the finance reporting this afternoon, our finance director was attending her graduating senior's event. Manager Crisp stated that she has three budget amendments for consideration and approval.
 - a. Budget Amendment #23: Redistribution of funds within the health department of \$49,500.00
 - b. Budget Amendment #24: Redistribution of funds within the health department for \$34,440.00
 - c. Budget Amendment #25: Opioid Settlement Funds as per the Resolution increasing revenue line items and expenditure line items by \$187,000.00; moving funds from Opioid Settlement Funds to General FundsCommissioner Orr made the motion to approve the budget amendments as stated. Commissioner Williams seconded this motion. Vote unanimous.
19. Manager Crisp stated that we have a Letter of Non-Compliance for FY 2023-2024 Audit Approval that needs approval from the board. Commissioner Williams made the motion to approve and send the Letter of Non-Compliance for the FY 2023-2024 Audit. Commissioner Orr seconded this motion. Vote unanimous.
20. Manager Crisp stated that we have an Amended Audit Contract for approval of \$21,945.00 with the modified date of submittal to LGC of September 15, 2024. Commissioner Williams made the motion to approve the amended contract as stated. Commissioner Orr seconded this motion. Vote unanimous.
21. Manager Crisp stated that we have reached out to Beverly Stroud to give CPA Assistance who has governmental accounting experience. Manager Crisp stated that she will work on our back reconciliation and give audit assistance and after the audit is completed, she will offer other services as well. Commissioner Williams made the motion to approve the contract with Beverly Stroud. Commissioner Orr seconded this motion. Vote unanimous.
22. Chairman Nelms asks for public comment. Chairman Nelms asks Cal Wiederholt to speak. Mr. Wiederholt stated that he lives in the Stecoah area and presented pictures to the board to review. Mr. Wiederholt stated that we have a beautiful town to live in, but the roadside junkyards are beginning to increase. Mr. Wiederholt stated that the junkyard on Lower Yellow Creek is stacked up and sits three feet from the highway which is a safety concern. Mr. Wiederholt stated that this person collects used appliances, burns plastic and has threatened people who have said something to him. Mr. Wiederholt stated that it is illegal to store garbage on the highway, it is a health hazard, and it is highly toxic. Mr. Wiederholt stated that there is no solution because we do not have an ordinance that takes care of these issues. Mr. Wiederholt stated that something needed to be done by this board. Commissioner Orr stated that they have received other complaints regarding junkyards but some of these people have permits. Chairman Nelms stated that it is not appealing and asks if NCDOT had been contacted due to the location being in the right of way. Attorney Coward stated that right of ways all differs and can only be as wide as the road. Commissioner Orr stated that we do not have ordinances, but we can protect if it is a health issue. Mr. Wiederholt stated that he knows all about Graham County and he realizes we do not have an HOA. Chairman Nelms stated that she understands the concern for safety and realizes that this is in more than one location, it is not very appealing, but our private rights are valued here. Attorney Coward asks that Chairman Nelms contact NCDOT concerning the right of way. Chairman Nelms stated that this board will do all that they can to regulate any safety concerns.
23. Chairman Nelms stated that the board would now go to the discussion items and asks a motion to approve the Releases \$49,019.80 and the Discoveries of \$3,954.88. Commissioner Cody made the motion to approve as stated. Commissioner Orr seconded this motion. Vote unanimous.

24. Chairman Nelms asks the board to approve the payment to NC Retirement Plan for \$15,805.52, an employee that had been erroneously left off the retirement. Commissioner Orr made the motion to pay the amount due to employee error. Commissioner Williams seconded this motion. Vote unanimous.
25. Chairman Nelms ask for approval of the following polls:
 - a. Elliott Brothers Library HVAC \$10,503.77
 - b. Radios for new ambulances \$12,693.09
 - c. Permission to allow Chair to have discussion with D. Cody on property acquisitionCommissioner Orr made the motion to approve the polls as stated. Commissioner Williams seconded this motion. Vote unanimous.
26. Chairman Nelms asks for the appointment for a new recreation board with members Scott Orr, Amber Watkins, Krystina Ford, Natasha Williams, Josh Reap, Brandon Lovin, Brook Haney, Thomas Menard and Hunter Jones as Recreation Director. Commissioner Orr made the motion to appoint the new recreation board as stated. Commissioner Cody seconded this motion. Vote unanimous.
27. Chairman Nelms asks for the reappointment of Melissa Blevins to the TAB Board. Commissioner Orr made the motion for the reappointment as stated. Commissioner Williams seconded this motion. Vote unanimous.
28. Chairman Nelms asks for a motion to approve the formation of a Broadband Board with the following potential nominees: Business Owner, Travel and Tourism; County Government, Stecoah Representative, Tuskegee Representative, Snowbird Representative, Educator, Fontana Representative, Realtor, Town Council, GREAT and Southwestern Commission Representative. Commissioner Williams made the motion to approve the formation of the Broadband Board. Commissioner Orr seconded this motion. Vote unanimous.
29. Chairman Nelms gave a reminder of a Regional Broadband Meeting Wednesday, June 5, 2024, at 10:00 a.m. in Sylva.
30. Chairman Nelms asks Michelle Shiplet to speak. Ms. Shiplet stated that she was here asking the board to consider leasing some of the county property on Fort Hill for her food distribution to keep traffic from jamming at the intersection of Fort Hill. Ms. Shiplet presented a rough drawing of the potential site and asked for one-half acre. Ms. Shiplet stated that the road would be gravel and hopefully in the future they would be able to pave the area. Attorney Coward stated that a lease is possible for the property and the cleanest way to allow for the usage of the property. Chairman Nelms stated that he did not see a problem with the request we would need a proposed layout for waterlines, powerlines, easements, etc. Chairman Nelms asks if Matt Shiplet could come up with a scope of work for the project. Ms. Shiplet stated that she would ask.
31. Chairman Nelms asks for new or old business. Chairman Nelms stated that we have a rodeo that is interested in coming to the county and they are asking permission to use the property across from the recreation building. Commissioner Williams made the motion to approve the request. Commissioner Orr seconded this motion. Vote unanimous.
32. Chairman Nelms discussed "The Hut's proposed location in front of the Urgent Care building. The board did not agree to this location. The board wanted a scope of work and to see the plan for the reassembly and the approximate amount of property needed.
33. Chairman Nelms asks for further comment. The board had discussion on the Gladdens Creek Dumpster site and the garbage that is being thrown on the ground now that the cans are gone. Commissioner Orr stated that she had a request from some senior citizens that the cans be lowered to accommodate the elderly. Director Colvard stated that Gladdens Creek is not feasible to remain open budget wise with the other site being located three miles away. Commissioner Orr stated that she wanted real numbers of what it is costing the county to close these sites and asks that this site be manned. Director Colvard stated that the board would need to determine how many days a week they want the site opened, if they want the site manned, etc. before the cost can be determined. Director Colvard stated that Bryson City has one dump site, and they did all the studies, and this works plus they make enough money to support the sanitation department. Commissioner Orr stated that most counties are not Graham County. Attorney Coward stated that you can start to impose fines and garnish wages on people who will not pay the fines. Commissioner Williams stated that in some places if you do not pay, you can block tags. Director Colvard stated that all Cherokee Counties sites are now manned. Director Colvard stated that with the manned sites, you can control the recyclables better and bring revenue into the county.
34. Chairman Nelms asks for a motion to go into closed session. Commissioner Williams made the motion to go into closed session as stated. Commissioner Orr seconded this motion. Vote unanimous.

35. Chairman Nelms asks for a motion to go back into open session. Commissioner Williams made the motion to go back into open session. Commissioner Orr seconded this motion. Vote unanimous.
36. Chairman Nelms asks for a motion to add Northwestern Vehicles to the no bid list due to the cancellations of our ambulances without notice. Commissioner Williams made the motion as stated. Commissioner Orr seconded this motion. Vote unanimous.
37. Chairman Nelms asks for a motion to adjourn. Commissioner Williams made the motion to adjourn. Commissioner Orr seconded this motion. Vote unanimous.

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