

Regular Meeting - Monday, February 1, 2010

The Graham County Board of County commissioners met Monday, February 1, 2010 at 5:00 PM for their regular monthly meeting at the Graham County Community Building located at 196 Knight St., Robbinsville, NC 28771. 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 Cable gave the invocation.

2. Commissioner Cable made a motion to approve the agenda. Commissioner Odom seconded this motion. Vote unanimous.

3. Commissioner Odom made a motion to approve the minutes of the Regular Meeting January 19, 2010 and the Continued Meeting's of January 20th and January 28th, 2010. Commissioner Cable seconded this motion. Vote unanimous.

4. 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 Jay Kelly to speak. Mr. Kelly stated that he had two items that he would like an answer to. His first item was that the cemetery department. He asks, "What do they do?" and "What do you do to be buried in the cemeteries?" and "Who owns and or sells the lots?" Commissioner Odom stated that most of the cemeteries are owned by churches or by families throughout the county. He stated that few churches charge for lots. Commissioner Smith stated that a law was passed in 1957 to create a portion of our sales tax to go toward upkeep of all cemeteries in Graham County. The cemetery employees do all the mowing, weed eating, removal of flowers and etc. Mr. Kelly stated that county employees should not keep up private cemeteries with our taxes paying them when people have to pay to be buried in them. He stated that people who die in the county are denied access to certain cemeteries because they are not members of their church. Commissioner Smith stated that the county did not have any control over this issue because it was in fact a law. Commissioner Odom also stated that when the church cemeteries began filling up they had to purchase land for more room and this is when some churches had to begin charging a fee to recoup their money.

Mr. Kelly's second item was about the current weather situation. He stated that most people were told that power would not be restored to their homes from Friday to Tuesday of the next week. He stated that this is the 21st century and this should not be. He stated that the county did not even have a shelter to go too. Commissioner Odom stated that EMS Director Larry Hembree did have a shelter open. Mr. Kelly stated that this information should be published.

5. Commissioner Snyder gave recognition to Curtis Meyer, an Eagle Scout in Graham County. Commissioner Snyder presented Curtis with the Graham County Flag and thanked him for representing our County. He stated that he was extremely proud to know him and proud to know of his accomplishments. Everyone present gave a standing ovation. Curtis Meyer thanked the board for recognizing him as an Eagle Scout and stated to commissioners that he looked up to them as role models. He stated the one thing that was talked in the Eagle Scouts was giving back. He thanked the commissioners for everything that they do.

6. Commissioner Smith asks for Rick Davis to speak on behalf of G.R.E.A.T. Brenda Artiss spoke on Rick's behalf. She stated that she wanted to speak about the North Carolina Step Grant Program. She stated that the G.R.E.A.T. Organization had requested a grant from the North Carolina Rural Center to implement a plan to help revitalize the town. She stated that the organization needed a letter of support from the commissioners for the grant. She stated the first grant was in the amount of \$25,000 for the planning stage and then \$100,000 for the implementation. She also stated that this would be a step up for a Golden Leaf Grant in the amount off \$2.2 million dollars. She stated that the goal was to improve the town's water and sewer systems, to create substantial jobs and to help the County in whatever way that they could. She stated that this was a community effort and urged the commissioners to attend their meetings. Commissioner Smith stated that she would love to see downtown revitalized. Brenda Artiss stated that this grant is a win-win situation that would make all of our land more valuable. Commissioner Cable asks if the town had given their support. Brenda Artiss stated that yes the town had given their support. Commissioner Odom made a motion to draft a letter of support for the G.R.E.A.T. Organization. Commissioner Cable seconded this motion. Vote unanimous.

7. Commissioner Smith closed the regular meeting and opened a public hearing for the 2010 Scattered Site Housing program.

8. Commissioner Smith asks Josh Carpenter, County Planner and Grant Administrators Inc. to speak. Josh Carpenter spoke first and stated the addresses of the people selected for the 2010 Scattered Site Housing Program. The addresses are 79 Milltown Rd., 980 Old Hwy. 129, 287 Long Creek Rd. and the alternates were: 35 Berts Creek Rd., 1719 Long Creek Rd. and 1159 Franks Creek Rd. Josh Carpenter asks if anyone in the public had a comment. Scott Cunningham spoke on behalf of his father He stated that he had been trying for three years to get his father help with his house. He stated that neither he nor his father had any response from anyone. He wanted to know how the board decides who gets a house and who don't. Commissioner Smith asks that resubmit an application. Clerk Crisp stated that certain criteria had to be met and the state would reject all proposals that did not meet that criteria. Scott Cunningham stated that after such a long period of time people get discouraged. Clerk Crisp asks Mr.

Cunningham to come by the office and speak with them. Commissioner Smith asks for further comment. No further comments were given. Commissioner Smith stated that the public hearing was now closed. Commissioner Cable made the motion to reopen the regular meeting. Commissioner Trull seconded this motion. Vote unanimous.

9. Commissioner Smith stated that the regular meeting was back in session. County Planner, Josh Carpenter presented the board several items for approval and/or adoption. See Attached! Those items were:

a) The North Carolina Department of Commerce Community Development Block Grant Scattered Site Housing 2009 Grant Project Ordinance. Commissioner Cable made the motion to adopt this ordinance. Commissioner Odom seconded this motion. Vote unanimous.

b) Section 504 Compliance Officer / Grievance Procedure. This procedure will designate the County manager to serve as Section 504 Compliance Officer throughout the implementation of the County of Graham Community Development Program. Commissioner Odom made the motion to approve. Commissioner Trull seconded this motion. Vote unanimous.

c) Optional Coverage Relocation Plan Resolution. This is a resolution authorizing the adoption of an Optional Coverage Relocation Plan for the Graham County Community development Program. Commissioner Cable made the motion to adopt the Resolution for the Optional Coverage Relocation Plan. Commissioner Snyder seconded this motion. Vote unanimous.

d) Local Economic Benefit for Low - and Very Low-Income Persons Plan 2009 CDBG Program. This program will ensure were that to the greatest extent possible contracts for work awarded to business concerns located on the in substantial part by persons residing in the section 3 covered area as required by section 3 of the housing and urban development act of 1968. Commissioner Odom made the motion to adopt the Local Economic Benefit for Low - and Very Low-Income Persons Plan 2009 CDBG Program. Commissioner Cable seconded this motion. Vote unanimous.

e) Code of Conduct/Hatch Act Policy Community Development Program. This is an act that will prevent employees from having a conflict of interest and protect the program from political activities of any type. Commissioner Odom made the motion to adopt the Code of Conduct/Hatch Act Policy. Commissioner Trull seconded this motion. Vote unanimous.

f) Graham County Equal Employment and Procurement Plan... This maintains the policy of providing equal employment opportunities for all persons regardless of race, color, religion, sex, national origin, handicap, age, political affiliation, or any other non-merit factor, except where religion, sex, national origin, or age are bona fide occupation qualifications for employment. Commissioner Odom made the motion to adopt the Graham County Equal Employment and Procurement Plan. Commissioner Snyder seconded this motion. Vote unanimous.

g) Residential Ant displacement and Relocation Assistance Plan & Certification Section 104(d) of the Housing and Community Development Act of 1974. This will allow the county to replace all occupied and vacant occupiable low/moderate-income dwelling units demolished or converted to a use other than as low/moderate-income housing as a direct result of activities assisted with funds provided under the Housing and Community Development Act of 1974, as amended, as described in 24 CFR 570.496 a(b). Commissioner Odom made the motion to adopt this plan. Commissioner Cable seconded this motion. Vote unanimous.

h) Graham County Citizen Participation Plan Certification. This assures and certifies that a citizen participation plan has been written and will be followed as required by Section 104 of the Housing and Community Development Act. Commissioner Snyder made a motion to adopt this plan. Commissioner Odom seconded this motion. Vote unanimous.

i) Recipient's Plan to Further Fair Housing. This indicates if the Recipient will be affirmatively further fair housing for the first time or has implemented specific activities in the past. Commissioner Snyder made the motion to adopt this plan. Commissioner Odom seconded this motion. Vote unanimous.

j) Authorizing the County Manager to Execute All CDBG and USDA Rural Development related documents. Commissioner Trull seconded this motion. Vote unanimous.

10. Commissioner Smith asks for the finance report. See Attached! Rebecca Garland stated that she would be working the Travel and Tourism this week to develop a budget for Cheri Brantley to use. She stated that all the monies for this department would remain separate from all other county monies and only the Travel and Tourism could have access to these monies. She stated that they were ahead in collections from last year and a budget amendment would be done to reflect this budget. Rebecca stated that the county was ahead one million dollars from last year at this time and this proved that the furloughs and the cutbacks had helped. She discussed the audit and stated that she had a preliminary audit in her possession and would be double checking the figures. She stated that the county was within days of a final report. She also stated that some departments are not looking good in the 2007 /2008 audit but the county was working hard to improve the problems. She presented the board with a plan to add to the county policy on the credit cards that are issued in the county. See Attached! She stated that some of the credit card terminals printed too much information and the county may need to replace these for newer models.

11. Commissioner Cable asks the county manager about our Verizon service. Manager Cody stated that Verizon was working on consolidating all of our county lines into one bill and saving the county money. Clerk Crisp stated that she was working on a plan at this time to save money on the cell phones.

12. Commissioner Smith asks for old business. Commissioner Odom asks that the county manager find out who else besides Fontana Inc. has leasehold on government lands. Manager Cody stated that he would get with the Tax Office and the Register of Deeds to see if any such leasehold were recorded.

13. Commissioner Odom stated that Dr. Cushman resigned from the Health Board. Commissioner Odom made a motion to appoint Christine Holder to the Health Board in Dr. Cushman's seat. Commissioner Trull seconded this motion. Vote unanimous. Commissioner Smith asks that the Clerk contact Christine Holder tomorrow.

14. Commissioner Snyder asks about the DSS Director and if the county board had a say in hiring. Clerk Crisp who is also the Chairman of the DSS Board stated that the county board did not do the hiring and the DSS board would be reviewing applications next Monday.

15. Commissioner Snyder also gave a public Thanks to all the Duke Energy employees as well as the local people in helping with the power outages. EM S Director Larry Hembree stated that only two calls were made to the hospital during the snow storm and everything had run smoothly. He stated that Commissioner Smith had signed a state of emergency for our county and imposed a curfew. Commissioner Snyder stated that the EMS staff was very professional and does their jobs very well and he was proud of them. Commissioner Smith stated that she commended the EMS staff for a job well done.

16. Commissioner Smith asks for new business. Commissioner Odom made the motion to accept the Verizon plan proposal to save the county money. Commissioner Cable asks if the changes can be made without interruption to service and the county manager stated that Verizon had told him the transition would be made without interruption to service. Commissioner Cable seconded this motion. Vote unanimous.

17. Commissioner Odom asks about the recycling trailer at Ingles. Manager Cody stated that these trailers were bought in the late 1990's by grant. Manager Cody stated that they had spoken with several recycling centers and Graham County did not have enough volume to be cost effective. A complaint had been given to Commissioner Odom about the trailer at Ingles being dumped into the main garbage disposal that is hauled to Georgia. Commissioner Trull stated that the county needed to be pulled out of Ingles since this is misleading. Commissioner Cable stated that Swain County had a great setup and wanted Graham County to try and develop a system like theirs. Commissioner Odom made the motion to pull the trailer out of Ingles parking lot. Commissioner Trull seconded this motion. Vote unanimous.

18. Commissioner Snyder stated that he was told that we only had two ambulances working and that the air conditioning unit was out on another and we needed one for backup. Commissioner Snyder gave a directive to Manager Cody to check into this. Finance Officer Rebecca Garland stated that she did not have knowledge of any ambulances that were not working.

19. Commissioner Cable stated that Lee Pitcox Sr. had asked if the commissioners would waive the rental fees for the community building for his Cub Scout meetings. Commissioner Cable made a motion to waive the community building rental fee for the Cub Scouts with the understanding that Mr. Pitcox would be responsible for the cleaning up the area that they used. Commissioner Trull seconded this motion. Vote unanimous.

20. Commissioner Smith asks about the Sharp proposal for our copy machines. Manager Cody stated that Xerox was coming to give the county a proposal and then the commissioners could compare which company to choose.

21. Commissioner Trull asks about the time clocks and the need to make a decision. Commissioner Odom stated that they were doing research to integrate with our payroll system. Commissioner Cable asks if the county decides to do the payroll in house can we still use the time clocks. Manager Cody stated that it would integrate to our system by installing new software. The board discussed how many time clocks to purchase. The board decided on seven time clocks. Commissioner Trull made a motion to install the time clocks for the county. Commissioner Odom seconded this motion. Commissioner Smith calls for a vote. Commissioners Cable and Smith voted in favor. Commissioner Snyder voted against. Motion carried four to one.

22. Commissioner Smith asks about the emails lines. Manager Cody stated that the State had extended the NC mail account for another month. Commissioner Odom stated that he had spoken with the IT Specialist Jr. Rodgers and felt that the best course was to install a county owned system for the best cost savings.

23. Commissioner Smith stated that everyone needed to campaign to get the word out about buying locally. She stated that the loss of sales tax will make a difference in the county finances and not in the counties favor.

24. Manager Cody stated that we had a meeting with our present insurance companies and our renewal

rates are coming in cheaper than last years. He stated that our overall ratio for workman's comp as well as the health insurance was very good. He stated that this should give the county better rates of renewal for next year. All commissioners agreed that this was good news to hear.

25. Manager Cody stated that he had received several calls about the garnishments that went out for collection of the tax bills and the ambulance bills. He stated that some had threatened not to pay the fee involved with the garnishments, but that all these were done according to general statutes. He stated that he has told each individual that everyone had to be treated the same and if you elect not to pay then your payroll checks will be garnished. Commissioner Odom stated that everyone should be treated the same. See Attached!

26. Commissioner Snyder 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, contracts and personnel. Commissioner Cable seconded this motion. Vote unanimous.

27. Commissioner Cable made a motion to go back into open session. Commissioner Trull seconded this motion. Vote unanimous.

28. In closed session, the board discussed several personnel issues and attorney-client privilege information.

29. Attorney Sawyer stated that he had one open session item. He discussed the modular unit at the old Health Department building and stated that he had spoken with Fred Jamison on the county using the modular. He stated that guidelines are to be mailed to him on how to handle this situation and if the issue of use cannot be resolved then the government will come and get it. Commissioner Trull stated that if we cannot use the modular then tells them to come and get it. Commissioner Smith asks who is responsible for the modular, the county or the government. Commissioner Cable stated that we needed to approach this issue correctly.

30. Commissioner Cable made the motion to adjourn the meeting. Commissioner Trull 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

