

Regular Meeting April 7, 2009

The Graham County Board of Commissioners met Tuesday, April 7, 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, Steve Odom and Eugene Trull. Chairman Bruce Snyder called the meeting to order.

1. Commissioner Cable gave the invocation.
2. Commissioner Snyder made the motion to approve the agenda with the deletion of item #5 Kevin Fitzgerald – National Parks representative and the change of reversing item #7 and #8 to allow old business before new business. Commissioner Trull seconded this motion. Vote unanimous.
3. Commissioner Cable made the motion to approve the minutes then rescinded the motion. Commissioner Odom seconded this motion then rescinded the second due to Commissioner Smith finding an error in the March 17, 2009 minutes. Commissioner Trull made the motion to approve the minutes with the exception of the March 17, 2009 minutes which needed to be reviewed and rewritten. Commissioner Cable seconded this motion. Vote unanimous.
4. Commissioner Snyder made a statement before allowing the public comment that in order for the meetings to be conducted better and more efficiently the public can comment three times during a meeting. Those times will be: Public Comment, if you are on the Agenda and if the Board asks you for comment. The public may not speak other than at those times listed above. Commissioner Snyder then asks for Public Comment. Donna Cody spoke on five issues and she stated that she understood and agreed the meetings needed to be in an orderly fashion. A lot of things come up and the majority of things are no big deal but she stated the Board was elected to serve the people. The second issue was the commissioners are tuned to day to day issue and the county manager is not comfortable acting without the Board and the public should be notified ahead of time of what these items. The third issue was having the meetings in the county manager's office. The Board should have all meetings at the regular meeting place so that the people would be welcome to attend. The fourth issue was the staff meetings that were taking place. Why was county employees playing with tent poles and eggs on county time? This is very troubling. County Manager stated that this was a Team Work Leadership Program. The fifth issue is the Board should consider as a good faith to citizens cutting their own salaries to help the taxpayers. Commissioner Snyder thanked Donna for her comments. Commissioner Snyder stated that he had lived in large and small counties and always lived well with others but the rumors that are told bother him greatly. The rumor mill in this county is the worst he has ever seen. In the future, if you hear something that concern you come and ask us and we will tell you if it is true or not.
5. Blair Hyder spoke next on the Releases and Discoveries. See Attached. The vast majority of releases are the conflict between the Forest Service and the property owner. Commissioner Cable and Trull spoke about the one particular piece of land and the trouble that the property owners were having. Commissioner Trull asks Blair how we keep up with the R & D's when they say the vehicles are in another state. Blair stated that the other states give us confirmation. Commissioner Smith asks about one property and Blair discussed this with the Board. Commissioner Cable made the motion to accept the releases and discoveries. Commissioner Trull seconded this motion. Vote unanimous.
6. The Board spoke on the old business with Commissioner Smith stating a problem with one of the jailors that picked up a check from Machel, the finance officer, and lost the check. The jailor paid with his own money and was out around \$200.00 and then the jailor washed the receipts with his clothes and now does not

have a record. Could the county get a gas card to use when the boys needed to go out of town? The billing would come to the county but the cards could be signed in and out and when returned have the receipts to balance out amount used. Commissioner Smith made the motion to get these cards. Commissioner Odom and Trull discussed some points on this matter. Commissioner Odom seconded this motion. Commissioner Snyder asks for a little more clarification. Commissioner Smith and Odom spoke briefly on the type of cards. Commissioner Smith stated that the County Manager needed to look into this to determine the best way to proceed. Commissioner Smith rescinded her motion and gave a directive to County Manager, Lynn Cody. Commissioner Cable and Smith felt a statement needed to be given to the employees so that this incident of the lost check and lost receipts did not happen again. The Board was all in agreement.

7. The second item was the meeting with Senator Burr on April 14th and needed to make reservations for Josh Carpenter, Lynn Cody and Commissioners Smith, Odom and Trull.
8. Commissioner Trull talked next on the pre-tax insurance that was canceled when the previous commissioners stopped all deductions except for state or federal mandates and felt that this needed to be changed. Some employees would lose this insurance that they have had for years and the pre-taxing helped on the taxes. Commissioner Snyder thought this was a good perk. Commissioner Trull made the motion to allow the pre-tax insurance to be deducted from the employee's payroll. Commissioner Smith seconded this motion. Vote unanimous.
9. Commissioner Trull also spoke on the tires and the landfill and asked what was being done. County Manager Lynn Cody stated that the Assistant Sanitation Director, Donnie Orr was trying to figure out the best way to schedule these deliveries. Commissioner Odom stated that we needed to check with our insurance to make sure we have coverage if anyone is hurt unloading the tires. County Manager, Lynn Cody stated that he would check on the coverage.
10. Commissioner Trull also wanted to know about the phone list and was told that the county employees were turning in the lists at this time.
11. Commissioner Cable spoke on the Flood Plain Ordinance and that a gentleman had let his flood insurance lapse and when he went to renew was told that he needed a feasibility study before renewing. Commissioner Cable stated this was not the way the Ordinance was supposed to do. Commissioner Trull stated that maybe the man had misunderstood. Commissioner Smith asks who told the gentleman this information and maybe we could help straighten this out.
12. Commissioner Odom ask the county manager where we stood with the McGill & Associates on the items omitted in the contract to build the new pool and do we know the cost to the county for completing these items. He expressed his concerns that it was taking too long to get answers and he did not want the pool opening to be delayed. He felt that our kids and the swim team are looking forward to using the facility. County Manager, Lynn Cody stated that Jeff Bishop had come by and made the statement that McGill was at fault and would pay half of the cost to fix the handicap sidewalk a total of around \$3900.00. Jeff Bishop stated that he was not aware about the fixture problem but he would find out how to correct this. Commissioner Trull stated his concerns about the system with the shower heads where the lines would need to be drained every winter to prevent from freezing. Commissioner Trull also discussed the middle part where the sewer man hole is and wanted to know the status of fixing that area. Alicia Parham, Health Director stated that gravel could be used for right now. Commissioner Trull stated that we needed to get bids now for this work and David Hyatt needed to get with the contractor on the specifics and he also thought the pavilion was McGill's problem. Commissioner Smith stated that the looked back in the minutes and this was not mentioned and that's a problem. Commissioner Snyder stated that we needed to press to get the pool open for the kids. He also wanted to know how much more money it would take to fix the pavilion. Commissioner Trull stated the

- contract said it would fix and McGill drew the contract up. Commissioner Cable stated that we do not accept anything until we see what happens with the pool after the kids get to use it. Commissioner Trull stated this was just a bad deal. County Manager, Lynn Cody asks the board if they wanted Jerry Williams Construction to fix the windows at the pool and the board agreed to allow Jerry to fix the windows. Commissioner Odom stated that this has been poor planning from day one.
13. Commissioner Odom asks about the bi-weekly reports that all departments are supposed to turn in for review. He stated that he had not received all the reports.
 14. Commissioner Smith ask when we send out the tax notices do we get any of the cost back by charging a fee. Blair Hyder stated that the county absorbs the cost at first and once the taxes are past due then we charge.
 15. Commissioner Smith stated that we needed to take care of the lease on the transfer station.
 16. Commissioner Smith also asked about the white goods money and did we send the application for payment to the state. Clerk, Kim Crisp stated that yes we did send the application.
 17. Commissioner Smith also discussed the Gladdens Creek dumpster site and wanted to know when the time was up to get the area paved. County Manager, Lynn Cody stated the paving could be done in the fall. Commissioner Smith stated the cost needed to be added to the budget for next year. She also asked about the Solid Waste Management Plan and Clerk, Kim Crisp explained the details concerning this plan.
 18. Commissioner Smith also asks about the court house repairs that the judge recommended. She asks about a chain lock on one of the doors in the courtroom and we needed to get with Johnnie Brooms on this issue.
 19. Commissioner Smith also asks about the veteran's office. Clerk, Kim Crisp stated that the change for supervisor had been requested and that Mr. Conley came from Murphy on the 1st and 3rd Wednesday's and that Gordon Farley is in the office every day until noon unless he is at a doctor's appointment for him or his wife.
 20. Commissioner Smith asks about looking for health insurance quotes as well as other insurance the county has. Clerk, Kim Crisp stated she was working with the companies now that would give us a quote.
 21. Commissioner Smith also asks about the audit ad and if anyone had put a bid in. She was told that one company had called from Murphy. Commissioner Smith thought that we should contact Sharon Edmundson at the NC Dept of the Treasury and get companies names and addresses who serve the western part of the state.
 22. The Board then asks for any new business. Commissioner Snyder asks the board to consider fixing the old Fort Hill Plant Building to move the offices of Building Inspector, Mapping and Environmental Specialists to save the county rent money. David Hyatt, Building Inspector presented a plan of how the offices could be fixed. Commissioner Cable thought it a good idea but felt if we were awarded stimulus money then that work would only have to be torn down.
 23. Commissioner Odom made the motion to change regular meeting days to the 1st and 3rd Monday's at 5:00 p.m. instead of the 1st and 3rd Tuesday's at 5:00 p.m. Commissioner Smith seconded this motion. Commissioners Trull and Snyder were in favor. Commissioner Cable opposed. The motion carried four to one.
 24. Commissioner Odom also made the motion that the board meet weekly on Wednesday's at 9:00 AM in the county manager's office for the purpose of

conducting budget work shop's. He also stated that the board should begin on the departments that were funded by the county property taxes first. Commissioner Snyder thought this a great idea wanted to know if we could begin. County Manager, Lynn Cody stated yes, he would have the material ready for the board. Commissioner Cable seconded the motion. Vote unanimous.

25. Commissioner Odom also asks the board to pass a resolution asking the Haywood Correctional Facility remains open. The Governor has targeted seven prisons in our state for closing and this facility was one of those. This is the only facility west of Asheville in WNC and it should remain open. Commissioner Odom made the motion to pass the resolution asking the facility to remain open. Commissioner Trull seconded this motion. Vote unanimous.
26. Commissioner Odom also asked the board to pass a resolution asking the General Assembly to continue funding for the (Support Our Students – After School Program) across the state and in Graham County. The Governor's budget will totally eliminate all funding for this program and in Graham County alone this program served 123 students. Commissioner Odom made the motion to pass a resolution for the Support Our Students – After School Program. Commissioner Smith seconded this motion. Vote unanimous.
27. Clerk Kim Crisp, ask the Chairman to speak. Commissioner Snyder granted this request. Clerk Crisp stated that the board needed to pass a resolution on the change of the regular meeting days according to the state law. Commissioner Snyder made the motion to pass a resolution stating the Regular Scheduled Meeting Days for the County Commissioners will be the 1st and 3rd Monday's beginning on May 4, 2009. Commissioner Smith seconded this motion. Vote unanimous. See Attached!
28. Commissioner Odom also asks the board to pass a resolution in Opposition to SB 1026 (Local Government Tort Claims Act). This bill waives immunity for Local governments in all cases (allows jury trial) and broadly redefines proprietary functions to widen the net of services for which local governments can be held liable. Under current law, counties can choose to waive their governmental Immunity through the purchase of liability insurance. This bill eliminates the Choice and prohibits administrative resolution of any claims greater than \$25,000.00 unless reviewed and approved by the court. The bill establishes a cap of \$1 million per person per occurrence for awards and exempts from that limitation damages and claims that arise out of the exercise of proprietary functions. Commissioner Odom made the motion to adopt this resolution. Commissioner Smith seconded this motion. Vote unanimous.
29. Commissioner Odom also asks the board to pass a resolution in Opposition Oppose SB758 (Transfer Secondary Roads to Counties). This would require counties to assume responsibility for the building, maintenance and paving of all secondary roads with the county. This would cost Graham County over two million dollars should the bill pass and be signed into law but would give the state law makers a break. Commissioner Odom made the motion to pass this resolution. Commissioner Smith seconded this motion. Vote unanimous.
30. Commissioner Odom thanked the fellow board members for their support and expressed his desire as a County Commissioner to stay on top of legislature issues that concern our county.
31. Commissioner Cable spoke next on the lottery money that was voted in our state with the intent to solely support our schools and now the state is trying to take that money also.
32. Commissioner Cable also talked to Harold Phillips about the (Bridge Crews) that the state was cutting out. This program allows prisoners to be used on work release to help fight forest fires. The state is cutting this program making the counties responsible for paying this cost which is about \$12,000.00. He felt the

- board should contact Senator Snow to put this program back in place. Commissioner Trull stated that the county has to pay a portion of that cost anyway. Commissioner Cable made the motion to pass a resolution to reinstate this program. Commissioner Odom seconded this motion. Vote unanimous.
33. Commissioner Snyder asks the county manager for an update on the QZAB loan. County Manager, Lynn Cody stated that BB&T had agreed to loan the money and we are now in the process of sending the letter. He stated that Rick Davis was working on this now. Commissioner Snyder ask if the board had to approve this and County Manager Cody stated that this was approved by the previous board but later on the board would have to okay the paperwork.
 34. Commissioner Snyder made the motion to go into closed session under GS 143.318A (6) (3). Commissioner Trull seconded this motion. Vote unanimous.
 35. Commissioner Cable made the motion to go back into open session. Commissioner Snyder seconded. Vote unanimous.
 36. No decisions were made in closed session. The board discussed contracts that were in the negotiation process and personnel.
 37. Commissioner Snyder presented the board with a list of names for the recreation board. The previous board needed to be dissolved and then the new appointments. Commissioner Trull asks who recommended this board and Commissioner Snyder stated that Jason Sawyer, Recreation Director did and Commissioner Trull asks if this would cause any problems. Commissioner Odom stated that he had spoken with Jason and Commissioner Odom stated that he also recommends these names. Commissioner Trull stated okay. The new members will be: Rick Orr, Tammy Holloway, Harold Millsaps, Scott Orr, Brian Millsaps, Zelerie Rose and Commissioner Snyder. Commissioner Trull made the motion to accept the new names for the board. Commissioner Odom seconded this motion. Vote unanimous.
 38. Commissioner Snyder made the motion to adjourn the meeting. Commissioner Trull seconded this motion. Vote unanimous.

Bruce Snyder, Chairman, Graham County Commissioner

Sandra Smith, 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