

Regular Meeting 10/16/2007

The Graham County Board of Commissioners met Tuesday, October 16, 2007 at 5:00pm in the Conference Room of the Community Building at 196 Knight Street, Robbinsville, NC. Present were Commissioners Lynn Cody, Billy Cable, Jerry Sherrill, Eugene Trull, Raymond Williams and County Attorney David Sawyer. Chairman Cody called the meeting to order and Jack Millsaps gave the invocation.

1. Commissioner Williams made the motion to approve the Agenda with the addition of Eugene Trull on the Agenda. Commissioner Cable seconded this motion. Vote unanimous.
2. Commissioner Cable made the motion to approve the Minutes. Commissioner Trull seconded this motion. Vote unanimous.
3. Chairman Cody opened the Public Comment session of the Meeting. Jack Millsaps told the Board that he was expressing his concerns and those of property owners concerning the buffer zone of the flood plain to be implemented by the Board if they approve these plans. Mr. Millsaps stated if you can't build on this property it is worthless. Chairman Cody told the audience that the Representatives of North Carolina for the updated flood plain ordinance would hold a public meeting and present their plans to the Board and the public could voice their opinions. Commissioner Cable and Williams stated that they would vote no. Commissioner Trull stated that he would vote no but that there would be ramifications concerning land not being able to build on, property values may drop and you could not get flood insurance. Rance Adams, Billy Holder and Alan Carver also told the Board about their concerns with the buffer zone. After discussion Commissioner Cable made the motion to get a year's extension so everyone will understand this process and Commissioner Williams seconded this motion. Vote unanimous.
4. Erma Orr presented the Releases and Discoveries to the Board. Commissioner Trull made the motion to accept the R&D. Commissioner Williams seconded this motion. Vote unanimous. (Attached).
5. Sara Evans, NC Department of Commerce, presented the Graham County 21<sup>st</sup> Century Community Survey Summary to the Board. Ms. Evans stated that a formation of 21<sup>st</sup> Century Community team to assist with the implementation of 21<sup>st</sup> CC programs and grants and the Department of Commerce results, with existing plans such as business & Industry, Tourism, Workforce Development and Policy and Research staff. Ms. Evans gave each Board member a compilation summary on the strengths and weaknesses, recent events and future trends.
6. Commissioner Williams addressed the Board stating that he was in favor of the 1/4cent sales tax on the November ballot. Mr. Williams also stated that there was nothing illegal when the majority of the Board votes for Lynn Cody as County Manager.
7. Chairman Cody stated that the article in the paper the County was getting a windfall of 1.5 million dollars and the title of that bill is a swap and in the next two years the County is going to lose a percentage of the sales tax that comes to the County to offset this Medicaid and in 2010 it will be phased out. Blue Cross Blue Shield Insurance Company provides insurance for its employees but we can not bill the insurance company because we have not accepted consignment from them and if we accept BCBS we have to accept the write off that they allow. Commissioner Cable made the motion to accept BCBS and bill for EMS. Commissioner Sherrill seconded this motion. Vote unanimous. Ms. Bobbie Carpenter provided Resolutions for older Americans and she would be happy to forward them to the appropriate offices. Chairman Cody told the Board that Eddie Grindstaff asked if he could get an old file cabinet and chair from the Health Department for his Church. The Board agreed to this request. Chairman Cody told the Board that the first meeting in November for the Board will be

Wednesday, November 7 because the election will be held on Tuesday, November 6. Chairman Cody stated that he went to a meeting and the presentation was on Corridor K and for Graham County it was on the top of the list to be completed and the DOT stated that it was in process from 129 up 143 and the 143 section from Massey Branch to Buffalo Bridge they will be getting conformation for the route and will try to get Federal funds for this. Commissioner Trull stated that he was not advocating either tax and he wanted to mention that there is some confusion on taxes and this land transfer tax who ever buys your land they pay the taxes and if its someone in the family no one pays.

8. Commissioner Cable made the motion to go into closed session under GS 143.318.11 A (3) (6) for the purpose of discussing personnel and Attorney/Client privilege. Commissioner Sherrill seconded this motion. Vote unanimous.
9. Commissioner Trull made the motion to come out of closed session and back into open session. Commissioner Sherrill seconded this motion. Vote unanimous. Commissioner Cable had to leave the meeting during closed session due to prior arrangement.
10. In closed session the Board discussed applications for the vehicle maintenance department and the EMS department and litigation with the County Attorney on a possible law suit.
11. Commissioner Williams made the motion to hire Jade Shrive part time for the EMS department. Commissioner Sherrill seconded this motion. Vote unanimous for Board members present.
12. County Attorney Sawyer stated that the School Board initiated the budget dispute process pursuant to NCGS \ 115C-431 over the County's budget allotment to the School Board. The mediation process was held Monday, October 15, 2007. Commissioner Williams made the motion for Commissioners Cody and Cable to sign this agreement. Commissioner Sherrill seconded the motion. Vote unanimous for members present. Attorney Sawyer told the audience the following on the Memorandum of Agreement. The Board agreed to memorandum of agreement between the Graham County Board of Commissioners and the Graham County Board of Education. The County will increase the fiscal year 2007-2008 school current expense allotment by Seventy-One thousand and no/dollars (\$71,000.00) for a total current expense allotment of five hundred twenty-one thousand and n0/100 (\$521,000.00). The County will provide the allotment in equal monthly installments and will, within thirty days of this agreement, furnish the difference for the first four monthly installments (July, August, September, and October 2007). The County agrees to pay to the School Board the allocation contained in the budget line item 699-18 \$30,000.) For school capital needs from its general fund. The County further guarantees not to use sales tax funds, lottery funds, corporate tax funds, or any other source of funds restricted or dedicated to school construction and/or debt service to satisfy this budget allocation. The County will pay this allotment to the School Board by November 30, 2007. The County will complete the QZAB application and financing process to assist the School Board in obtaining Seven Hundred Eighty Seven Thousand Eight Hundred Fifty Four and No/100 dollars (\$787,854.00) QZAB allocation for school capital repairs. The School Board will assist and cooperate with the County in completing the QZAB application and financing. The County and School Board will meet prior to January 31, 2008 to discuss the capital needs of the School Board. During this meeting, the School Board may present, and the County will consider, any requests for additional capital funding needed. The County agrees to pay the School Board Four Thousand One Hundred Sixty and No/100 (\$4,160.00) in surplus Article 40 and 42 sales tax receipts from fiscal year 2006-2007 immediately. The School Board will not file a lawsuit or any other legal action against the County as allowed under NCGS /115C-431 in regards to the 2007-2008 budget, as amended herein. Commissioner Williams asked Attorney Sawyer about this agreement and Attorney Sawyer

stated that this was a good agreement for the interest of the County. (Agreement attached).

13. Commissioner Williams made the motion to table the hiring of the vehicle maintenance department mechanic until the next Board meeting. Commissioner Trull seconded this motion. Vote unanimous by members present.

14. Commissioner Williams made the motion to adjourn the meeting. Commissioner Trull seconded this motion. Vote unanimous by members present.

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Lynn Cody, Chairman

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Billy Cable, Vice-Chairman

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Jerry Sherrill, Member

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Eugene Trull, Member

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Raymond Williams, Member

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Jan Millsaps, Clerk