

Regular Meeting – September 17, 2024

The Graham County Board of Commissioners met Tuesday, September 17, 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, Project Manager Jason Marino and Attorney JK Coward.

1. Chairman Nelms called the meeting to order.
2. Chairman Nelms asks Commissioner Cody to lead the Invocation.
3. Chairman Nelms asks Commissioner Orr to lead the Pledge of Allegiance.
4. Chairman Nelms asks for approval of the agenda. Commissioner Williams made the motion to approve the agenda as presented. Commissioner Orr seconded this motion. Vote unanimous.
5. Chairman Nelms asks for approval of the minutes for July 29th Special Meeting; July 29th Emergency Meeting; August 20th Workshop and Regular Meeting and August 27th Continued Meeting. Commissioner Eller made the motion to approve the minutes as stated. Commissioner Orr seconded this motion. Vote unanimous.
6. Chairman Nelms asks for a motion to close the regular meeting and open the public hearing for the 5311 Capital Transit Grant and the 5310 Senior Center Grant. Commissioner Williams made the motion as stated. Commissioner Eller seconded this motion. Vote unanimous.
7. Chairman Nelms asks Tracy Jenkins and Melissa Crisp to speak. Director Jenkins stated that she was here requesting permission to apply for the Section 5311 (ADTAP) Administrative /Combined Capital state funding. Director Jenkins stated that the Community Transportation Program's assistance to coordinate existing transportation programs operating in Graham County as well as provides transportation options and services for the communities within this service area and these services are currently provided using demand response and trip referrals and services are rendered by utilizing Graham County Transit Fleet vehicles. Transit Director Jenkins stated that the total amount of the request is \$112,516.00 with a local match of \$16,879.00 which is a (15%) match for the 5311 Administrative and \$56,347.00 with a local match of \$5,636.00 which is a (10%) match for the combined Capital for a total project of \$168,863.00 with a local share of \$22,515.00. Director Jenkins asks for public comment. No public comment.
8. Senior Center Deputy Director Crisp stated that she was here requesting permission to apply for the Section 5311 (ADTAP) 5310 Capital Purchase of Service Community Transportation Program Applications to be submitted to the North Carolina Department of Transportation which provides assistance to coordinate existing transportation programs operating in Graham County as well as provides transportation options and services for the communities within this service area and these services are currently provided using demand response and trip referrals by utilizing Graham County Transit System fleet vehicles. Senior Center Deputy Director Crisp stated that the total amount of the request is \$94,686.00 with a county contribution of \$9,470.00 which is a required 10% match. Deputy Director Crisp asks for public comment. No public comment.
9. Chairman Nelms asks for a motion to close the public hearing and reopen the regular meeting. Commissioner Orr made the motion to approve the motion as stated. Commissioner Cody seconded this motion. Vote unanimous.
10. Chairman Nelms asks for a motion to approve the 5311 Community Transportation Program Application, and the 5310 Capital Purchase of Service Community Transportation Program Application as presented. Commissioner Williams made the motion to approve the program submissions as requested. Commissioner Cody seconded this motion. Vote unanimous.
11. Deputy Director Crisp stated that she is needing to purchase shelving for their storage area, and they do not have all the funds to pay for the \$14,944.00. Director Crisp stated that she did speak with Triple A, and they have not given her the total amount that they can assist with so she will let the board know that sum when she receives it.
12. Chairman Nelms asks Don Reynolds with Valley River Humane Society to speak. Mr. Reynolds stated that he was here last month requesting help with fencing at the Humane Society of \$8450.00. Mr. Reynolds stated that Graham County utilizes around 15% of the services and the county is not contributing that amount at this time. Mr. Reynolds stated that they needed to do another contract with Graham County, they do have an old one, but it is outdated. Mr. Reynolds stated that they must maintain the shelter by state guidelines and that takes money. Mr. Reynolds stated that they are a no kill shelter, and they send most of the animals up north and into Canada. Mr. Reynolds stated that they are requesting that the

county go back to the same contribution as before but currently they need the money for the fending. Mr. Reynolds stated that they receive a lot of donor contributions of which they are grateful, and they do write grants, but it takes a lot of money to run the day-to-day operations. The board agreed to review the contract.

13. Chairman Nelms asks Interim Health Director Donna Stephens to speak. Director Stephens stated that she has four new fee schedules for the board's review and approval. Director Stephens stated that these codes are due to the new procedures that are being performed at the clinic now that we have full time providers. The board reviewed the fees as presented. Chairman Nelms asks for a motion to approve the following fees:
 - a. EKG \$25.00
 - b. Removal of Impacted Ear Wax \$32.00
 - c. Aspiration and Injection for treatment of Bone Cyst \$150.83
 - d. Preventative Medicine Services \$35.46

Commissioner Williams made the motion to approve the fees as presented. Commissioner Orr seconded this motion. Vote unanimous.

14. Director Stephens stated that when she started working for the county the Opioid Settlement Strategic Planning was already in motion and once presented to the state some of the expenditures was not approved so her department is having to make up the difference in the settlement without repayment to her budget. Director Stephens is asking that the board make up the loss of the \$35000.00 repayment so that she will be able to hire a staff position that she lost last year. Director Stephens stated that the staff position is needed to assist the providers. The board asks that they look at the budget and the occurrences regarding the settlement and then they will provide an answer.
15. Director Stephens stated that the last thing is the staff of the Health Department's morale is very low due to the lack of merit raises with the last one being in 2021 and they would like to request that the county increase the holiday schedule to include extra days in July and December. Director Stephens stated that in the past the county gave one week in July and one week at Christmas and they would like to request that schedule be reinstated.
16. Chairman Nelms asks Anita Holder to speak. Ms. Holder stated that she lives in Stecoah on Hwy 128 along Corridor K, and she wanted to ask the commissioners why they would ask for money for a multi-use walking path/bicycle path be installed in the Stecoah straight, one of the most dangerous locations in that area. Ms. Holder stated that her father served as a commissioner for the county, and he always voiced his opposition of wasteful spending, and she has a petition signed by many residents stating that they did not request this path. Ms. Holder stated NCDOT will not take the petition and stated that the decision was made in the planning stage, but she disagrees, none of the maps that she reviewed showed this path at any time. Ms. Holder stated that March 17, 2020, Commissioner Cody sent a letter requesting this bike lane and sidewalk and he reached out to Brian Burch with NCDOT, and they are spending one half million dollars on a path that will be torn up when the road construction begins, and this makes no sense. Ms. Holder stated that the motorcycles use this straight for racing as well as the cars and to add a temporary walking path in this area is careless and dangerous. Ms. Holder stated that that are three concerns: 1. The walking/bike path is going to be located on the busiest road in Stecoah and even more so while construction is being done; 2. This is a safety issue because they plan to have a split rail fence between the road and the trail and when the permanent trail is installed what prevents walkers or bike riders from falling into the creek and; 3. We are supposed to be good stewards of our money and this is not spending money wisely. Ms. Holder stated that this board is supposed to remain transparent, and she wanted the answers from Commissioner Cody on who are the walkers that requested the path and where are these supposed walkers walking. Commissioner Cody stated that people walk Hyde Town Road and Stecoah Road everyday and he did ask Brian Burch for the path because he has adults walking and riding bikes every afternoon and they come by his house on Hwy 28, and we do not have sidewalks anywhere in Stecoah for them to ride and walk. Ms. Holder stated that the county participated in the Gateway Robbinsville Plan and Stecoah Valley Center is named as the area for a walking path. Commissioner Cody stated that not all residents wanted to utilize the Stecoah Valley Center. Ms. Holder asks that the board say no to this proposed walking/bike path.
17. Chairman Nelms asks Thomas Menard to speak. Clerk Crisp stated that Mr. Menard could not make the meeting, but he was asking permission to purchase insurance for a rodeo event, but the money was given to the recreation department by donations.
18. Chairman Nelms asks Project Manager Jason Marino to give the project management report. PM Marino stated that there are no changes to the Justice Center at this time.
19. PM Marino stated that our two CDBG homes are now finished, and the certificate of occupancy was issued in August and the contractor assisted the owners with moving into

their homes. PM Marino stated that the board would now bid out for two more low to moderate income homes. PM Marino stated that they are still dealing with the rising costs of materials and has applied for more funding to assist.

20. PM Marino stated that the Senior Center Kitchen Expansion is close to completion with their walk-in refrigeration units and new shed for their dry good. PM Marino encouraged the board to go and see the new addition that will enhance our senior center meal and jail meal preparations.
21. PM Marino stated that the design bid document is underway for the Big Oaks Stadium permanent bleachers.
22. PM Marino stated that the Graham County Jail Asbestos and Lead Based Paint is up for bid and a pre-bid conference will be held on the 24th.
23. PM Marino stated that the EMS Paving Project design is underway, and he is working with Dockery Engineering on the bid document and a rough estimate is \$469,600.00 for the paving.
24. PM Marino asks for questions or comments. No questions or comments.
25. Chairman Nelms asks Finance Director Stacy Carpenter to give the finance reporting. Director Carpenter presented the board with a report outlining our account balances stating that these accounts are not up to date on reconciliations, and these are the actual bank statement totals. Director Carpenter stated that our revenues for the month was \$932,286.29 and our expenditures was \$2,096,131.37. Director Carpenter stated that our tax collection for the month was \$552,231.18 and our prior year was \$43,358.42. Director Carpenter stated that our tax collection rate to date is 15.88%. Director Carpenter stated that we have collected \$61,208.06 in DMV. Director Carpenter stated that our sales tax collection was \$303,075.48 and our ¼ sales tax collection was \$30,648.96.
26. Director Carpenter stated that she is having meetings each week with the NCACC, our CPA's and LGC to review the fiscal year ends in preparation of audit completion.
27. Director Carpenter stated that we do have a UAL visit scheduled.
28. Director Carpenter stated that regarding the opioid settlement repayment and the potential new hire the board can choose which option to take.
 - a. Option A. Cover the shortfall of \$54,728.18 and do not hire the position, or
 - b. Option B. Provide the savings from the providers overage and allow for the hire.Commissioner Williams made the motion to go with Option B and fill the position since it is a needed position. Commissioner Cody seconded the motion. Vote unanimous.
29. Director Carpenter stated that she did have one amendment for the board's review. Amendment #2 to amend the general fund the estimated revenues and to amend the general fund for appropriations in the amount of \$336,357.77 decrease and \$420,036.45 increase of appropriations and decrease of \$27,447.66 and increase of \$111,126.34 of estimated revenues. Commissioner Cody made the motion to approve Amendment #2 as presented. Commissioner Orr seconded this motion. Vote called. Commissioners Nelms, Orr, Cody and Williams voted yes. Commissioner Eller voted no. Motion carried four to one.
30. Director Carpenter stated that we received one fraud attempt last month and the positive pay intercepted so it is doing its job.
31. Chairman Nelms asks for public comment. Mabelle Crisp stated that she signed in. Chairman Nelms asks Ms. Crisp to speak. Ms. Crisp stated that she submitted a public records request in May and was assured by Attorney Coward that she would get her documents and so far, she has not. Ms. Crisp stated that she has received ¼ of what she requested, and she will take a civil lawsuit against the county to get the information. Attorney Coward stated that the request was not minor, and it will take some time to produce all the information requested. Ms. Crisp stated that she has waited four months. Attorney Coward stated that he and Kim Crisp had worked on the request, and some have been produced if not all but there is only so much time to do this type of massive request and it would take three to four (8) hour days to complete the request and the staff is shorthanded. Attorney Coward stated that you just can't snatch documents without analyzing to see if they are indeed a public record because there are exceptions to the request, and you are asking finance to produce all the expenditures and revenues for multiple years up to present. Interim Manager Crisp stated that more information was sent today by Katie Beasley. Ms. Crisp stated that she did not receive it, and you can just click a button and produce the information that she is requesting. Chairman Nelms stated that he would lean on council to let the staff know what is confidential and what can be released. Attorney Coward stated that they will work on the request, but it will not be overnight.
32. Chairman Nelms stated that the board would now go to the discussion items. Chairman Nelms asks for approval of the Releases \$4,664.62 and the Discoveries \$348,405.97. Commissioner Orr made the motion to approve the Releases and Discoveries as stated. Commissioner Williams seconded this motion. Vote unanimous.

33. Chairman Nelms asks for approval of the new lease for the Graham County Fire Department. Commissioner Williams made the motion to approve the lease. Commissioner Orr seconded this motion. Vote unanimous.
34. Chairman Nelms asks the board if they wanted discussion on the request to Ban the Release of Helium Balloons. No comments.
35. Chairman Nelms opened the bids for the surplus vehicles. All bids were opened, and the highest bidder was Blake Cable for the 2013 Dodge Charger; 2013 Ford Taurus; 2014 Dodge Caravan; 2015 Dodge Charger. Commissioner Williams made the motion to approve the highest bids from Blake Cable. Commissioner Orr seconded this motion. Vote unanimous.
36. Chairman Nelms asks for approval of the following polls:
 - a. Approve possible match on grant for Five Point Renovation
 - b. On-Call Social Workers pay
 - c. Deny purchase of property from school
 - d. Approve resolution supporting new elementary schoolCommissioner Cody made the motion approve the polls as stated. Commissioner Williams seconded this motion. Vote unanimous.
37. Chairman Nelms thanked the following local business owners for their donations of service to the Big Oaks Stadium.
 - a. Adams Contracting \$207,300.00
 - b. K&B Land Clearing \$202,050.00
 - c. Lovin Contracting \$173,700.00
38. Chairman Nelms asks for new or old business. Chairman Nelms asks for a motion to approve the expenditure of the retirement contributions for T Crawford that was erroneously not reported and paid of \$5148.80. Commissioner Orr made the motion to pay the contribution due to the employee being told not to contribute by a previous employee. Commissioner Cody seconded this motion. Vote unanimous.
39. Commissioner Cody gave a shout out to the Senior Celebration held in Swain County and stated that we had a wonderful time celebrating with our senior.
40. Chairman Nelms asks for the 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 Williams made the motion to go into closed session as stated. Commissioner Orr seconded this motion. Vote unanimous.
41. Chairman Nelms asks for a motion to go back into open session. Commissioner Cody made the motion to go into open session. Commissioner Williams seconded this motion. Vote unanimous.
42. Chairman Nelms asks for a motion to grant leave without pay to H Greene. Commissioner Cody made the motion to grant the leave without pay. Commissioner Williams seconded this motion. Vote unanimous.
43. 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