

Continued Meeting Monday, February 15, 2010

The Graham County Board of County Commissioners met Monday, February 15, 2010 at 3:00 p.m. for a continued meeting from the Thursday, January 28, 2010 continued meeting. Commissioners present were: Sandra Smith, Billy Cable, Steve Odom and Gene Trull. Commissioner Bruce Snyder attended the meeting by teleconference.

Commissioner Smith called the meeting to order.

1. Commissioner Cable made a motion to amend the agenda by switching item #2 with item #3. Commissioner Trull seconded this motion. Vote unanimous.
2. Commissioner Smith asks our Attorney David Sawyer to speak on the Fontana Appeal. Attorney Sawyer introduced Jeannie Stewart, representative from Fontana, Mack Tallant and Steve Krake legal counsel with Fontana Village Inc. Attorney Sawyer stated that he had been in contact with them on this issue. He stated that the board held a previous meeting regarding the Fontana Appeal and that the meeting was continued. Steve Krake objected to this continuation of that meeting stating that the appeals process was over when no further witnesses were heard. In our attorney's opinion our board can receive additional information today or at a later date and that the law was very sparse concerning this issue. He stated that he had spoken with Mack Tallant and Steve Krake about this and they still will uphold their objection. Steve Krake submitted emails to our attorney about this objection and our attorney holds firm to our board allowing further evidence due to the first meeting being continued and not adjourned. Our attorney stated that the board could continue this meeting until March 1, 2010.
3. Attorney Mack Tallant spoke next stating that if the board did hear further evidence then a written submission must be given at the end of that meeting and stated that further documents may need to be given to his office by way of supena. He stated that a final decision must be given thirty (30) days after adjournment. Our county attorney had Mack Tallant explain exactly what the thirty (30) days entailed. Mack Tallant stated that a decision on the appeal must be given within thirty days after the adjournment of the meeting to be held on March 1, 2010 if the county board decided to hear evidence on that date. Steve Krake spoke next on how the tax appeal went astray and was not handled correctly by the board. Steve Krake stated that the tax appeals are clear in the law and he wanted the county to be clear on how this went astray and the objection was merely a written submission on procedures that was not followed correctly. Steve Krake stated that the board had a hearing within a meeting and when the board moved on without further evidence then the case was over. Commissioner Trull asks did the county take evidence when all that he heard was argument. Our county attorney stated that Fontana felt the hearing was heard at the original meeting of January 19, 2010 and was over when the county moved on to the next item. Steve Krake stated the only reason they were there was to present the appeal for Fontana and they would not have been there for any other reason nor could the county board make them attend for any other reason. Commissioner Smith stated that she was not aware of having a hearing. Commissioner Cable and Odom both stated that to be fair all evidence needed to be taken from both sides and was not aware a decision had to be made on that night. Steve Krake stated that this would not be a fair process because of the steps, time and money they took to bring the information concerning this appeal to the board. He stated that this was a violation of the law. He stated that the county assessor knew that the appeal was being taken and the county would be in violation of the law if they continued to another meeting and that the tax office waived their right to present evidence when they did not speak at the original meeting. Commissioner Odom felt that we should be fair to both sides and hear all the evidence and if they disagree then the county would have to deal with this at a later date. Commissioner Cable made a motion to allow evidence to be presented from both sides on March 1, 2010 at a continued meeting and the board will make a decision within the thirty (30) day requirement. Commissioner Odom seconded this motion. Vote unanimous.
4. Commissioner Smith asks Manager Cody to present the training session on Teamwork for the Board of Commissioners as a part of their ethics class. See Attached! Manager Cody stressed the need for everyone to pull together. A demonstration was given where the commissioners, finance officer, attorney and the clerk participated to stress the need to work together to establish a better working environment.

5. Commissioner Cable made a motion to go into closed session under G.S. 143-318.11(a) (1) (2) (6) for privileged or confidential information, attorney-client privilege and personnel.
6. Commissioner Odom made a motion to go back into open session. Commissioner Trull seconded this motion. Vote unanimous.
7. The attorney informed the board of pending attorney-client privilege cases and discussed a legal issue concerning another county.
8. Commissioner Odom made a motion to continue this meeting until Monday; March 1, 2020 at 3:00 p.m. Commissioner Cable seconded this motion. Vote unanimous.

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Sandra Smith, Chairman, Graham County Commissioner

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Bruce Snyder, Vice-Chairman, Graham County Commissioner

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Billy Cable, Member, Graham County Commissioner

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Steve Odom, Member, Graham County Commissioner

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Eugene Trull, Member, Graham County Commissioner

ATTEST:

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Kim Crisp, Clerk to the Board