

Regular Meeting November 5, 2008

The Graham County Board of Commissioners met Wednesday, November 5, 2008 at 5:00 p.m. in the Conference Room of the Community Building at 196 Knight Street, Robbinsville, NC. Present were Commissioners Lynn Cody, Billy Cable, Gene Trull, Raymond Williams and Jerry Sherrill. Chairman Lynn Cody called the meeting to order and Vice-Chairman Billy Cable gave the invocation.

1. Commissioner Trull made the motion to approve the Agenda. Commissioner Williams seconded this motion. Vote unanimous.
2. Commissioner Cable made the motion to approve the Minutes. Commissioner Trull seconded this motion. Vote unanimous.
3. Commissioner Cody opened the floor for Public Comment. Dottie Millsaps who was scheduled to meet was not present.
4. Commissioner Cody spoke on behalf of Blair Hyder for the Releases and Discoveries. A certified letter was sent to the Tax Office by Gary and Debbie Greenlee asking for their Discovery #04996 to be waived since he felt the evaluation should have picked this up. See Attachment. Commissioner Williams made the motion to deny the request and Commissioner Cable seconded. Vote was unanimous.
5. Commissioner Cody spoke next on giving Shelley Lackay, Representative for the Smokey Mountain Mental Health Center the go ahead to pursue the 160-A Program. This program is designed to unite 7 Western Counties for the purpose of receiving more funding from the state. Commissioner Williams made the motion to approve and Commissioner Cable seconded. Vote was unanimous.
6. Commissioner Cody presented the 2009 CTP Grant Agreement that needs approval to give Director, Juanita Colvard the authority to apply for grants from the state for the Transportation Department. Commissioner Cable made the motion to give this authority and Commissioner Sherrill seconded. Vote unanimous.
7. Commissioner Cody presented the Lease agreement with Stecoah Valley Center where the center had paid their lease up until October 11, 2020 at \$1.00 per year for a total of \$12.00. This was the original lease agreement made in April 18, 2005.
8. Commissioner Cody also presented the two bids for a new sheriff's car. The bids were Jacky Jones Dealer - \$23,118.00 and King Ford - \$20,835.36. The bid was awarded to King Ford with Commissioner Williams making the motion to buy. Commissioner Trull wanted to table this until full verification of the cars was given. Commissioner Sherrill seconded the motion to purchase the car at the lowest bid. Commissioner Trull and Commissioner Cable were opposed. Commissioner Cody broke the tie with the move to purchase the car.
9. Commissioner Cody presented the Notification of Changes to the Secure Rural Schools and Self Determination Act of 2000 to adopt a resolution to receive allocations from Forest Service revenues. This was given to Attorney David Sawyer to draw up the resolution.
10. Commissioner Cody also presented the raise request from Alicia Parham for Kayla Spencer from \$13.50 per hour to \$14.00 per hour. Commissioner Williams made the motion to approve. Commissioner Cable seconded. Commissioners Cody and Sherrill were in favor. Commissioner Trull opposed. Motion carried.
11. Commissioner Williams allowed Terry Slaughter to speak on updating the County's Mitigation Plan to name Terry Slaughter a primary agent and Lynn Cody a secondary agent for the NC Department of Crime Control and Public Safety. Commissioner Cable made the motion to approve. Commissioner Sherrill seconded. Vote unanimous.
12. Commissioner Williams spoke next on the unfairness that some employees got a paid day off for Election Day because of the precinct locations and the rest of the employees did not. He thinks that all employees that had to work that day and the previous election days be given comp time for those days.

Commissioner Trull stated that by law we did not have to close any offices on this day even though they fell within the 50 feet boundary. He wanted this to stop. Commissioner Williams made the motion to give (3) comp days to all the employees who had to work. Commissioner Trull seconded with the condition that from this day forward all employees must take annual leave if they are off on Election Day. It was also understood that if the employees had to take off by law then they would not be paid for it. The Board also instructed that a memo would be sent to all employees about getting their comp days.

13. Commissioner Trull spoke about the recycling center. He was told that our contract was not being renewed because we were going to contract our garbage collection to an outside organization. Commissioner Williams also stated that Herve Cody was raising our rent to \$4000.00 per month because we did not renew our contract with him. Commissioner Cody stated that the renewal did not take place until 2009.
14. Commissioner Williams also spoke about a scam that was being run involving EMS Billing Office and Sanitation Department stating that the West Care Billing was taking over. He stated that this was a hoax and that the person calling did not exist.
15. Commissioner Williams also wanted to change the date for the Christmas Dinner. Commissioner Cody stated this was the only time and place large enough for our employees. Commissioner Cable asked how many family members this included. No further comment was given.
16. Commissioner Cable made the motion to go into closed session under G.S. 143.318.11A (6) (3). Commissioner Williams seconded. Vote unanimous.
17. Commissioner Trull made the motion to go back into open session. Commissioner Cable seconded. Vote unanimous.
18. Pursuant to statute, Attorney Sawyer advised as to the terms of the litigation settlement with Jeff Cabe. Cabe received a total of \$75,000.00. Half of this sum was paid by the insurance carrier and the other half by the County. The case was dismissed with prejudice and the County received full release. The County makes no admission of liability through this settlement. Commissioner Cable inquired as to the nature of the claim and when the cause of action accrued. Attorney Sawyer advised that it stemmed from the termination of Jeff Cabe in November 2006, which was prior to this Board assuming office. Cable filed a multi-count complaint and the County was represented in the litigation by The Van Winkle Law Firm in Asheville.
19. Attorney Sawyer also advised the Board as to the final terms of the School Board Mediation Settlement. Commissioners Cable and Cody, along with the Finance Officer Machel Crisp, were present at the mediation. Under the final settlement, no additional monies were appropriated to the Board of Education. The County would agree, under the Mediated Settlement, that a Budget Amendment would be made to transfer \$20,000.00 from the School's Capital Account to the Operating Expense Account. Certain other sums would be turned over to the School System according to an agreed-upon schedule. Commissioner Williams made a motion to approve the Budget Amendment. Commissioner Trull seconded the Motion. Vote was Unanimous. The Board then approved the terms of the Mediated Settlement, with Commissioner Trull making the motion and Commissioner Sherrill seconding. The Vote was unanimous.
20. Commissioner Cable made the motion to adjourn. Commissioner Williams seconded. Vote unanimous.

Lynn Cody, Chairman, Graham County Commissioner

Billy Cable, Vice-Chairman, Graham County Commissioner

Jerry Sherrill, Member, Graham County Commissioner

Eugene Trull, Member, Graham County Commissioner

Raymond Williams, Member, Graham County Commissioner

ATTEST:

Kim Crisp, Clerk to the Board