

Regular Meeting – October 18, 2022

The Graham County Board of Commissioners met Tuesday, October 18, 2022, 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 Manager Jason Marino, Finance Director Becky Garland, Attorney JK Coward and Clerk Kim Crisp.

1. Chair Orr called the meeting to order.
2. Chair Orr asks Commissioner Nelms to give the Invocation.
3. Chair Orr led the Pledge of Allegiance.
4. Chair Orr asks for changes to the agenda. Clerk Crisp stated that she had made changes to the agenda that was sent out last week, but she did send the updated agenda to the individuals on the sunshine list. Chair Orr asks for approval of the agenda. Commissioner Nelms made the motion to approve. Commissioner Cody seconded this motion. Vote unanimous.
5. Chair Orr asks for approval of the September 20<sup>th</sup> Workshop and Regular Minutes and the October 7, 2022, Emergency Meeting. Commissioner Wiggins made the motion to approve. Commissioner Nelms seconded this motion. Vote unanimous.
6. Chair Orr asks Bonnie Price with the Saddle Club to speak. Ms. Price thanked the board for the opportunity to speak, she has been around horses for forty years and she and her daughter participated in rodeos in their small hometown in Florida. Ms. Price stated that our youth need something to do in this community and she saw a need but didn't know the solution until she met with Chase Lancaster. Ms. Price stated that Chase Lancaster got a rodeo together on his own and with permission from Dirk Cody to use the old rodeo arena area was able to host a rodeo that (1500) people attended, and it was like that both nights of the event. Ms. Price stated that our horse riders must travel to other counties and states to participate in events and she is willing to work to have these events here in our county. Ms. Price stated that she needed help and she had spoken with Dirk Cody who owns the old riding arena, and he was gracious to agree to allow us to use the old riding arena. Ms. Price stated that some of our youths are already involved in barrel racing and these type events bring in a lot of money. Ms. Price stated that Swain County received a grant from Goldenleaf for \$130,000.00 which paid a portion of their arena and then the community raised the remaining funds up to \$250,000.00 and they have a beautiful park. Ms. Price stated that our schools could have a club for equestrian students because not every child play sports. Ms. Price stated that they can host events, therapeutic therapy riding for our veterans, our abused women and children and law enforcement officer injured in the line of duty. Ms. Price stated that we could have a Graham County Fairground. Ms. Price stated that high school students in other areas receive scholarships for equestrian and our kids deserve a place to ride. Commissioner Nelms asks how big the arena is in Swain County. Randy Collins, Extension Office Director stated that he believed their building is 200 x 110 and they have around five acres of land, but Macon County's grounds are not that large and they have had a fairgrounds for twenty years. Director Collins stated that other things can be done such as horticulture in addition to animals and he would love to see something like that here in our area. Commissioner Nelms stated that we needed to put a committee together. Chair Orr agreed. Commissioner Cody stated that he used to ride, and they used an arena on Sweetwater Road and they competed and traveled but the program just went away. Commissioner Cody stated that this would be great to have, and it is a great opportunity for our kids to learn about horses and/or other animals. Chair Orr thanked everyone for bringing this to the board and they know that our youth need things to do, and she has ridden before and further thanked Chase Lancaster for his work in getting a rodeo. Chase Lancaster stated that he is in the process of having another one in March 2023 that will be bigger and better. Chair Orr stated that we needed to get a committee together so that this can move forward. Chair Orr stated that Southwestern Commission is administering our economic development here in the county and she would reach out to them as well for possible grant funding. Commissioner Eller agreed. Commissioner Wiggins stated that this was a great idea, and he would do anything to help and they need a path forward. Commissioner Nelms was asked to chair this committee and asks that volunteers get with him and get this moving forward. Nikki Stewart stated that she hopes they can form Future Farmers of America through our school system and stated that a letter of support from the county would be welcomed and with our agriculture program we have had a lot of students interested plus the kids in 4-H and Extension Office. Ms. Stewart stated that our carpentry class could help in the project as well and this will give our children a chance to be involved in a program through school. Ms. Stewart stated that she is a teacher assistant now but has applied for an Agricultural Teacher with the high school where she could head the Future Farmers of America. Ms. Stewart thanked David Matheson for his support as well. Chair Orr thanked everyone for coming and looks forward to working together with them.
7. Chair Orr asks Jennifer West, Stecoah Valley Center Executive Director to speak. Director West stated that she is here to discuss the gymnasium building roof which was built in the 1950's and

is beginning to get into rough shape. Director West stated that the total cost of restorations needed is \$98,030.00 and they have received \$62,714.00 in grant funding and the center has spent \$25,316.00 so they are still short some funds to replace the roof. Director West stated that they are requesting support of \$10,000.00 from the Board of Commissioners which will be a special request. Director West stated that this building is an integral part of the Stecoah Valley Center Campus and is used for weekly food distribution, afterschool programs, meeting rooms and commercial kitchen use. Director West thanked the board for their consideration in this request. Commissioner Wiggins stated we needed to fix it. Commissioner Cody asks when the project is scheduled to start. Director West stated in three to four weeks. Commissioner Nelms stated that we needed to preserve our buildings and Stecoah Valley Center has done their part in spending their money. Chair Orr stated that the board would have further discussion and get back with Director West.

8. Chair Orr asks Tony Millsaps to speak. Mr. Millsaps stated that he was here to discuss Deyton Camp Road. Mr. Millsaps stated that he and the other landowners want to close one-half of the road due to safety concerns. Mr. Millsaps stated that the State gave them a petition to sign and then told him he would need to go before the board of commissioners. Mr. Millsaps stated that all the property owners have signed the petition and there is no need for the public to use this section of the road as a drive through. Mr. Millsaps stated that the State would remove this section from their maintenance. Mr. Millsaps stated that the school had stopped allowing a school bus to take this road due to area being so close to the lake and after the accident on Franks Creek they eliminated this stop as a safety precaution. Mr. Millsaps stated that the properties on the west side of the road would be affected, and all owners have signed the petition and agreed. Commissioner Nelms asks if all agree. Mr. Millsaps stated that the property starting at the stop sign to his lot will be blocked for public access, Larry Hooper's property is on the east side of the road, but he will have access from the east side. Chair Orr asks what the next steps were. Mr. Millsaps stated that NCDOT Andy Russell told him that the board would have to pass a resolution to close off this portion of the road and then it will be removed from NCDOT Maintenance. Chair Orr asks if the closure is on the west side. Mr. Millsaps stated that was correct. Commissioner Eller asks if anyone was opposed. Mr. Millsaps stated no, and they will close the access at Larry Hooper's driveway which is where his property is located. Mr. Millsaps stated that the road is very close to the lake and there are no guardrails in place, and it is a gravel road. Mr. Millsaps stated that this is what they want, they are tired of eating dust all the time and it needs to be closed. Commissioner Wiggins stated that if everyone is in agreement then he did not see a problem. Chair Orr asks for a motion to close the west side of Deyton Camp Road to the end of Tony Millsaps property. Commissioner Nelms made the motion as stated. Commissioner Eller seconded this motion. Vote unanimous. Mr. Millsaps thanked the board for allowing this closure.
9. Chair Orr asks Jeff Knight with the Sheriff's Department to speak concerning vehicles. Detective Knight was joined by Graham Page, Joseph Jones and Matt Cox, our departments narcotic officers. Detective Knight stated that he worked for twenty years at Graham County Schools and the Saddle Club is great because not every kid is an athlete or plays an instrument so this is an opportunity for kids to be taught how to love and take care of animals responsibly and thought that this would be a benefit for law enforcement down the road. Detective Knight stated that the narcotics division has been busy, and they are not here to ask for one penny of taxpayer money but would like to utilize the funds in the Drug Trust Fund Account which currently has around \$24,000.00 and has an estimated growth of up to \$250,000.00 due to the recent drug arrests. Detective Knight stated that this is a dedicated account that can be used in a variety of ways, training, purchase equipment, drug programs and to purchase vehicles. Detective Knight stated that would like to purchase two vehicles that will be used in the Narcotics Regional Task Force. Detective Knight stated that other counties use their vehicles in our county, and we would do the same for them. Commissioner Eller stated that he did not have a problem with the purchase but asks why not wait until the election, a new sheriff will go in and he may not want those type vehicles. Detective Knight stated that he had talked to both of them, and they both agreed. Detective Knight stated that we need necessary tools to make these drug busts and not one person in this room has not been affected by overdose or addiction. Detective Knight stated that they cannot stop the drugs, people will find a way to get them. Detective Knight stated that the fund already exists, and they were told they had to get permission to spend the money. Chair Orr stated that whichever Sheriff takes office may want a particular type of vehicle and waiting is a show of respect for their approval. Detective Knight stated that he was not trying to be rude, but they cannot wait a couple more weeks to get these vehicles. Commissioner Nelms asks if the vehicles are found. Commissioner Wiggins stated that once the vehicles are found then that pricing is what the board approves. Chair Orr asks what the vehicles will be used for. Detective Knight stated that one will be undercover, and one will be a K-9 vehicle. Detective Knight stated that this topic has come up before and this is not the first time this request was brought to the board, he is under the impression it was a standing order to take to the board and this has already been addressed. Finance Director Garland stated that the money is not the issue the cost must be pre-audited, and the amount is over her spending limit and this is why it

comes before the board. Director Garland stated that the sheriff has his money and can spend it on whatever he wants but the expenditures have to be pre-audited prior to the actual transaction. Director Garland stated that it is her statutory requirement to pre-audit and if a transaction is not pre-audited, she is not allowed to write the check but is then required to take the expenditure to the board. Detective Knight thanked the board for their time.

10. Chair Orr asks Roger Bartlett, Western Builders Inc. to speak. Mr. Bartlett thanked the board for their time and wanted to discuss the Middle School Project. Mr. Bartlett stated that they are approximately 90% complete, had some delays in July which has caused an increase in their General Conditions, and he wanted to come in person and explain to the board why. Mr. Bartlett stated that he had received a (250) day extension because they could not get the pipes, the concrete and ran into bad soil. Mr. Bartlett stated that the general conditions needed to be extended by (6) months and this will include fees for Superintendent and Project Manager, Insurances had to be renewed, and other fees such as utilities, dumpster fees, clean-up fees, equipment, gas for trucks, rental equipment and more. Mr. Bartlett stated that there had been some changes that included benches so the kids could charge their iPhone, tablets, etc. and this is difficult for WBI to absorb these unknown costs. Mr. Bartlett stated that the change order is \$88,928.00 and then the extra costs just mentioned. Commissioner Nelms asks if \$150,000.00 including the change orders would be enough. Director Garland stated that the school has exhausted all means with DPI and the county share is 25% on that money. Director Garland stated that the county did pay off the QZAB so there are extra funds that could be used from the sales tax that would have gone to the QZAB note or the board can do a reversion to the schools allotment, our funding covers capital outlay. Commissioner Nelms stated that the school needed to get all the funds that they can. Commissioner Cody stated that he agreed. Manager Marino stated that he did speak with Superintendent Dr. Angela Knight, and she did ask DPI and was turned down but at the same time Cherokee County Schools just received \$50 million dollars for their school so he will ask that she reach out again. Chair Orr thanked Mr. Bartlett for coming to the board. Mr. Bartlett stated that Graham County was good people to work for.
11. Chair Orr asks that Manager Marino give the manager's and project manager's report. Manager Marino stated that there were no new updates with the USFS Plan Objection.
12. Manager Marino stated that on our CDBG projects our procurement was complete for surveying, environmental and legal services on our grant and we should be seeing movement and we did get confirmation today that NC Department of Commerce approved us to proceed with sole procurement of a qualified housing rehabilitation specialist and begin negotiation of an agreement with the single respondent Currituck Homes. Manager Marino stated that he is working with Commerce on getting approval for a design/build contract for the senior center; Grace Place is on her third round of bids and our EMS has ordered their state-of-the-art training mannequin.
13. Manager Marino stated that he received notification that our dental clinic received a grant from Dogwood Trust in the amount of \$36,870.92 to replace their remaining two dental chairs and units.
14. Manager Marino stated that we applied for ARPA Advantage grant for low-income housing in May for \$500,000.00 and Southwestern Commission working with Dogwood Trust and Director Becky Garland received notification of approval so this will give us our remaining monies to repair low-income homes and is estimated to help (15-20) low-income individuals in Graham County and will establish a model that can be demonstrated when applying for future grant funds.
15. Manager Marino stated that the pool and our stream debris removal projects has been selected to receive directed funds distributed by Southwestern Commission on behalf of offices of Senator Corbin and Representative Gillespie for a total of \$275,000.00 with \$75,000.00 for pool resurfacing and \$200,000.00 for stream debris removal. Manager Marino stated that we had previously received \$50,000.00 in grant assistance for the pool bringing that total to \$125,000.00.
16. Manager Marino stated that he did have a closed session contract for discussion for a further funding of \$811,870.92.
17. Manager Marino stated that our Landfill Water Quality Monitoring was cleared and finished, and all three sites are ready for installation of wells which is scheduled to begin October 24, 2022.
18. Manager Marino stated that he would now give the project managers report and stated that RDA Moose Branch Project is 99% complete and after on final invoice this project will be 100% complete.
19. Manager Marino stated that our Cemetery Building is 100% site complete and 70% project and we are set to pour the driveway next week.
20. Manager Marino stated that our Recreation Building is 100% site complete and 65% project complete.
21. Manager Marino stated that our Board of Elections renovation is 100% complete and the women's bathroom is 65% complete and then they will begin the men's bathroom.

22. Manager Marino stated that they did complete the interviews with the architects' firms for the new Justice Center: Cope Architects, Heery Design and Moseley Architects and the committee chose Moseley Architect. Manager Marino stated that the board would now move into negotiation of fees, schedules, supplemental conditions. Chair Orr asks what this will entail? Manager Marino stated that everyone agrees to a contract with fees, schedules, and has negotiations through our county attorney, then the design can move forward.
23. Manager Marino stated that the Middle School project is 93% complete and it is a very nice project.
24. Manager Marino stated that the Little Snowbird Creek Bank Remediation and Clear and Snag needed further discussion in closed session.
25. Manager Marino stated that the pool project is 99.9% complete and they installed Diamond Brite.
26. Manager Marino stated that the NCDOT crack sealing, asphalt surface treatment and fog seal parking lots is scheduled to start by Spring 2023.
27. Chair Orr asks Director Garland for the finance reporting. Director Garland stated that the county ended the month with cash balance of \$7,660,229.88 which is under \$77,848.31 from this time last year but we are awaiting repayment from grant money so the cash balance will increase.
28. Director Garland stated that our special account balances are:
 

a. Capital Projects – NCCMT	\$2,923,700.81
b. School Capital Projects – NCCMT	\$ 114,939.02
c. American Rescue Plan Act	\$ 902,568.02
d. SCIF Grant – Courthouse	\$5,032,984.32

Director Garland stated that we have gained a total of \$49,000.00 in interest in these accounts.
29. Director Garland stated that our current month tax collection is \$340,853.44, prior year \$20,235.65 and DMV \$60,385.32.
30. Director Garland stated that our year-to-date tax collections is \$1,663,601.56 for real and \$186,194.81 for DMV.
31. Director Garland stated that our tax collection rate is 22.02%.
32. Director Garland stated that our revenues for the month was \$1,415,774.84 and our expenditures was \$1,965,597.12 for a negative variance of \$549,822.018. Director Garland stated that our year-to-date revenues was \$4,353,222.21 and expenditures of \$4,929,180.16 for a negative variance of \$575,957.95 which was expected due to the supplies, fuel and basic expenditures increasing and we had three payrolls in September so she expects to get back to a positive. Director Garland stated that our costs had increased \$715,000.00 since this time last year.
33. Director Garland stated that our sales tax collections was \$280,182.55 for the month which shows another healthy month.
34. Director Garland stated that our total collections of the ¼ Cent sales tax to date is \$838,242.49 and she will be transferring \$108,605.93 to our Capital Projects Account.
35. Director Garland stated that the tax office continues to work the past due accounts and the total collected for the month is \$44,068.37.
36. Director Garland stated that our budget should be at 75% and we are at 76%. Director Garland stated that some of the departments may look like they are running hot, but everything can be explained, for example, the Election Board had to hold hearings for the Town of Santeetlah that was not budgeted for and this is county dollars.
37. Director Garland stated that she did have a budget amendment for consideration and approval. Budget Amendment #5 to recognize additional pass thru funds from ARPA and SNAP Programs for DSS in the amount of \$10,015.00. Commissioner Eller made the motion to approve. Commissioner Wiggins seconded this motion. Vote unanimous.
38. Director Garland stated that she received notification that the county will be given additional PILT funds for the impacts of COVID for rural areas that are owned by federal government and for tribal properties and our part is \$906,708.00 which will be sent in two tranches. Manager Marino stated that once the funding arrives the board can set priorities and earmark the money for projects. Director Garland stated that she would need approval to accept the additional funds which will require a budget amendment. Commissioner Eller made the motion to accept the funding and approve a budget amendment. Commissioner Nelms seconded this motion. Vote unanimous. Director Garland gave a thanks to Commissioner Cody for emailing her the information from NACO so that we could apply for this funding.
39. Director Garland stated that we received another grant opportunity for a Rural Transformation Grant Fund – Rural Engagement and Investment Program in the amount of \$950,000.00. Director Garland stated that this is a competitive grant and designed for Tier 1 distressed counties. Director Garland read the resolution to the board and stated that these funds could help support the Saddle Club and she will be glad to research that aspect but it will also help with community enhancement and economic growth and Dogwood Trust are willing to help us pull the application together. Commissioner Nelms made the motion to approve the resolution. Commissioner Cody seconded this motion. Vote unanimous.

40. Chairman Orr asks for public comment. No public comment.
41. Chairman Orr asks Manager Marino to proceed with the discussion items. Manager Marino stated that we have releases of \$636.93 and Discoveries of \$304.99. Commissioner Wiggins made the motion to approve. Commissioner Cody seconded this motion. Vote unanimous.
42. Manager Marino stated that there were three polls taken for approval.
  - a. Emergency Meeting (Urgent Care & Sansoucy October 7<sup>th</sup>)
  - b. VFIS payment \$26,238.00 (fire/rescue/EMS vehicles and buildings insurance)
  - c. Rent for \$3,360.25 for medical facility
 Commissioner Wiggins made the motion to approve. Commissioner Cody seconded this motion. Vote unanimous.
43. Manager Marino stated that it was time to reappoint/replace Billy Brown on the Travel and Tourism Board. Commissioner Wiggins asks that this be tabled until the board could amend its bylaws, currently they are limited on the number of years you can serve and this needed to be changed. The board all agreed to table this reappointment.
44. Manager Marino stated that we received a request from Yuletide Ministries for a donation. The board asks Clerk Crisp to send this request to all employees so they may have a chance to donate.
45. Manager Marino stated that a dedication for the Wayne Carringer Boulevard will be November 18, 2022, at 10:00 a.m. at the high school and all board was invited to attend.
46. Manager Marino stated that it was time to reappoint members to the Southwestern Area Agency on Aging Board and the current board is: Connie Orr, Lynn Cody, Jacob Nelms, Dale Wiggins and Mary Griffin. Commissioner Wiggins made a motion to leave the members the same and reappoint. Commissioner Eller seconded this motion. Vote unanimous.
47. Manager Marino asks for new or old business. Manager Marino stated that Graham County will be participating in the Trunk or Treat in Town on Monday if the board would like to participate.
48. Director Garland stated that she is 75-80% complete on the audit and she will have a couple hard weeks preparing for the completion. Director Garland stated that she did have an audit questionnaire for each commissioner to fill out and return to her in the sealed envelope.
49. Chair Orr asks for 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 as stated. Commissioner Wiggins seconded this motion. Vote unanimous.
50. Chair Orr asks for a motion to go back into open session. Commissioner Nelms made the motion as stated. Commissioner Eller seconded this motion. Vote unanimous.
51. Chair Orr asks for a motion to allow Employee J. Oswald to be paid (46) hours of comp time. Commissioner Eller made the motion as stated. Commissioner Nelms seconded this motion. Vote unanimous.
52. Chair Orr asks for a motion to adjourn. Commissioner Wiggins made the motion to adjourn. Commissioner Nelms seconded this motion. Vote unanimous.

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Connie Orr, Chair

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Keith Eller, Vice-Chairman

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Lynn Cody, Member

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Jacob Nelms, Member

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Dale Wiggins, Member

ATTEST:

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Kim Crisp, Clerk to the Board