

Regular Meeting February 3, 2009

The Graham County Board of Commissioners met Tuesday, February 3, 2009 at 5:00 p.m. in the Conference Room of the Community Building at 196 Knight Street, Robbinsville, NC. Present were Commissioners Bruce Snyder, Sandra Smith, Billy Cable and Lynn Cody. Commissioner Jerry Sherrill was present with a teleconference call. Chairman Bruce Snyder called the meeting to order and Commissioner Cable gave the invocation.

1. Commissioner Cody made the motion to approve the Agenda with the deletion of Kevin Fitzgerald, NC Parks Representative. Commissioner Cable seconded this motion. Vote unanimous.
2. Commissioner Cable made the motion to approve the Minutes. Commissioner Smith seconded this motion. Vote unanimous.
3. Commissioner Snyder opened the floor for Public Comment. Commissioner Snyder requested that citizens who wished to speak had a limit of three (3) minutes per person to speak. Dirk Cody asked from the audience for a poll from the Board of Commissioners on where they stood with the Flood Plain Ordinance. Commissioner Billy Cable stated that he had very mixed feelings. He didn't think that the Federal or State government should tell us what to do on our own land. He is against adopting the Ordinance. Commissioner Cody stated that he had mixed feelings also but that the issues that faces our County are coming whether we like it or not. Our future is for infrastructure in our county and he felt that our hands are tied either way. He felt that there were pros and cons with the ordinance and he would make a decision based on what comments from the citizens of Graham County made. Commissioner Snyder stated that he was undecided. Commissioner Smith stated that she needed to consider all things before she makes a decision and she too wanted to hear what the citizens of our county had to say.
4. Billy Holder was the first to speak from the county. He lives and owns property in the Stecoah Community. He stated that there were inconsistencies in the maps that were presented to him. He stated that FEMA was supposed to review them but never spoke to him again. He stated that when the lines were surveyed they stood on our bridges instead of on the creek banks and that the State and Federal governments are just trying to take our land. He stated that his property had 300 foot flood plain levels from the center of the creek and that would make his property useless because he couldn't build on any of the land within the 300 foot restriction. David Hyatt, our building inspector, stated that you can use the land but not on the unencroachment because this could restrict the flow of water. Billy Holder stated he pays \$1600.00 in taxes each year and the day the government takes his land is the day that he would never pay taxes again. He asked if they condemned Louisiana when the hurricane hit and the answer is no they are rebuilding in the same places below sea level with FEMA monies. Bob Durham from FEMA and Randy Mundt from the State spoke briefly on the comments. They both stated that the lines were not shot from the

bridges and no one could tell how much water it takes to have a flood. The governments use scientific studies to determine this on a 100 year plan. The lines are based on how flat or how steep or if the water can infiltrate more that this point other than at another point. There is a 1% annual chance of a flood to happen in any given year. The maps that were first made was in 1986 are no longer acceptable because over time the terrain changes. Michael Holder asked if we knew of anyone who had been flooded out in our county. Herve Cody stated that a vote needed to be done tonight because we did not need to jump the gun without the proper information. He stated that Graham County did not need this. Some citizens were becoming harsh with their words but Randy Mundt said that he didn't take the insults personally. Randy stated that the maps will go into effect on February 18, 2009 and if the county does not adopt the ordinance then all flood insurance will be cancelled. Several questions were asked from the public with concerns that FEMA can take our land at any time if we allow this to pass. The FEMA representative stated that no they will not take your land nor are they controlling it they are only setting regulations for water control safety. He stated that water is the most powerful force of nature on earth. After several hours with pros and cons the State and Federal representatives stated that when errors were found on the maps then they would be fixed but if the property owners wanted their own study then the owner is responsible for paying the costs. Commissioner Snyder encouraged the citizens to go by the county manager's office and get a copy of the ordinance so they could get a better understanding of the rules and regulations. Commissioner Snyder made the motion to recess for ten (10) minutes. Commissioner Cody seconded. Vote unanimous. Commissioner Snyder made the motion to open from recess. Commissioner Cable seconded. Vote unanimous. Commissioner Snyder made the motion to let the public check out their cross sections and examine their property further and then the Board would meet on Friday, February 13, 2009 at 5:00 p.m. at the Community Building on Knight Street to take a vote. Commissioner Smith seconded. Vote unanimous.

5. Juanita Colvard, Director of Transportation, spoke next on appointing TAB Board members. She wanted to expand the board to nine members instead of 8 members and the board will meet once every three months. Commissioner Cable made the motion to appoint Lynn Cody to the Commissioner seat but then withdrew the motion because Commissioner Smith volunteered to serve. Commissioner Cody made the motion to expand the TAB board to nine members instead of eight. Commissioner Snyder seconded. Vote unanimous. Commissioner Snyder made the motion to appoint Commissioner Smith to the board. Commissioner Cable seconded. Vote unanimous. Commissioner Cable made the motion to accept the names that Juanita submitted for the rest of the board. Commissioner Snyder seconded. Vote unanimous. See Attached!
6. Josh Carpenter, Planner for the county left before his time to speak due to the bad weather.
7. Jason Sawyer, Recreation Director spoke next on the pool project stating that we are almost complete except for the sidewalk that McGill and Associates left out of the

plans. This sidewalk is ADA accessible and by law has to be included in the project. Jason had gotten another bid for the sidewalk since it was not included in the plans. The estimate was for \$7000.00 which is less than the estimate from P&J at \$14,000.00. Commissioner Cody asked the lawyer to write a letter to McGill and Associates on the Handicap Act and that they are responsible for the costs to redraw the plans and pay for the sidewalk. The Board gave the Attorney David Sawyer the directive to take care of this and to remind McGill and Associates that the original plans called for no change orders.

8. Kristy Smith, Social Service Director, needed an appointment to the SWCD board. The appointment is for one commissioner and one local citizen. Commissioner Cody made the motion to appoint Commissioner Cable to this board. Commissioner Snyder seconded. Vote unanimous. Commissioner Cable made the motion to appoint Angela Knight to the second seat, which was recommended by Kristy Smith. Commissioner Smith seconded. Vote unanimous.
9. Commissioner Snyder spoke next on giving recognition to our rescue squads for their hard work and dedication to serving our county and he wanted us to get each rescue squad department a plaque with our thanks. Commissioner Smith made the motion to buy the plaques. Commissioner Snyder seconded. Vote unanimous.
10. Clerk, Kim Crisp presented an estimate for the jail to buy locks for the cell doors that are keyed alike. At the present time, all cells have a different key and this is a hazard to the inmate's life in case of fire or disaster. Commissioner Cable stated that the previous board had given permission for this already and to go back to the old minutes and find the date. Also, Kim discussed the Graham Help tipping fees that were outstanding and Sue Adams will get the papers for the citizens involved that shows they are exempt from the fees. Kim also presented a requisition for EZ-IO Power drivers; this is a device with needles that the EMS workers use when they can not get an IV started in the patients veins. This did happen last week to a patient and was lifethreatening to them. Commissioner Smith said right now we needed to wait because of the budget crunch. Terry Slaughter, EMS Director stated this device is a good thing to have but if we needed to wait that would be fine. Commissioner Smith then asked Terry if the EMS department is self sufficient and if not we would need to go up on our rates. Commissioner Smith also asked Terry is he had cut his budget and if needed to send people home and Terry could drive an ambulance if needed. Terry stated that he had one thousand other hats and he could not be in five different places at one time. Terry stated that he has put his heart and soul into his department and he hopes that the Board will make the EMS department a top priority due to the fact that lives are saved everyday. Commissioner Cable stated that we should but the drill when we get the money for it and that Terry should present this again at a later date. We also had a problem concerning the alcohol tests that the State Patrol demands if they feel the driver is drinking. Who is responsible for paying? Commissioner Cable stated the driver is responsible for the bill if the driver tests positive and if not we would need to write the bill off. The Board needs to make a resolution on this or put into county policy.

11. The Town of Robbinsville has asked for an easement for the sewer pipe that needs to be run under the tennis courts. The Board stated that the Town's lawyer needed to write up the easement papers and present them to the county.
12. Blair Hyder presented Kim Crisp with the Releases and Discoveries to be approved. Commissioner Cody made the motion to approve all the releases and discoveries. Commissioner Cable seconded. Vote unanimous.
13. Commissioner Snyder made the motion to go into closed session under G.S.
143.318.11A (6) (3). Commissioner Cable seconded this motion. Vote unanimous
14. Commissioner Smith made the motion to go back into open session. Commissioner Cable seconded. Vote unanimous.
15. Commissioner Smith asked if our board could meet with the Election Board to familiarize us with the questions that we have concerning their employees. She asked the Clerk to set up a meeting the Election Board for the next meeting.
16. Commissioner Smith made the motion to give Rita Corbin 150 hours of sick reserve from Judy Jones time. Commissioner Cable seconded. Vote unanimous.
17. Commissioner Cable made the motion to continue this meeting until Friday, February 13, 2009 at 5:00 p.m. at the Community Building on Knight Street to make the decision on the Flood Plain Ordinance. Commissioner Smith seconded. Vote unanimous.