

Regular Meeting April 21, 2009

The Graham County Board of Commissioners met Tuesday, April 21, 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 Trull made the motion to approve the agenda. Commissioner Odom seconded this motion. Vote unanimous.
3. Commissioner Cable made the motion to approve the minutes. Commissioner Smith seconded this motion. Vote unanimous.
4. Commissioner Snyder opened the floor for public comment with a short reminder about the times during the meeting in which the public could speak. He stated this was to keep our meetings more efficient. Billy Holder spoke on behalf of all the residents of Graham County who are affected by the Flood Plain Ordinance. He stated that a reduction in taxes and a reappraisal needed to be done on all the affected properties. He also stated that the bank will not loan any money for land inside the flood plain encroachment and would only loan 65% for land in the flood zone. He stated that the commissioners had given our land away and that Commissioner Snyder should not have voted due to the fact that his home is in the Flood Plain and he carried flood insurance. Billy also wanted to know when the Commissioners were going to reduce the taxes. Commissioner Snyder stated that a decision would be made later and that he respected Billy's opinion but he didn't agree but that was okay. Commissioner Snyder thanked Billy for speaking. Commissioner Snyder presented a plaque to Jeannie Trull for her hard work and dedication in having fundraisers for our elderly heating assistance program. She has sponsored five dances with great results. Jeannie Trull stated that she doesn't do this for recognition but Thank You for the plaque.
5. The Representative Chuck Blithe from the TVA River Operations Group came and spoke to the board about the water reservoirs in the county. He stated that the water levels were better than last year but we are still in a drought. He stated that if the county received a normal rainfall of one inch per week for six weeks then our reservoirs would be full. He thanked the Board for allowing him to come and speak and left a comparison sheet for them to review on the water levels. See Attached. Commissioner Cable asks if TVA was rerouting our water to Atlanta, GA. Mr. Blythe stated that no plans had been made that he was aware of. The Board thanked Mr. Blithe for coming.
6. Kevin Fitzgerald a representative from the Smoky Mountain National Parks came and spoke to the board about the 75th Anniversary to celebrate the Heritage of the families that sacrificed their land to make the parks possible. See Attached! He also invited the board to a number of events that will be taking place this year. He thanked the board for allowing him the opportunity to speak and would look forward to having them attend the events. The Board thanked him for his time.
7. Commissioner Trull stated that Blair Hyder was not present but that the board should go ahead and choose the software for the tax office. Commissioner Smith stated that we should stay with BI-TEK. Commissioner Trull made the motion to stay with BI-TEK. Commissioner Odom seconded this motion. Commissioner Cable stated that he did not have a problem with the software company if they could provide the services that are needed. Commissioner Smith stated they could make the software compatible in time for the mandates. Commissioner Odom stated that he had spoken with Cherokee County and they are very satisfied with BI-TEK. Commissioner Trull stated that phases one and two are already paid for. Commissioner Snyder asked for a vote. Vote was unanimous to go with BI-TEK.
8. Commissioner Smith asked about the jail cell locks and requested that the locks be changed. County Manager, Lynn Cody stated that the previous board had already approved for the locks to be changed but that for some reason the job was never completed. Commissioner Smith made the motion to have the jail cell locks redone. Commissioner Cable seconded this motion. Vote unanimous.
9. Commissioner Smith also asked Attorney Sawyer about opening the closed

session minutes. Commissioner Cable stated that all could be open except for personnel. After further discussion the board decided to table this issue until the lawyer proposed the proper procedure to use.

10. Commissioner Smith also discussed the billing on the alcohol tests that are given by the State Patrol to determine who is responsible for the cost. The EMS Billing Clerk spoke with the state patrol and stated that the person driving the stopped car was given a choice of a blood draw or revoked driver's license. After receiving this information, Commissioner Smith made the motion to direct the EMS Billing Clerk to bill the driver of the car since the choice was his or hers to make. Commissioner Trull seconded this motion. Vote unanimous. See Attached!
11. Commissioner Smith also discussed the problem with the ambulance bills for the elderly that has supplement insurances. She stated that all insurances needed to be filed not just one. Commissioner Smith made the motion for the EMS Billing Clerk to file all insurances that an individual may have. Commissioner Trull seconded this motion. Vote unanimous.
12. Commissioner Smith also asked about the bat problem at the courthouse and wanted to know if the county could exterminate them. Commissioner Trull stated that the bats are considered endangered species and we can't do anything. Commissioner Odom suggested that since a new roof was going to be installed could the county put a ridge cap and heavy metal plates on the inside so that the bats could not come through. Commissioner Smith stated that we needed to look into this and Commissioner Trull agreed and stated that we needed to get pricing for the ridge caps along with checking other areas around the courthouse where the bats could be getting in. The board agreed to check into this and do a follow up.
13. Commissioner Smith also asked about the Sheriff department grant and stated that a public hearing would need to be held instead of people going to the sheriff department to get the information. The Board directed Manager Cody to have the grant changed, rewritten and resubmitted to include a public hearing.
14. Commissioner Smith also asked Manager Cody about the credit cards for the jail. Manager Cody stated that he spoke with both banks in town and they suggested that the county goes with a debit card instead of a credit card. The bank felt that the debit card was a safer way for the county to go. After more discussion between the board they decided to table the issue for more information.
15. Commissioner Smith also asked about the pool windows that Jerry Williams will be installing and stated that we needed to get this taken care of.
16. Commissioner Smith also asked about the door in the courtroom that is chained and Commissioner Trull stated that he had spoken with the Clerk of the Court, Johnnie Brooms and she stated that the door could easily be opened and didn't want to change anything.
17. Commissioner Smith also asked the county manager if he was informed of all meetings that the departments attend and he stated that the department heads are supposed to inform him before they attend the meetings. Commissioner Trull stated that the county manager should make sure that the meetings that employees attend are necessary.
18. Commissioner Smith also asked about the Dixon & Hughes final contract. The Clerk stated that Machel Crisp, Finance Officer had received the signed final contract and that Mitch Crisp invited the Board to call him for any questions.
19. Commissioner Smith also asked if the resolution had been signed for the CT2010 Transportation Grant. Juanita Colvard, Transportation Director, stated that yes this was taken care of.
20. Commissioner Trull asked the county attorney if a 50/50 drawing was legal for county to raise money for the museum. David Sawyer stated as long as everything is documented and the person who is in control of the money is accountable and this if for a nonprofit organization then he say no problem. Commissioner Snyder had a question also about a fundraiser for the Heritage Festival which would be a straight out raffle. Commissioner Trull stated we should go ahead and do it. There was one more question about the food vendor's inspection fee, the board wanted to waive this fee to encourage more vendor's to attend the festival but after speaking with the UNC School of Government the fees could not be waived.
21. Commissioner Trull also ask about the easement on the Town of Robbinsville's

- Sewer Project and Attorney David Sawyer stated that he needed to speak to the Town's Attorney Mack Tallant on this before final approval.
22. Commissioner Odom made the motion to hire Rebecca Garland, CPA for the County's Finance Officer on the recommendation by the NC State Treasury Department that we hire a licensed person for this position. Her starting date will be June 1, 2009 and at this time Machelle Crisp would become the Assistant Finance Officer. Machelle Crisp had told the board in previous meetings that she would gladly take this position in order for the county finance office to run more efficiently. Commissioner Snyder seconded this motion. Vote unanimous.
 23. Commissioner Odom asked the Clerk if the list for all the county boards was complete and the Clerk stated that it was almost completed.
 24. Commissioner Snyder stated that with respect to Mr. Billy Holder that the board needed to make a decision concerning reducing the tax rates at the next meeting. Commissioner Trull stated that maybe we needed to wait until after revaluation. Commissioner Cable stated that the board still needed to address this issue and the rates should be lowered. Commissioner Smith stated that in Bruce's defense the flood plain issue was here to stay whether we had accepted it or not and that the building inspector must go by the newest laws concerning the encroachments. The Board discussed this some more with Commissioner Smith stating that we needed to act at the next meeting and that we needed to get with Blair Hyder, Tax Assessor on this also. All Board was in agreement.
 25. Commissioner Trull made the motion to move the Building Inspector, the Inspector's Office Assistant and the two Environmental Health Specialists to the Health Department where the space is available and to move the IT Specialist to the P & J Building to save the county rent money. Commissioner Odom seconded this motion. Vote unanimous.
 26. Commissioner Trull also asked about the cell phone bills and stated the board agreed to work on this at the next work session on May 4, 2009. All board was in agreement.
 27. Commissioner Snyder asked the county manager if he had sent a directive to the Sanitation Department about tires that businesses bring to the transfer station and the manager stated that the department had been told of the new rules.
 28. Commissioner Snyder stated that the board would now take new business. Commissioner Smith asked about the Key Risk statistics and the county manager stated that the counties rates have dropped due to three years of reductions in claims and this would decrease our rates for the coming year.
 29. Commissioner Smith also presented the form from the Sheriff's Department utilizing the inmates for county work. She stated that she thought this was a good idea. Commissioner Odom stated that the Sheriff's is going to keep the sentenced inmates in our county instead of transporting them to another county so that they are available to work release.
 30. Commissioner Smith also discussed the request by the Recreation Director for new tables at the pool. Commissioner Cable asked if he had gotten more than one bid. Commissioner Odom asks about the cost and the reason the tables are more expensive is that they are ADA accessible. Commissioner Trull stated this might cause a problem with food being in the pool area and he thought the original plan was for the tables to be outside the pool area. The Manager, Lynn County stated that yes this was the original plan but there was not enough room once the actual pool was built. The Board agreed to table this until further review.
 31. Commissioner Smith also discussed the bid for the sidewalk at the pool and how much was McGill & Associates going to pay. Attorney David Sawyer stated that he needed to talk about this in closed session due to contractual information.
 32. Commissioner Smith also stated that the EMS billing office employees were not clear on the county hours. She ask the manager and he stated that if the office only has one person then they can close for lunch but if two or more people worked in an office the employees needed to stagger their hours so that the office is open at all times.
 33. Commissioner Odom presented the board with statutes on the Health Board members about the seating. He stated that at this time the general public was seated on the board for the Veterinary and the Doctor's position and he spoke with our local Veterinarian Angela Rogers and with Dr. Robert Cushman and they both agreed to hold these seats. Commissioner Odom read the statute and stated

- that these positions could be held by the general public until a licensed professional was available to serve. Commissioner Odom then made the motion to seat Angela Rogers and Dr. Robert Cushman in their respective seats. Commissioner Trull seconded this motion. Vote unanimous. Commissioner Odom then encouraged the board to look into the other two licensed positions of the Ophthalmologist and Dentist stating that they must be residents of the county to serve.
34. Commissioner Odom asked if the county manager was working with the building maintenance, Josh Lane to get things fixed in the county and how was Josh informed of the repair needs. The county manager explained the process of the departments filling out the repair request forms then Josh completes the job, brings the request of completion to the manger of the cost and time involved per department.
 35. Commissioner Odom talked about the need for the board to pass a resolution stating the county thinks the lottery funds need to go back to the schools instead of the state budget. He stated that if the funds were not to be used the way the people were led to believe when the lottery was voted on, then the people should have another vote. He asked the county attorney to draw up a resolution to put the lottery money as well as the ADM funds back into the schools budget or have the governor bring this issue back to the people for another vote. All board was in agreement to this directive.
 36. The Clerk, Kim Crisp, presented the board with a letter from Mary Barker for the Reappointment of the Home and Community Care Block Grant committee members. See Attached. Commissioner Cable made the motion to approve the list of names presented. Commissioner Odom seconded this motion. Vote unanimous.
 37. The Clerk also explained to the board about a mistake in the Transportation Board Members. The request submitted asked for the approval of nine board members when in fact it should have stated eleven board members. Juanita Colvard, Transportation Director was present and stated that she had made a mistake and had inadvertently left the two names off the list. She explained the need for the eleven member board when Commissioner Trull has why so many members were needed. Commissioner Odom stated that the county needed a policy on appointing board members. Commissioner Cable made the motion to approve the other two members presented. Commissioner Snyder seconded this motion. Commissioner's Smith and Odom voted for and Commissioner Trull opposed. The motion carried four to one.
 38. The County Manager presented the board with a request from Whisper Mountain Ministries to sponsor them on their 2nd annual Memorial Day family fun day. The manager stated that the board usually donated the dunking booth for them to use. Commissioner's Trull and Snyder both stated that the booth was unsafe. The board asked the attorney if they could destroy the booth. Commissioner Odom made the motion to destroy the booth and Commissioner Snyder seconded the motion. The motions were both rescinded when a member of the audience stated that the booth did not belong to the county but belonged to David Cable. The board instructed the county manager to get the booth back to David Cable.
 39. The Clerk also asked the board if they wanted to sit on the Social Service Board. One member is up for reappointed and the social service board felt that they should ask a county commissioner if they wanted to serve. Commissioner Trull stated that he would like to serve on that board.
 40. Commissioner Snyder made the motion to go into closed session under GS 143.318A (6) (3). Commissioner Odom seconded this motion. Vote unanimous.
 41. Commissioner Snyder made the motion to go back into open session. Commissioner Cable seconded. Vote unanimous.
 42. Commissioner Odom made the motion to appoint Larry Hembree to the 911 Road Naming Board in place of Marlon Jackson. Commissioner Trull seconded this motion. Vote unanimous. The board tabled the reappointments of Marshall McClung and Debbie Beasley until they were asked if they wanted to serve again.
 43. The Board directed the Attorney David Sawyer to modify and resubmit a new resolution for the Town of Robbinsville's Sewer Line Easement with Commissioner Cable making the motion to approve after the changes were made. Commissioner Odom seconded this motion. Vote unanimous.

44. Commissioner Cable 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