

Regular Meeting Monday, February 15, 2010

The Graham County Board of County Commissioners met Monday, February 15, 2010 at 5:00 p.m. for their regular monthly meeting at the Graham County Community Building located at 196 Knight St., Robbinsville, NC 28771. Commissioners present were: Sandra Smith, Billy Cable, Steve Odom and Gene Trull. Present by teleconference was Commissioner Bruce Snyder. Commissioner Smith called the meeting to order and reminded the members of their ethical obligations under state law.

1. Commissioner Trull gave the invocation.

2. Commissioner Smith asks Manager Cody to lead us with the Pledge of Allegiance.

3. Commissioner Odom made the motion to amend the agenda to remove #7 Joan Stillwell and replace her with Erma Phillips, Tax Assessor for Releases and Discoveries and to remove #10 Shelley Lackay and replace her with the Travel and Tourism Budget and then approve the agenda. Commissioner Trull seconded this motion. Vote unanimous.

4. Commissioner Cable made the motion to approve the Regular Meeting Minutes from February 1, 2010. Commissioner Odom seconded this motion. Vote unanimous.

5. Commissioner Smith asks the Clerk for public comment. Clerk Crisp stated no one was signed in for public comment.

6. Commissioner Smith asks Tax Assessor, Erma Phillips to present the releases and discoveries. Ms. Phillips stated that she only had one release for Johnny Ray McClincy. She stated that he had paid taxes on this piece of property for 15 years and had tried numerous times to have it released from the books due to the fact that the property cannot be located. The board questioned Ms. Phillips on the location of the property. Ms. Phillips stated she did not know where the property was and could not find a deed reference of any kind. She stated that in the past deeds were written for land of more or less acreage and this property fell into that category. She stated that she had checked with the mapping department as well as the register of deeds office and the property is nowhere to be found. Commissioner Odom asks if the total sum of money owed to Mr. McClincy was \$226.38. Ms. Phillips stated that this amount was for current +5 years. Commissioner Cable made the motion to accept the release with the condition that if the property reappears the taxes must be paid for the years that the taxes were released. Commissioner Odom seconded this motion. Vote unanimous.

7. Commissioner Smith asks Josh Carpenter to speak to the board. Mr. Carpenter stated that he had a couple of items to discuss on the CDBG grants. The first item was the floodplain issues and asks the board to make a motion to disallow any properties that are in the floodplain or floodplain encroachment to be eligible to receive this grant. He stated that the expense for the studies of the properties in the floodplains would take a majority of the money that should be used in building these homes. He stated that flood insurance would have to be purchased for ten years by the homeowner. The commissioners stated their concerns that if a motion was put in place then someone living in a floodplain or floodplain encroachment area would not be eligible to apply for the grant. Mr. Carpenter stated that the guidelines that they have to follow take too much time when faced with floodplain issues. Commissioner Cable stated that he would not feel right in limiting people who happen to live in a floodplain from applying for these grants. Commissioner Odom asks the board to table this issue until they could study this further. Commissioner Trull agreed that this issue needed to be tabled.

The second item that Mr. Carpenter discussed with the board was making a resolution concerning existing mortgages. He stated that in the event that the County builds a home for someone with a mortgage and the person loses that home by default then the County would be second in line and receiving monies that may or may not be given toward the mortgage. He stated that the County could be responsible for repaying the state for the grant monies if the home was defaulted before the lien was up.

The next item of discussion was on Advantage West – Certified Entrepreneurship. He stated that the county needed Advantage West's help in promoting our businesses and we needed to be certified by Advantage West in order to accomplish this. He stated that it would take two years for the county to get their certification. The commissioners ask questions on how this would benefit the county. Mr. Carpenter stated that assistance would be given by Advantage West to small businesses to get started. He also stated that the NC Step Program would also be an alliance to assist in promoting businesses to start up and to assist with the revitalization of downtown. Mr. Carpenter explained the process that the county would need to take in order to get started on the certification. See Attached! The commissioners ask who else is certified in this area. Mr. Carpenter stated that the Eastern Band of Cherokee and Haywood County were the only ones certified at this time but several other counties were beginning the process. Mr., Carpenter also stated that the county needed an Economic Development Policy on things that the county wanted to see accomplished. The commissioners felt that we needed to contact the other counties that are certified and see how this program has benefited them. They all agreed to table this issue until more information could be obtained.

8. Commissioner Smith asks for the Finance Report. Finance Officer Rebecca Garland stated that the bottom line was the county needed to remain cautious on spending. She stated that she was holding the June 30, 2008 Draft of the Audit and the report was not good. She stated that the county was showing a one million dollar loss on the fund balance but she was thinking that the county would break even on the June 30, 2009 Audit. She stated that main problem was the construction of the Health Department and

the EMS Building where the county paid those monies up front without a loan. She stated that the county would be written up for the over expenditures but to keep in mind that we were not here during this process.

Rebecca Garland discussed the Travel and Tourism Budget and the need to adopt a budget for the remaining fiscal year due to the fact that they were previously on a calendar year budget. See Attached! She stated that most of this budget lines were already committed on the expenditures from last year and the county chose to honor those commitments. The board questioned the new budget. Ms. Garland stated that the new director Cheri Brantley was making several changes and those changes looked more positive. The board questioned the motorcycle show and the excessive amount. Ms. Garland stated that most of that money was already spent. Commissioner Trull asks that the board table this until further information could be looked at. Commissioner Odom made a motion to table this until the March 1, 2010 meeting. Commissioner Trull seconded this motion. Vote unanimous.

9. Commissioner Smith asks for old business. Commissioner Cable asks where we stand on the lame duck resolution. Manager Cody stated that we have not had any response from the legislature. Commissioner Cable stated that Swain County was in favor of this resolution.

10. Commissioner Cable asks where the county stands on the wellness check on the Election Board registration books. Attorney Sawyer stated that the process had been started and would be an ongoing process that could take a while. Commissioner Odom agreed with the attorney and stated that the totals looked to be 100 less registered voters than before. Commissioner Trull stated that this would put the office well below the requirement of a fulltime office. Commissioner Odom stated that the confirmation process was a long process and would take a while to complete.

11. Commissioner Odom asks about the Watershed Ordinance and the civil penalty that will be imposed on the county if we do not get one adopted. She stated that she had reviewed the ordinance and the areas involved and most places were on forest service land or on water supply. He stated that he still wanted the 25 ft set back and to incorporate to specific streams with a 25ft variance. He also stated that the county needed to appoint a watershed ordinance administrator. The board discussed the person that they felt would have the most knowledge and also discussed appointing a board with staggered terms. Attorney Sawyer stated that the board would also need to appoint three alternates. Commissioner Odom made a motion to appoint the Building Inspector as the administrator and to set up a five member board with staggered terms of three years / two years at large with three alternates. The commissioners discussed this and felt more information needed to be obtained before agreeing to the board appointments. Commissioner Odom rescinded his motion.

12. Commissioner Odom asks about the fire ordinance and inspection fee changes and how the county was going to set up the fee. Manager Cody stated that the ordinance was the same as always but the fee could be varied according to the size of the building. Commissioner Trull asks how the county determines that inspection fees and stated that there should be a guideline to follow. Commissioner Smith stated that the fee should vary on the size especially where motels where concerned. The board agreed to table this issue until the attorney could make sure of the proper guidelines that the county needed to follow.

13. Commissioner Odom asks if the other leasehold properties had been found that Attorney Zeyland McKinney stated that the county had. Manager Cody stated that he could not find any leaseholds other than the quarry on Massey Branch by the federal or state governments. Manager Cody stated that he and Erma had looked in the Register of Deeds for other leases could be found other than the Fontana Village Inc and the Quarry on Massey Branch.

14. Commissioner Odom asks if the county had heard back from Sandy Zimmerman, Representative for Congressman Shuler's Office concerning the PILT money on the imbalances between North Carolina and Georgia. Manager Cody stated that he had not received word from Ms. Zimmerman concerning this issue.

15. Commissioner Odom stated that the workshop for the personnel policy needed to be rescheduled. Commissioner Snyder stated that the board needed a workshop on rules for the Board of Equalization and Review. Commissioner Cable agreed. The board discussed a possible date of March 2, 2010 at 2:00 p.m. at the county manager's office. Commissioner Snyder stated that the county should get someone who knows the procedures and can advise us.

16. Commissioner Snyder asks about the Travel and Tourism office move and asks if this move will affect the downtown revitalization project. Commissioner Trull stated that the office would still be in the city limits and has nothing to do with the downtown revitalization. Commissioner Snyder stated that this had been brought to his attention. Commissioner Cable stated that people should bring their concerns to the board.

17. Commissioner Smith asks about the Golden leaf foundation and the meeting that they had with the G.R.E.A.T. organization and wondered about the two million dollars that they were discussing. She felt that maybe this was the counties money for the new administration building. Manager Cody stated that his understanding was that the monies available could be administered by the county or a non-profit organization.

18. Commissioner Smith asks about advertising for the Child Support offices to be opened in the county by July 2010 and if offices had been located for them. Clerk Crisp stated that two offices had been found and is at the CAP office and the DSS would be advertising and/ or keeping the current staff. Commissioner Smith asks if the server that is mandated by law could be in that building. Clerk Crisp

stated that IT Specialist JR Rodgers gave the okay for these offices to be used.

19. Commissioner Smith asks if the letter of support for G.R.E.A.T. had been sent. Manager Cody stated that the letter had been sent.

20. Commissioner Smith asks about the time clocks and if the board would object to Philip Colvard showing the county how to utilize our phone systems as time clocks. She stated that our phones are computer systems and they can be used for payroll. Commissioner Odom stated that he had spoken with Jr. Rodgers and the software system to utilize these phones would be very expensive. Ms. Garland discussed the contract on the phone system and stated that we will have the system paid for in 2011/2012 and that the county would own the system. The commissioners discussed the need for training on the proper use of the phones and to have a technician come and fix the problems that the county was having concerning transferring of calls. Commissioner Smith suggested that we ask Juanita Colvard for information concerning the phone system. Commissioner Smith asks that the manager search for the original contracts.

21. Commissioner Smith asks if Cherokee had paid their gas bills. Manager Cody stated that the bill had not been paid and he would contact Eric Oswald, Cherokee police officer, to find out what the problem was in receiving payment. Commissioner Trull stated that if the bill was not paid within thirty (30) days after the billing then service needed to be cut off. The commissioners gave the county manager a directive to take care of this issue.

22. Commissioner Smith asks about the email address changeovers with Jr. Rodgers being sick. Manager Cody stated that Josh Lane was assisting in the changeovers.

23. Commissioner Snyder asks if he heard correctly that the county had spent one million dollars less this year than previous years. Ms. Garland stated that was correct. Commissioner Trull stated that Ms. Garland deserved a pat on the back. Ms. Garland stated that this took teamwork county wide and she would let all the departments know how much they were appreciated.

24. Commissioner Smith asks for new business. Commissioner Smith asks that a microphone be purchased to put on the stand so that the commissioners and the audience could hear what is being said.

25. Commissioner Smith stated that a representative from Senator Hagan's office would be coming to the county on Wednesday, February 17, 2010 for a meet and greet so that he would know who he's working with.

26. Commissioner Smith asks if we need to pass a resolution concerning the occupancy tax being forfeited for traveler's using companies such as Travelocity, etc. She stated that we needed to contact Senator Hagan about this issue. She asks that the attorney draw up a draft resolution.

27. Commissioner Smith asks if Cheri Brantley had changed her reservation for her hotel to a cheaper place. The board did not agree on the hotel bill that was requested and stated that she would need to find cheaper accommodations.

28. Commissioner Smith asks about the Corridor K letter of support and if the manager's office had put them at the businesses in the county. Manager Cody stated that he had not put the letters out but he would make sure that they were distributed.

29. Commissioner Smith asks about the ethics training. Manager Cody stated that he had made arrangements for the board to take their ethics class by video conference on March 25, 2010 from 4:00 p.m. – 6:00 p.m. at the EMS building located at West Fort Hill. All board was in agreement to the video conference.

30. Commissioner Smith asks that the county manager check the outside of the EMS building. She stated that the cigarette receptacle was gone and there were cigarette butts thrown out all over the front of the building and this looked bad on the county. Manager Cody stated that he would check into this issue.

31. Commissioner Smith asks about the Health Clinic and she was under the impression that the clinic would be for after hours only and upon reading the form that she was ask to sign by Tom Tyre she found that the hours were in the day time. The commissioners all agreed to put a hold and table this issue until clarification could be made. The board had been previously polled by the clerk and they had all agreed on an afterhour's clinic but did not agree to a clinic that would be offered in the day time hours. The board all agreed to rescind their decision if the hours do not consist of after hours.

32. Manager Cody stated that he would be having a staff meeting on Thursday, February 25, 2010 at 9:30 a.m. at the EMS Building and asks the board to attend.

33. Commissioner Cable made the motion to go into closed session under G.S. 143-318.11(a) (1) (2) (6) for privilege or confidential information, attorney-client privilege and personnel. Commissioner Odom seconded this motion. Vote unanimous.

34. Commissioner Cable made the motion to go back into open session. Commissioner Odom seconded this motion. Vote unanimous.

35. The board discussed several personnel issues concerning different job classifications and hiring.

36. Commissioner Odom made the motion to hire Tammy Hayes as a part time only EMS Billing Clerk with the understanding that this position is for part time hours only. Commissioner Cable seconded this motion. Vote unanimous.

37. Commissioner Cable made the motion to close. Commissioner Trull seconded this motion. Vote unanimous.

Sandra Smith, Chairman, Graham County Commissioner

Bruce Snyder, Vice-Chairman, Graham County Commissioner

Billy Cable, Member, Graham County Commissioner

Steve Odom, Member, Graham County Commissioner

Eugene Trull, Member, Graham County Commissioner

ATTEST:

Kim Crisp, Clerk to the Board