

Regular Meeting - Tuesday, January 19, 2010

The Graham County Board of County Commissioners met Tuesday, January 19, 2010 at 5:00 p.m. for their regular monthly meeting at the Graham County Community Building located at 196 Knight Street Robbinsville NC 28771. The meeting was held on Tuesday due to closing of the county offices on Monday, January 18, 2010 to observe Martin Luther King's Federal Holiday. Commissioners present were: Sandra Smith, Bruce Snyder, Billy Cable, Steve Odom and Gene Trull. Commissioner Smith called the meeting to order and reminded the members of their ethical obligations under state law.

1. Commissioner Odom gave the invocation.
2. Commissioner Odom made a motion to amend the agenda to delete item #6 and to add item #8A Josh Carpenter, County Planner and then approve. Commissioner Trull seconded this motion. Vote unanimous.
3. Commissioner Trull made the motion to amend the minutes of the December 3, 2009 minutes to include the approval of the grant agreement and the funding approval for the 2009 Scattered Site Housing Program #09-C-1992 and the approval of the Performance Based Contract: Implementation Schedule for the 2009 Scattered Site Housing Program #09-C-1992. Commissioner Cable seconded this motion. Vote unanimous. See Attached!
4. Commissioner Odom made the motion to approve the January 5, 2010 regular meeting minutes and the January 7, 2010 continued meeting minutes. Commissioner Trull seconded this motion. Vote unanimous.
5. Commissioner Smith asks the Clerk for Public Comment. Clerk Crisp presented the list to Commissioner Smith with one name listed for public comment. Commissioner Smith asks Linda Huscusson to speak. Ms. Huscusson introduced herself as a taxpayer in Graham County and stated that she would appeal her new tax evaluation. She asks previously who had actually done the appraisal and was informed that Erma Phillips; Tax Assessor had appraised her land. She stated that the evaluation was not done right and no one could sit at a desk and do the evaluation for the land in Graham County. She asks for the commissioners opinions and asks them to start over or leave the values as they currently were. Commissioner Smith asks if she had appealed her taxes and Commissioner Odom stated that we are all struggling with the new values but that the county board is mandated by the State of North Carolina Statutes and we have no choice but to follow those statutes. He stated that the revaluation was stopped in 2005 by previous commissioners and by law the county cannot go past eight years without an appraisal being done in our county. The board all reiterated that they were very concerned and were going to do what was right for everyone. Commissioner Cable stated that his own taxes more than doubled and the board would do everything that it could to make this right.

Commissioner Trull stated again that everyone should file an appeal. An unaddressed gentleman spoke from the audience asking if the board would set the mileage rate to accommodate for these high values. Commissioner Smith stated that the board would set the mileage rate in June when the new budget process is taking place. Ms. Huscusson stated that the rich were buying up the land in the county for huge prices and this should not penalize the natives of the county. She felt that the natives should be on a different level of accountability concerning our taxes. The board encouraged everyone to talk to the state representatives to make changes for homestead exemptions. Commissioner Cable stated that everyone should push for this exemption. Ms. Huscusson thanked the board for letting her speak.

6. Commissioner Smith asks Joe Jones, Chief Deputy for our county, to speak. Joe stated that he was speaking on behalf of the Sheriff's Department to ask about the possible purchase of a Tahoe. He stated that this vehicle will replace a wrecked vehicle and was needed for the department. He stated that this vehicle would be used for the investigators and not for high speed usage. Commissioner Smith asks Deputy Jones how many vehicles the department currently had. Deputy Jones stated that the department had sixteen (16) cars and one (1) spare but some had excessive mileage. Commissioner Cable

stated his concerns about the vehicle not being built for patrol use. Commissioner Odom asks Rebecca Garland, Finance Officer how much money the department had in their capital outlay. Ms. Garland stated that the department was budgeted \$25,000.00 for capital outlay and the department had used around \$6000.00 of that amount.

Commissioner Odom stated that this issue needed to be tabled and the board would make a decision later. All board was in agreement. The board thanked Deputy Jones for his information.

7. Commissioner Smith asks Cheri Brantley, Director of Travel and Tourism for an update from her department. Ms. Brantley stated that she was still learning the ins and outs of the responsibilities and was not aware that she needed to keep minutes from her meetings but would do so in the future and give them to the Clerk. She stated that she had been very busy trying to make contacts for the county concerning marketing strategies. She stated that she had met with the T&T Advisory Board and they had discussed several things. She discussed one project she was currently working on with a local land owner for the possibility of using his land for a four wheeling event. She asks the board if she could attend the Governor's Convention in March that will focus on Commerce and Tourism. She discussed several small town projects and stated that she was working with the county planner on obtaining grants. She also gave the board a request for \$6500.00 for the Music on the Square events as well as a request for \$1000.00 from the Yellow Branch Artisans to help with the brochures that feature all the artisans in the county. She also had a request from the Stecoah Valley Center for \$15,000.00 to help produce several different things. The board thanked Cheri for the information and would get back to her on the requests.

8. Commissioner Smith asks Attorney Zeyland McKinney and Steve Krake to present the board with the Fontana Appeal. Attorney McKinney stated that they would be giving an outline argument on the Fontana Discoveries. Those arguments are:

- 1) Taxation of Fontana's Interest in the tax exempt property of the TVA is unconstitutional under Article VI, Clause 2 of the United States Constitution.
- 2) Taxation of Fontana's interest in the tax exempt property of the TVA is unconstitutional under Article V, Section 2 of the North Carolina Constitution.
- 3) Assessment of Fontana's interest in the tax exempt land of the TVA by the Assessor is improper under the General Statutes of North Carolina.
- 4) Assessment of Fontana's interest in the tax exempt buildings of the TVA by the Assessor is improper under the General Statutes of North Carolina.
- 5) Assessment of Fontana without accounting for any of the imposed limitations on Fontana's use of the property violates a holding of the United States Supreme Court as being an infringement on the property and activities of the United States and an unconstitutional imposition of taxes on its property.
- 6) Taxation of Fontana's interest in the tax exempt property of the TVA, in light of the tax equivalent payments made to the State and County by the TVA, is contrary to holdings of the United States Supreme Court, unconstitutional as a double tax under the North Carolina Constitution, and against the legislative intent of the North Carolina General Assembly. See Attached! No comments were given by the board.

9. Commissioner Smith asks Erma Phillips, Tax Assessor for the Releases & Discoveries. See Attached! Commissioner Trull made the motion to approve the Releases & Discoveries. Commissioner Cable seconded this motion. Vote unanimous.

10. Commissioner Smith asks Kristen Shuler to speak about the playground equipment grant. Ms. Shuler stated that the county had received a grant of \$60,000.00 to purchase playground equipment for the area around the pool. The original plan was to place the equipment next to the tennis courts and the basketball court but due to the possibility of the state widening the Moose Branch Road Bridge and the flood plain restrictions a new area was needed. She stated that a committee had worked on this and the best plan was to install the equipment on the third tennis court which is rarely used. She stated that the court floor would be covered with mulch once the playground equipment was installed. See Attached! Ms. Shuler stated that two large pieces of equipment would be purchased. Commissioner Odom asks if the fence would stay up for children safety. Ms. Shuler stated that yes all fencing will remain as is. Commissioner Cable made a motion to table this request so that the commissioners could go look at the property in question. Commissioner Trull seconded this motion. Vote unanimous. The board stated that they would do a follow up and let Ms. Shuler know their decision next week.

11. Commissioner Smith asks Rebecca Garland for the finance report. Ms. Garland stated that she had not closed December out but was hoping to finish up next week. She stated that she was still deep in the middle of the two audits and was hoping to be finished with those by the end of January. She stated that the county still needed to be very cautious in spending. She also stated that she felt very positive about the audit and the county. Ms. Garland presented the board with bills from the Yellow Creek Dumpster Site and stated she would have to have board consent before she paid the bills since she was not aware of the construction until it was finished. Commissioner Trull asks about the cost of the fencing and Manager Cody stated that he had put a hold the purchase until the board approved. Ms. Garland stated that the policy was that anything over \$5000.00 had to be approved by the board prior to the expenditure and this was not. Commissioner Cable thought the limit was \$1000.00 but Ms. Garland stated that was for the county manager's expenditures. Commissioner Cable stated that in the future this should not happen again. Commissioner Smith stated that this needed to be tabled for closed session to explain the personnel involved.

Ms. Garland presented the board with the cost of the county insurance and showed the savings from the previous year. See Attached!

Ms. Garland also stated that she had received informal word from the DPI on the school budget and would get with Lester Greene, School Accountant for further information. Commissioner Odom suggested that the board begin workshops for the preparation of the upcoming budget. Ms. Garland stated that one day next week would be better for her given that she is in the audit process. Ms. Garland stated that the auditors were very impressed with the actions that the county is taking in their accountability and that all departments had given full cooperation to the auditors and she was pleased with the overall procedures.

12. Commissioner Smith asks County Planner Josh Carpenter to give an update on the CDBG Grant. Mr. Carpenter stated that he was working with Joan Stillwell with Grant Administrators, Inc. to get the grant going. He stated that he had left out a page on the Performance Base Contract and included the page for the board's approval. Commissioner Trull made the motion to approve the Performance Base Contract that will administer by Grant Administrators, Inc. Commissioner Cable seconded this motion. Vote unanimous. See Attached!

Mr. Carpenter also spoke to the board on the state energy grant that he was working on to help repair the courthouse and community building to make them more energy efficient. See Attached! Commissioner Odom asks for the total amount of monies in which the county would have to provide. Mr. Carpenter stated that the county match would be done with in kind services and no actual monies would be needed. Commissioner Smith asks why Tri-County Community College was named in the grant and the reply was to show collaboration between other agencies in the county. Commissioner Odom made the motion to accept the state energy grant. Commissioner Cable seconded this motion. Vote unanimous.

13. Commissioner Smith asks for old business. Commissioner Cable stated that he had two items for discussion. He asks if the form letter that he had prepared concerning the Corridor K road was okay with the board. All board was in agreement to the form letter. All board were in agreement to have the form letters placed in different places throughout the county so that the residents will have a say concerning the Corridor K. Commissioner Smith stated that the money to build the road is already in the state budget and if the county does not show support then the state will take those monies and widen the two lane road only and we will lose all those funds to another county.

Commissioner Cable asks for handbooks to be given to them concerning the reevaluation process and what has to be done by the Equalization and Review Board.

Commissioner Odom made a motion to amend the rate for the water testing administered by the Health Department from \$45.00 to \$30.00 due to a reduction in costs and to approve a \$25.00 charge for nitrate water sampling tests. Commissioner Cable seconded this motion. Vote unanimous.

Commissioner Snyder asks that the county give the Health Department trailer to the school or give to the health department for them to use. Commissioner Snyder stated that the county needed to use it instead of allowing it to remain empty. Commissioner Trull stated that the state was going to take the trailer back. The board discussed this issue with Attorney Sawyer and Commissioner Snyder stated that we should reapply to the state and ask for what purposes that the county could use the trailer. The board gave a directive to Manager Cody to see what could be done.

Commissioner Smith asks about the auction on the surplus vehicles. Commissioner Trull stated that the county had sold three vehicles and had kept three. He stated that the bids were too low and the county was not going to give them away. Clerk Crisp asks if she could put an ad in the paper for upset bids. All board agreed to try to sell the vehicles by advertisement in the paper.

14. Commissioner Smith asks for new business. Commissioner Smith asks about the meeting with the Department of Transportation and Manager Cody stated that the information was in a package in their mail tray.

Clerk Crisp stated that the county needed to have an Internet Policy included in the new personnel policy and she presented Attorney Sawyer with changes that needed to be made to the drug policy that will also be included in the personnel policy.

Manager Cody asks the board if they wanted to attend the ethics classes given by the School of Government in February at Asheville. Commissioner Snyder wanted to make sure that he needed to attend this class again. All other board members were in agreement to attending the required class. Commissioner Odom asks that Manager Cody check to see if Wireless Internet would be available.

15. Commissioner Snyder made the motion to go into closed session under G.S. 143.318.1 (a) (1, 2, 6) privileged or confidential information, attorney client privilege and personnel. Commissioner Cable seconded this motion. Vote unanimous.

16. Commissioner Odom made the motion to go back into open session. Commissioner Cable seconded this motion. Vote unanimous. The board discussed several personnel issues while in closed and cases involving attorney client privilege.

17. Commissioner Cable made the motion to continue the meeting until Wednesday, January 20, 2010 at 4:00 p.m. at the Stecoah Fire & Rescue Squad Building located at 30 Loyd & Lydia Drive, Robbinsville NC for closed session on personnel performance. Commissioner Trull seconded this motion. Vote unanimous.

Graham County Board of County Commissioners

Sandra C. Smith, Chairman, Graham County Commissioner

Bruce Snyder, Vice-Chairman, Graham County Commissioner

Billy Cable, Member, Graham County Commissioner

Steve Odom, Member, Graham County Commissioner

Gene Trull, Member, Graham County Commissioner

Attest:

Kim Crisp, Clerk to the Board