

Regular Meeting – January 23, 2024

The Graham County Board of Commissioners met Tuesday, January 23, 2024 at 5:30 p.m. for their regular monthly meeting in the Graham County Community Room located at 196 Knight Street Robbinsville, NC. All board was present. Also present Interim 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 for approval or changes to the agenda. Clerk Crisp asks that Jeannie Williams be added as 6b; delete Item 7 Juanita Colvard, add Sheriff Hoxit as Item 7; remove Sheriff Hoxit under Item 13 Closed Session and add Brian Stevens as Item 8a for ambulance discussion. Commissioner Orr made the motion to approve the agenda with the stated changes. Commissioner Williams seconded this motion. Vote unanimous.
4. Chairman Nelms asks for approval of the Workshop and Regular Meeting Minutes for December 19, 2023. Commissioner Williams made the motion to approve the minutes as stated. Commissioner Cody seconded this motion. Vote unanimous.
5. Chairman Nelms stated that the board will now take public comment on the sanitation convenience sites. Chairman Nelms stated that before the public spoke, he wanted to say that going forward the public will have more awareness of the decisions being made regarding important decisions. The decision to close has been discussed for a long time and the only reason is to cut costs and generate more revenue through our metal and cardboard recycling. Chairman Nelms stated that the staff has dealt with a lot of bad stuff and the convenience sites are for bagged household garbage only and not for construction debris, dead animals, motor oil, etc. Chairman Nelms stated that the county is governed by the state on what is allowed in the dumpsites. Chairman Nelms stated that the staff has been snake bit lifting appliances in the summer months and are subjected to meth labs and human feces. Chairman Nelms stated that the board felt the change to man the sites will help our cost number one and overall be a help to our citizens, and they are willing to adjust the hours of operation as they go forward.
6. Chairman Nelms asks David Shuler to speak. Mr. Shuler stated that the public receiving this in our newspaper on January 1st is not enough. Mr. Shuler stated that he wanted for public record which one of the commissioners voted against taking out the cans. Commissioner Eller stated that he did. Mr. Shuler stated that a lot of hardship has been put on the people because these cans were removed, people around town not hurting, people in Stecoah not hurting, people living around Snowbird not hurting but the people living on Meadow Branch and Yellow Creek, must drive an extra seven miles to dump their trash and most are elderly and cannot afford the gas to drive the extra miles to dump their trash. Mr. Shuler stated that the tax rate doubled on people's property and how many people have come to the commissioners talking about how much their taxes doubled and what are you doing for them. Mr. Shuler stated if we have that much tax money coming in, we should be able to take some of that money and give it back to the people of this county instead of sitting down here doing nothing because the best he can figure on these manned sites, you will need seven people to work these sites. Mr. Shuler stated that seven people is a big payroll for our county and he thinks our county has enough government people working now. Mr. Shuler stated that if we keep seeing our government grow and our taxes keep increasing and this is just going on, but what gets me on some of this stuff here, seven years ago you started this recycling program, what happened to it then. Mr. Shuler stated it didn't work, did it. Mr. Shuler stated here we are again with the same issues facing the same prices, same things over and over. Mr. Shuler stated now it is going to cost us and it has here on this and read a quote in the paper and asks how are you going to determine who is a tourist and who is not, are you looking at the laws of Cherokee County where you have stickers, how are you going to know who is a resident and who is not. Mr. Shuler asks how you are going to figure out, best he can see down at East Buffalo, a building is being put up, a pole is being put up, port a john being put up, those are all expenses that the county is going to have to pay for. Mr. Shuler stated that granted some of the sites get rough some days and disposal evidence needs to be something for the sheriff's department to handle, that's a very serious crime where you dispose of evidence, and he don't know who put this in the paper because he doesn't think that much evidence is being disposed of. Mr. Shuler asks if the oil is going to stop in these, no, he can put stuff in his bag and you will not know what is in it, you can't know what he puts in there, you won't see no big wood put in there but you cannot know what he puts in that can even at a manned site so that is not going to stop that kind of stuff from coming into it. Mr. Shuler stated it will stop some of the messiness because you will

have a man out there keeping it clean, but the thing is we didn't know about all this. Mr. Shuler stated that in September Josh Stevens and another man came here and talked about the trash and Commissioner Nelms said we had to set up a special meeting and control stuff over what is going on. Mr. Shuler stated that the board did not bring the public forum to the people and the citizens of Graham County to be able to come here and voice their opinions about enforcing this on everybody. Mr. Shuler stated that we as citizens of Graham County have a right to say what goes on in our county and if we can't stand up and do that and hold you accountable then we are living in a bad situation but he's afraid a lot of people are going to be held accountable for this especially when it comes to the March 5th primary, you do know that is coming up so he said they better watch what they do very closely because they are going to be held accountable and he is going to see that they are held accountable because he has too many friends out here that has been put an inconvenience on and its costing them. Mr. Shuler stated that it is another tax on them basically and that is all that it is. Mr. Shuler stated that this board better not tax our people no more, because you got a big tax increase with the property, don't be taxing us no more. Mr. Shuler stated that you tax the people that don't have that much money and if you have money then you need to allow Sheriff Brad Hoxit to have a couple more deputies instead of having all these men sitting at these trash dumps watching all these people come in and dump their trash. Mr. Shuler stated thank you for your time.

7. Chairman Nelms stated that we added three full time and one part time worker and the main reason for this change is to find ways to cut costs in other areas of our operations to keep from raising taxes and this was one department that we could see some potential savings.
8. Chairman Nelms asks Jeanne Williams to speak. Ms. Williams thanked the board for allowing her to speak and stated that she had first read about the changes to the dumpsters, and she was livid, she will admit. Ms. Williams stated that she lives in Yellow Creek and takes her garbage to Gladdens Creek and it's an inconvenience for her but the people further out in the county at Meadow Branch, it takes an extra half an hour each way for them to take their trash. Ms. Williams stated she talked to some people that she knows and their answer to her was you could take it all the way to town, but the best she can figure all your sites are open or you in town are going to the same one that you did. Ms. Williams stated that she has the general feeling if you don't live in the central county, it's oh well and this is what this felt like. Ms. Williams stated she researched and was less concerned about what happened but more about the process. Ms. Williams stated that back in June the sanitation department came to you and went through a list of problems and as she read, she understood more about why we must do something. Ms. Williams stated that there are very valid problems, but it went from the staff having fabulous solutions including that we have an ordinance, but it is not enforced. Ms. Williams stated that was kind of the thing about animals and asks why we have ordinances that are not enforced. Ms. Williams stated that instead of enforcing the ordinance the two worst places was on HWY 28 and Bear Creek and their suggestion was that we man two not three sites because that is the places where the most problems are. Ms. Williams stated we went from manning the two places that were the biggest offenders to closing a bunch and manning three and hiring more people. Ms. Williams stated that another suggestion was to have gates and close them off at 8:00 p.m. and Commissioner Williams stated that they will just set their garbage out in front of the gate. Ms. Williams asks that the board watch over the next few months because the people that don't care are not going to suddenly see the light and take their garbage and it will continue to be placed in front of the dumpster site or off the side of the road as she is already seeing. Ms. Williams stated when garbage starts lining the highway are we going to change that sign that says welcome to Graham County your natural destination to welcome to Graham County your garbage can be your natural destination. Ms. Williams asks if we added to our budget to pay for the people to clean up the stuff on the side of the roads because the people who left that are not nice people. Ms. Williams stated that they pushed the problem onto a different type situation and looked at the savings and those numbers are different now from the notes, different savings that are skeptical because there is not enough detail in there and she began noticing that people were coming to the commission distressed over their taxes doubled, her taxes went up a lot and the answer is that there is a reappraisal every seven years and she thinks and they will take a second look but that is what happened. Ms. Williams stated that a tax bill is two parts, the appraisal, and the mileage rate and yet you lowered the mileage rate after the appraisal but as she found the state makes the county publish after every reappraisal the revenue neutral and we are making people pay their share based on if their property is worth more. Ms. Williams stated that Graham County raised their mileage rate more than any other county in the state and you really didn't lower the mileage rate even though you say you did and then she sorted all

the counties mileage rate and those around us Macon, Swain and Jackson and Macon have manned sites and eight sites manned, not open every day. Ms. Williams stated that it has been said that the VRBO's should pay but she is already paying taxes and she puts to you that those properties use less garbage than those that owners used and out of 100 counties we come out as 34 with the highest mil rate. Ms. Williams stated that she did not understand some things and she did do spreadsheets of the budgets and does not understand line items. Chairman Nelms stated that we needed to get with the finance officer for that information. Chairman Nelms stated that Graham County builds their budget with the mil rate, there are other places that impose fire tax, public safety tax, Cherokee County charges \$75.00 per living space for garbage so there is a lot of hidden tax in their budgets that drive the mil rate down and we only have 26% of land that can be taxed. Chairman Nelms stated that the county receives PILT dollars which is very minimal for all government lands and the tribal lands pay zero tax as well. Ms. Williams stated that she expects the county to supply law enforcement, fire and rescue and commends this county, the medical she is disappointed with Urgent Care and will not get into that and then there is trash and feels very let down. Ms. Williams stated that she is sure there are meetings on the side, and she does not understand the processes and decisions for closing the sites. Chairman Nelms stated that this has been discussed for years. Ms. Williams stated that sometimes things should not be at the Gladdens site, but she is concerned for the people of the county about the extra fuel from Meadow Branch. Chairman Nelms stated that the cost savings was conservative, but we can add to this and there are lots of ways to go with this. Ms. Williams asks why the board did not use cameras and then enforce them. Chairman Nelms stated that enforcement is an issue. Ms. Williams stated that we needed pictures of folks illegally dumping and turning them in. Chairman Nelms stated that we have cameras at the dump sites, but they get vandalized. Ms. Williams thanked the board for their time.

9. Chairman Nelms asks Danny Beasley to speak. Mr. Beasley stated that he was concerned about dumpsters simply because of the hardships this has placed on people with fixed incomes, living on social security and we have two or three garbage trucks that pick-up garbage and have over nine thousand residents and asks how many miles people must drive to get to the dumpsters. Mr. Beasley stated that he doesn't see how the cost savings will be to the taxpayers much, this is a hardship on the people that are drawing \$9,000.00 a year in social security. Mr. Beasley stated that the taxpayer is already paying double property taxes, double for groceries, and now you are asking us to pay more gas to dump our garbage. Mr. Beasley stated that the debris will be thrown off the mountain and some people don't follow the law, but the good people do, and we are being punished for it. Mr. Beasley stated that all the people should not be punished for the actions of a few, and this is not a good way to go. Mr. Beasley stated that the county needed to put up cameras, lights etc. and patrol them just like they should our borders.
10. Chairman Nelms asks Connie Baxter to speak. Ms. Baxter thanked the board for their time and being willing to listen so the people can be heard. Ms. Baxter stated that she is concerned about the rentals in the county because she has her own hospitality business here and she is very concerned about the convenience sites being closed so unexpectedly and she did not know where to take her garbage. Ms. Baxter stated that the site in town has an attendant to get your trash from your car, which is much needed. Ms. Baxter stated that guests will not know where to take their garbage so they will receive bad reviews and as far as Sunday, most people leave before the site is opened which will cause stress on the renter, the owner, and the forest service if they throw their trash down a bank. Ms. Baxter stated that if you live on the lower end and travel to Maryville, you could use the dumps at Deals Gap but that is the only site down that way. Ms. Baxter stated that the last two Sundays she had to take her garbage with her to Murphy shopping center and it is very frustrating and there should be some type of compromise in navigating the logistics of hospitality in Graham County.
11. Chairman Nelms asks Nathan Stewart to speak. Mr. Stewart stated that he just found out that two sites are being manned and his site at Snowbird was taken out and he pays his taxes that went from \$450.00 to \$1000.00 for 8 ½ acres that the Forest Service tried to take away, so you tell me what is right about that. Mr. Stewart stated that he leaves his house in the morning at 2:30 a.m. and he doesn't have a place to throw his garbage away, something needs to be done and he has been talking to people and this board will remember this at election time.
12. Chairman Nelms asks Yvette Hooper to speak. Ms. Hooper stated that she is retired, and she knows there are problems at the dump sites and people should be reporting the ones that are making messes, but she does know that some people subsidize their income with stuff they find in the garbage. Ms. Hooper stated that she does not blame the commissioners for wanting to stop businesses from throwing out furniture or remodeling

materials because tourists do see this, but our elderly live in the Bear Creek community and she and the folks on the lower end of the county feel pissed on. Ms. Hooper stated that the board needed to consider the elderly with limited incomes, and you may not think this is a big deal, but it is a big deal to them.

13. Commissioner Orr stated that for her she would have liked to have had discussions with each community and made this comment prior to the closings. Commissioner Orr thanked everyone for coming here and expresses that people need to come to every meeting, but she does feel public hearings needed to be held to further discuss the issue surrounding our garbage.
14. Chairman Nelms asks Sheriff Hoxit to speak. Sheriff Hoxit stated that his Attorney David Wijewickrama would be speaking. Attorney Wijewickrama stated that he is the Attorney for the Graham County Sheriff and on January 16th the elected Sheriff Brad Hoxit received a report from Fleetwood Daniels Group regarding lead based paint in the Graham County Jail and they are beginning a process and we are here to communicate with the Graham County Commissioners and let them know regarding NC General Statutes, the Sheriff is charged with maintaining a jail, maintaining the security of the courthouse and performing the duties as set forth by statutes and we believe that the maintenance of the jail has come into question regarding the health safety and welfare of inmates at this time. Attorney Wijewickrama read a case from the Supreme Court that when an inmate is in custody in a jail he is as defenseless as a new born child as far as his health care. Attorney Wijewickrama stated that the Sheriff of Haywood County told his commissioners that over 90% of his inmates were health care compromised with drug issues, overdoses and pulmonary issues and more of this type. Attorney Wijewickrama stated at this time the Graham County Sheriff's Office is having to send out of county, double digits amounts of inmates and currently is able to house (8) inmates. Attorney Wijewickrama stated that we have followed our rules and regulations, we have notified our NC Jail Inspections Program and they are going to come view the information that we have been providing, of note from the survey results, there are over a dozen findings from this engineering group that are highlighted in bold that indicate the results are beyond acceptable safety regulations. Attorney Wijewickrama stated that his remediation is not an option, the Office of the Sheriff which dates back to the 1200's in England, the Sheriff is constitutionally protected by the State of North Carolina and is well defined by the North Carolina Supreme Court and in that case they articulated the charge and duties of the Sheriff, maintaining a jail is one of them and the safety and healthy welfare of the inmates and they are going to begin working with the NC Jail Inspections folks and are going to have to report those findings to the Clerk of Court Tammy Holloway and she is here tonight and he believes that she would like to talk as well. Attorney Wijewickrama stated that at some point they need to notify the appropriate judicial officials, the district courts, the superior courts we need to let them know about these reports and the processes that are being taken and with all due respect our superior court judge has retired so we will have to talk to AFC and find out who's going to be working on these issues with us, at this time, he believes that we need to do our due diligence, we need to talk to the state and we need to begin exploring serious options regarding how and where we house our inmates starting January 16th forward, we want to work with the commissioners and make sure that we protect the folks that come through our jail. Attorney Wijewickrama stated the majority of the folks that come through our jail are bad people but there are also good people that come through that are there for misdemeanors, we see them in Ingles we see them at the pharmacy, and they think that they are being treated well and being looked after, we have a duty and an obligation to do that. Attorney Wijewickrama stated that he wanted you all to know we have concerns and we would like to work with you all to help us work through some of the solutions. Sheriff Hoxit stated that Attorney Wijewickrama said all that needed to be said. Chairman Nelms asks if there is anything that they needed to do. Attorney Wijewickrama stated that he emailed Attorney Coward and wanted to have conversation with him to open a line of communication with him to communicate with the board. Attorney Wijewickrama stated this will have legal impact, we are going to have to let the judges know to get folks out and we will need transfer orders if it gets to that point. Attorney Wijewickrama stated they will notify you all as quickly as they do it but he needed to be very clear on things, revenue is not my strong point, also the sheriff has governmental immunity when he is acting in the course of the scope of his duty, he has now been put on notice of an unhealthy environment within the jail and if we do not act in a timely manner we will lose governmental immunities and if inmates or folks that work in that building begin having problems we are on notice that it is an environmental concern at this point. Chairman Nelms stated that he did not see a problem in finding a solution for this once we know what to do. Sheriff Hoxit stated that he has spoken with a contractor for a ballpark figure of a band aid. Sheriff Hoxit stated that a band aid has been put on this for

thirty-five years and we have just covered up the lead and it will run around \$100,000.00. Sheriff Hoxit stated to completely come in and take care of the issue it will run around \$1,000,000.00 just for the jail. Chairman Nelms asks if the report gave the accurate means to fix the issue. Sheriff Hoxit stated what that contractor said if we were in that jail three to five more years, we would have to spend that again and do the same thing over again. Sheriff Hoxit stated that he spoke to Kim Crisp about running an ad through the paper to get more quotes to do this, but he just wanted to let you know where we are at. Interim Manager Crisp stated that she gave a directive to the project manager, he is getting with the people who did the report, and he is getting a request for proposals drawn up, and we will run it and ask for other companies to quote. Sheriff Hoxit stated that he foresaw the jail inspector coming out soon. Chairman Nelms stated that we will find the solution. Sheriff Hoxit stated that the contractor that looked at it the other day stated that we needed someone who specializes in this work, and it would be a huge cost. Commissioner Cody stated that in 2008/2009 we had the same issue, and they did find lead and asbestos all was removed in the courthouse. Commissioner Cody stated that they sealed the lead paint, and they spent around \$75,000.00 to remediate and it took about three to four months. Tammy Holloway, Clerk of Superior Court stated that the asbestos is still in the courthouse except for her office and at the same time they tested and replaced hers, the tile was tested in the foyer and the register of deeds office, and they did contain asbestos. Attorney Wijewickrama stated that they will follow the rules and regulations and have notified the jail inspections office with the reporting that they found over a dozen findings from the engineering group and this is beyond the scope of safety and his remediation is not an option. Attorney Wijewickrama stated that he charges the commissioners with the safety and welfare of the inmates and the employees and he will take the findings to the Clerk of Superior Court who will notify the appropriate judicial officials and these findings will be given to the superior courts. Attorney Wijewickrama stated that our current supreme court judge is retired and he has talked to the AOC on the issues with the jail and at this time, we owe due diligence under the general statutes and if this is not remedied there will be serious consequences. Attorney Wijewickrama stated that this started January 16th and you have a duty and obligation to protect those folks and he advises that you had better have a solution to have to give to the jail inspector and he will speak with Attorney Coward and will keep the line of communication open because this will have legal impacts if we move these folks out and have to transfer people out of this jail and he wanted to be very clear. Sheriff Hoxit stated that in 2008 they did paint over the sealed area and then they were going to redo this again, but the chipping of the paint was noticed by the jail inspector, and this should have been addressed in the past, but he must see that it is addressed now. Interim Manager Crisp stated that she has the report in hand, and she has given the directive to obtain the proposals to get this remedied.

15. Chairman Nelms asks EM Director Brian Stevens to speak. Director Stevens stated that in August 2022 the board approved two brand new ambulances and we are still awaiting those without a definite delivery date. Director Stevens stated that that to get his department where it needs to be, he can do one remount to place on a new truck and receive it within 90-180 days. Director Stevens stated that he can use the funds already available for the new ambulances this budget year since the new ones are not going to be received until the next budget year and hopefully, we can be back on regular cycle. Director Stevens stated that he made the formal purchase and ran the bid for a refurbished remount truck. Commissioner Orr made the motion to allow for the purchase of a remount to keep reliable trucks on the road for our staff and to follow our plan set in place concerning the new ambulances. Commissioner Cody seconded this motion. Vote unanimous.
16. Chairman Nelms asks for the project manager's report. Manager Crisp stated that PM Marino had to be out of town for military duty, but he did send an updated project list and if the board has any questions to let us know.
17. Chairman Nelms asks Stacy Carpenter for the Finance Report. Director Carpenter stated that our cash balance for the December final is \$8,138,512.68 and our special account balances are:

a. Capital Projects	\$3,347,099.15
b. School Capital Project	\$ 121,802.29
c. American Rescue Plan Act	\$ 649,101.36
d. SCIF Grant – Courthouse	\$4,928,557.88
18. Director Carpenter stated that our tax collections for the month are \$3,283,630.23, prior year \$12,882.46 for a total of \$3,296,512.69. Director Carpenter stated that DMV collections are \$54,804.96. Director Carpenter stated that our year-to-date tax collection is \$7,065,622.93 and our DMV is \$336,118.18 and our tax collection for the month is 74.4%.

19. Director Carpenter stated that our revenues are \$3,882,628.45 and our expenditures are \$2,007,888.65 for a surplus of \$1,874,739.80 and our year-to-date revenues are \$11,255,002.86 and our year-to-date expenditures is \$11,531,114.91 for a deficit of \$276,112.05.
20. Director Carpenter stated that our sales tax collection is \$292,036.56 and we have seen a 5.61% growth in sales tax. Director Carpenter stated that she will be transferring \$568,331.19 to the capital projects account from the ¼ cent.
21. Director Carpenter stated that our back tax collections to date for 2023 is \$83,203.17 and we have collected over \$676,717.23 since the commissioners agreed to go after back taxes through foreclosures.
22. Director Carpenter stated that she needed approval to move money around in the Health Department budget from 572-Salaries to 560-Family Planning/Adult Health in the amount of \$3,000.00. Commissioner Orr made the motion to approve the request to move money between line items in the health department budget. Commissioner Cody seconded this motion. Vote unanimous.
23. Chairman Nelms asks for public comment. David Shuler, JJ Odom and Rance Adams approached the microphones asking for a revote on putting the dumpsters back. Mr. Shuler stated that Commissioner Orr made the statement that she wished the board had time to do public comment but he is asking for a revote right now to put the dumpsters back and then we have quorum and studies done on all this stuff on what we should do and if not we take that as you don't want to do nothing so you need to come to a decision on a revote. Chairman Nelms stated that it is a board decision. Mr. Odom stated that the board voted on a new ambulance in thirty seconds. Commissioner Williams stated that she did feel that they need public input, and we need to redesign the plan before we put the plan in place. Chairman Nelms stated it was a board decision. Commissioner Orr stated that she agreed with Commissioner Williams and asked if Commissioner Williams wanted to make the motion. Commissioner Williams made the motion to put the current system on hold and put the sites back in place so the board can obtain public input. Motion failed for further discussion. Commissioner Eller stated that you should consider what it is going to cost to put the sites back. Mr. Odom stated that it was taken out by the board, and asks how much has been spent so far, \$50,000.00. Commissioner Eller stated that it was more than that because we have hired more employees and taken down the fences and we need to check with the forest service to see if we can put the sites back. Commissioner Eller stated that we had to redo the contract last time at the Snowbird site, Manager Crisp stated that was correct. Mr. Odom asks which ones can be put back, Meadow Branch, Gladdens Creek. Commissioner Williams stated that she did not even know that Meadow Branch still had one. Commissioner Eller stated that it was on private land and Gladdens Creek is on state right of way. Commissioner Williams stated that it was her understanding it was pretty much maintained by the community members on Gladdens Creek. Mr. Odom asks which ones can be put back. Rance Adams stated that the board needed to vote to put them back. Commissioner Eller stated that we have contracts to check, especially the ones on forest service land. Mr. Adams asks if you broke the contract with the other ones. Commissioner Eller stated that once they come out you must redo the contracts to put them back. Mr. Adams stated that people will just start throwing their garbage out on the roads. Nathan Stewart stated that if they aren't going to put them back then they need to take out the other two because of its discrimination to the people of Graham County. Mr. Odom stated that you can put Bear Creek, Gladdens Creek, and Meadow Branch back. Commissioner Eller stated that Bear Creek, Snowbird, and the one at Fontana are on forest service land. Mr. Adams asks if you have to contact the forest service. Commissioner Eller stated that they needed to see the contracts. Mr. Adams stated that they needed to be put back and we can talk to the forest service on Monday. Commissioner Eller stated that the fence at Bear Creek would need to be fixed back and Gladdens Creek fence was entirely taken down so these would need to be put back. Mr. Odom stated that he knows what you are saying, and you are talking about the costs but so far, we have spent \$50,000.00 on tearing these sites down and all this, well, the board voted to do that, it wasn't the people here that voted so the board cost us the taxpayers \$50,000.00. Commissioner Nelms asks that we put this on a referendum, we have an election this year, we will let the people decide what to do. Mr. Odom stated that he thinks the board needs to have a vote tonight and put the ones that you can today or Friday and then get with the forest service and redo the contracts. Commissioner Williams stated that we needed to come up with a plan, a sustainable plan. Mr. Adams stated that the board needed to work on this but put the sites back now. Chairman Nelms stated that it is a board decision. Commissioner Orr stated that this would be her wish, the ones that we can put back, and if we don't have to look at the contracts again, put them back, get input from the public, it's their money that we are

spending and a lot of them have good ideas and she may not have been keeping up enough but was surprised when they were taken out, she took her trash out and saw a huge mess at the recycling center and has been asking for public hearings but the flipside is that there has been a great deal of illness, a lot with county employees that do this type of work. Commissioner Orr stated that she is not blaming anyone at all, but she is sworn to uphold the law to the best of her ability and the other thing she swore to do is to represent most of the people to the best of her ability and she will stand by that. Danny Beasley stated that we have a sanitation problem too and he will tell you why, you can walk one mile from his house to the dump and if he feels like walking he can carry a big bag a garbage to the dumpsters but now he and his wife who are on a fixed income, my wife who has dealt with cancer three times is an example of how most of the people in Graham County are, we are old and we are getting older and it creates a problem for me when he has to haul four or five bags of garbage on the back of his truck that cats and possums and coons can get in and tear it all to pieces and he had a mess to clean up every time he goes to his truck and its set there a week now because the site is closed, it's a sanitation problem. Mr. Beasley stated that if he must redo a bathroom, he must haul his lumber to the trash and now it will take ten dollars in gas to take it twenty miles down the road and it is not fair. Mr. Beasley stated that it was bad that you made the decision as you did because of a few bad apples, if you would enforce the law, you wouldn't have this problem, watch the cameras, catch the people that are doing it, he has threatened to turn in people, but the board needs to enforce this. Mr. Stewart stated that they stopped recycling because we couldn't afford it. Mr. Beasley stated that you talk about a mess around the dumpsters, you go out here on any given day at the recycling center and there will be a mess around those dumpsters, and they clean it up daily. Mr. Odom stated that he works a pretty good size crew of men, when we leave of a morning, we drive to the job, we don't set around in the truck and drink coffee for one hour and a half and I guarantee at 8:30 of a morning you can walk into the sanitation department and there are some of them in that office there and they want to complain about how dirty our sites is but the thing about that is when they put in an application to go to work at the sanitation department they know that they will be dealing with garbage. Mr. Odom stated if he runs a septic business then I know that I will work in septic, that's what they signed up for so I don't want to hear about, their job is to clean these sites up, that's what us as taxpayers pay them for, when I go to the job I know what I am going to do and I don't set in the truck for an hour and a half before I go to work. Mr. Odom stated that when he gets to the job, he goes to work, that's a lot of our problems around here if you look anytime, you will see people with the county employees running up and down the road, probably has a lot of things that they need to be doing. Mr. Stewart stated that they won't even wash the garbage truck, that new one looks twenty years old. Mr. Odom stated that this is the way that it is and this is your employees and how about the state employees, if I run my business like NCDOT I would be broke tomorrow, it's the same way with the county, when we hire people we have to make them work that's their job, sanitation to clean up around our sites, I think we need to vote and vote it back in and have our dumpsters put back tomorrow and then you can have a public meeting and come up with whatever you want in the plan but the ones that can go back need to go back tonight, so how about it. Chairman Nelms stated that it was a board decision. Commissioner Orr made the motion the ones that we can put back in that will not be violating a contract, which ones will that be Manager Crisp, Manager Crisp stated that she will make a phone call to the forest service in the morning, and it may not violate any of them and this will be my first time talking to them about it. Mr. Adams stated that he wanted to talk with the forest service because he had some good friends with them. Commissioner Orr stated that along with that motion she would recommend that we set some public hearings so that the county citizens can give us some ideas, because she certainly doesn't have all the ideas and she is one of five, but she needs help when she is forming plans that affect everybody in her county and this one does. Commissioner Williams stated that we do need a new system because the old one is broken but we do need to work on something, and we do need to have a public hearing so that something can be done. Mr. Adams stated that when they talked about it, he wanted a call to let them know because it takes one truck to pick up two cans of garbage, that's way more pollution and that's another thing, there are always different ways to look at stuff. Commissioner Orr stated that when they have the meeting, she wants to hear from you the taxpayers. Chairman Nelms stated that a motion is on the floor and asks for a second. Commissioner Cody seconded this motion. Vote called. Commissioner Williams, Orr, Cody, and Eller voted yes. Commissioner Nelms voted no. Motion carried four to one. Commissioner Eller stated that will be another hundred thousand dollars. Mr. Odom stated that we spent that on the football field.

24. Danny Beasley stated that they were talking about ambulances, and they hauled his neighbor to the hospital and from his home to the hospital cost him \$1100.00 and the taxpayers pay for these ambulances, and we still must pay these ambulance bills, something needed to be done to lower our taxes. Chairman Nelms stated that he himself had to pay and he knows.
25. Chairman Nelms asks for any further public comment. No further comment.
26. Chairman Nelms asks for approval of the Releases for \$5179.65 and the Discoveries for \$1160.09. Commissioner Williams made the motion to approve. Commissioner Eller seconded this motion. Vote unanimous.
27. Chairman Nelms asks for a motion to appoint Lacey Stewart to the Library Board at the recommendation of Director Shook. Commissioner Orr made the motion to approve. Commissioner Williams seconded this motion.
28. Chairman Nelms asks about the grant for broadband. Manager Crisp stated that she needed permission to apply for a \$400,000.00 Broadband grant to expand the fiber through the bypass. The board all agreed.
29. Commissioner Orr stated that Interim Health Director Stephens had mentioned raising funds for the fitness center which can help with the senior center attendees and would like to commit the Fort Hill Property to begin applying for funds. Commissioner Orr made the motion to allow the property at Fort Hill to be used for our fitness center. Commissioner Williams seconded this motion. Vote unanimous.
30. Chairman Nelms asks for a motion to approve the following polls:
 - a. 1/11 purchase of judicial system for court \$11k
 - b. 1/16 accept recommendation from R. Collins for new employee.
 - c. 1/10 hire extra staff for sanitation manned sites.
 - d. 12/20 add \$35,320.00 to jail budget for medical expenses from general fund.
 - e. 12/28 allow A1C machine to be taken back to health department.
 - f. 1/18 pay \$14,413.63 for Western Carolina Communication for EMS radios.Commissioner Williams made the motion to approve the polls as stated. Commissioner Orr seconded this motion. Vote unanimous.
31. Chairman Nelms asks for a motion to reappoint the TAB Board members: Harold Phillips, Amy Seay, Ginger Claybon, Wanda Hill, Dennis Myers, and Connie Orr. Commissioner Williams made the motion to reappoint as stated. Commissioner Orr seconded this motion. Vote unanimous.
32. Chairman Nelms asks for a motion to approve the leave without pay for new employee J Parris for eight hours. Commissioner Orr made the motion to approve. Commissioner Cody seconded this motion. Vote unanimous.
33. Chairman Nelms stated that the Health Insurance renewals are coming in around 2.5% increase, and we are asking permission to hold an open enrollment bash. The board all agreed and gave a directive to Manager Crisp to proceed.
34. Chairman Nelms asks about the trees at the courthouse. Manager Crisp stated that staff has decided they can cut the trees on a weekend day and the cemetery employees will attend. The board all agreed.
35. Chairman Nelms asks for new or old business. No new or old business.
36. Chairman Nelms 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 Eller made the motion as stated. Commissioner Orr seconded this motion. Vote unanimous.
37. Chairman Nelms asks for a motion to go back into open session. Commissioner Williams made the motion as stated. Commissioner Cody seconded this motion. Vote unanimous.
38. Chairman Nelms asks for approval to write off the EMS Bill Incident GRC868545601 and Incident GRC873390211 due to no estate. Commissioner Orr made the motion to write off the EMS bills as stated. Commissioner Williams seconded this motion. Vote unanimous.
39. Chairman Nelms asks for a motion to adjourn. Commissioner Williams made the motion to adjourn. 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