

Regular meeting Monday, November 2, 2009

The Graham County board of County commissioners met Monday, November 2, 2009 at 5:00 PM in the conference room of the Graham County community building located at 196 Knight St., Robbinsville, NC for their regular monthly meeting. Commissioners present were: Bruce Snyder, Sandra Smith, Billy cable, Steve Odom and gene Trull. Commissioner Snyder called the meeting to order.

1. Commissioner Cable gave the invocation.
2. Commissioner Snyder made a motion to amend the agenda to allow Chip Carringer School Superintendent to move to Item # 5 and to put our Finance Officer Rebecca Garland to Item #6 and to allow Erma Phillips Tax Assessor to present the Releases and Discoveries and the Reevaluation - Schedule of Values to the board as Item # 6A. Commissioner Odom seconded this motion. Vote unanimous.
3. Commissioner Snyder made the motion to approve the agenda. Commissioner Smith seconded this motion. Vote unanimous
4. Commissioner Odom made the motion to approve the minutes for the regular meeting of October 19, 2009 and the minutes for the commissioners workshop's 10/26/2009 and 10/30/2009. Commissioner Trull seconded this motion. Vote unanimous.
5. Commissioner Snyder asks for public comment. No public comment was given.
6. Commissioner Snyder introduced Chip Carringer, Graham County School Superintendent and asks that he speak. Mr. Carringer stated that the school needed to use the Lottery funds to repair the roof at the middle and high school. He stated that the roof had been on since January 1993 and now the building is having numerous leaks. He stated that we may need structural repairs due to those leaks also. He stated that the lottery funds had around \$299,000 and asks Lester Green finance officer for the school if this figure was correct. Mr. Green stated that was correct. Mr. Carringer asks the board for approval to use the lottery funds for this project. He stated that the form needed to be signed by the Chairman of the County commissioners as well as the Chairman of the Graham County School Board. Mr. Carringer stated that the repair bid was for \$298,000. Commissioner Trull asks who would do the repairs. Mr. Carringer stated the bidder was Bonnet located in Asheville North Carolina. He stated this company installed the original roof. Commissioner Cable made the motion to accept the request to use the lottery funds for the repairs on the roof. Commissioner Odom seconded this motion. Commissioner Smith asks if there were enough funds for the total project. Mr. Carringer stated that yes there was sufficient funds. Commissioner Snyder calls for a vote. Vote unanimous. Mr. Carringer asks Commissioner Snyder to stop by his office tomorrow to sign the application. Mr. Carringer thanked the board.
7. Commissioner Snyder asks for the finance report. Rebecca Garland, Finance Officer, presented a handout to the board with the totals up to date for the finances of Graham County. She stated that the tax collections were less now than they were at this time last year. She stated that the County had \$1,568,000 of unrestricted cash in the general fund at the end of October 2009. She stated that she and County manager Lynn Cody had met with all department heads to explain the new process of purchasing. She stated that all department heads were told that if they did not get a purchase order before the items were purchased then those purchases will be taken from their payroll check. Rebecca also asks the board for permission to begin implementing E-procurement to the counties system. She stated that the state agencies use this program. Commissioner Snyder asks Rick Davis, a former superintendent, about this program. Rick Davis stated that this program was a nightmare to start out but once the implementation was complete it was a very good system. Rebecca stated that there would be some manual purchase orders even with this system but she would have more control on all purchases. Commissioner Trull stated his concerns about this program because it uses the state contract pricing. He stated that sometimes items could be purchased somewhere else cheaper. Rebecca stated that the County would use the cheapest price.
8. Rebecca presented the board with four budget amendments. See attached! Amendment #5 was for the Extension Office. The North Carolina State University added to the extension director the duties of Burley Tobacco Coordinator. With the additional responsibility comes an additional \$5000 in compensation. The County's part of the additional wages is a 25.3% increase in the gross compensation. This budget amendment provides for the additional County responsibility of gross wages, FICA, insurance and retirement.
9. Amendment #6 is for the Senior Center budget. The Senior Center was advised of a decrease in the amount of outreach revenues and general purpose through the Southwestern Regional Commission on Aging. Expenditures budgeted for these purposes have been decreased. In addition, the County received an additional allotment of SHIIP funds to be expended strictly for that purpose. Budgeted expenditures under the SHIIP program have been increased accordingly.
10. Amendment #7 is for the Criminal Justice Program. Budgeted revenues under the Criminal Justice Program were increased from Graham County to be used for contracted services. This amendment increases the budgeted revenues and expenditures accordingly.
11. Amendment #8 is for the Recovery Zone Bond Issue. The board authorized an \$8000.00 expenditure for the purpose of engineering and site planning activities at the Fort Hill facility in advance of receiving ARRA funding through a possible recovery zone bond issue. Advance activities are necessary to prepare the site to be shovel ready in the event of the government's ability to obtain funding through the above source. Under G.S. 159-28, any expenditure from designated contingency funds must be amended to reflect the usage of the funds in the general budget. This amendment is to reallocate the funds from contingency to the recovery zone expenditures line item. Commissioner Snyder asks if we have to make a declaration that we are getting shovel ready. Rebecca stated that this is preliminary work at phase 1.
12. Rebecca presented the board with a Direct Draft Proposal from the United Community Bank to

- allow Graham County to electronically debit customer accounts. She stated that Commissioner Odom ask her to look into this possibility as a means to collect past due tax bills. This would allow taxpayers to have a certain amount of money withheld from their accounts each month to pay their property taxes. Rebecca stated that her main concern was in reconciling the records. She was assured by the bank that the reports would reflect the account name and amount withheld. Commissioner Odom stated that he had talked to Tajuana Ledwell, our tax collector, on this issue and they felt that this would give the taxpayers who are behind on their taxes an option of how to pay. Commissioner Trull stated his concerns about allowing payments and if more people would use this option instead all making a full payment. Commissioner Odom stated that some money was better than nothing and this would keep the counties cash flow coming in. Commissioner Cable felt some kind of deadline must be set. Commissioner Smith asks if this included all banks or just United Community Bank. Rebecca stated that all go through the Federal Reserve and this included all banks. Commissioner Smith stated that guidelines needed to be set before we proceed. David Sawyer, our County attorney, stated that a letter needed to be developed that clearly states the guidelines. Commissioner Trull stated that we needed to work on those guidelines before pursuing this issue. Rebecca also presented the board with a request for the new modules and a scanner for the EMS billing office. Commissioner Cable asks Rebecca's opinion on the modules. Rebecca stated that these modules would lessen the offices work load.
13. Commissioner Odom made the motion to approve the budget amendments. Commissioner Smith seconded this motion. Vote unanimous.
 14. The board discussed the E-procurement system and Commissioner Odom made a motion to pursue this system. Commissioner Smith stated that Rebecca knew her job well and had recommended the system. Commissioner Smith seconded this motion. Vote unanimous.
 15. Commissioner Snyder asks Erma Phillips, Tax Assessor, to speak. Erma presented the board with the Releases and Discoveries. See attached! Commissioner Odom made the motion to approve the Releases and Discoveries. Commissioner Cable seconded this motion. Commissioner Smith asks about one release and Erma explained the reason for the release. Commissioner Snyder calls for a vote. Vote unanimous
 16. Erma introduces Ron McCarthy, a representative with RS & M Appraisal Company and stated that his company would be assisting with the revaluation. Erma also stated that a public hearing was set for November 16, 2009 at 5:00 PM to begin the revaluation schedule of values. She also stated that on November 23, 2009 at 5:00 PM the County board would need to adopt the schedule of values where they will lay open for 30 days. This will give our taxpayers the right to challenge the new property tax values. Erma stated that she had the ad for the paper and would run the ad until November 16, 2009 and then after the board adopts the schedule of values another ad will be ran for four more weeks. Commissioner Odom asks at what percentage were the rates going up. Erma stated that the rates depended upon what type of property the taxpayer had. She stated that the 2009 sales had increased and the values were very high. She also stated that the state mandates the counties to use 100% market value. The commissioners discussed this item at length and were concerned about the increase in the rates. Commissioner Smith stated the process in which the tax payers could take if they disagreed with the values. Commissioner Cable was concerned about taxpayers losing their homes due to the high taxes and that people were barely getting by now. Erma stated that she had tried to tell the state these concerns due to the area in which we live but the state would not consider any changes. Commissioner Cable stated that the board of commissioners could lower the millage rate to compensate for these values. Commissioner Snyder thanked Erma and Mr. McCarthy for coming.
 17. Commissioner Snyder asks for old business. Commissioner Trull and Commissioner Cable stated that they did not have any old business. Commissioner Odom asks Manager Lynn Cody if the Town of Robbinsville had gotten back to him on helping with the collection of their back taxes. Manager Cody stated that he was still waiting on a list from the Town.
 18. Commissioner Odom stated that the Interim EMS Director Larry Hembree was doing an excellent job and he felt that we should go ahead and appoint him as a full-time director. Commissioner Odom made the motion to appoint Larry Hembree as the EMS Director. Commissioner Smith seconded this motion. Vote unanimous.
 19. Commissioner Odom stated that due to a state mandate we now have to charge a fee for all fire inspections for businesses in the County. He asks the board if at \$30 fee for businesses would be acceptable and to exempt all churches and nonprofit organizations who are a 501C3 entity. Commissioner Cable asks how often the fees are renewed. Manager Cody stated that the fees were good for a period of three years. Manager Cody also stated that David Hyatt would be doing the fire inspections. He also stated that employee Jacob Nelms was in the process of getting approval from the state to do fire inspections also. Commissioner Odom made the motion to charge a \$30 fee for all business fire inspections and to exempt all churches and nonprofit organizations that are a 501C3 entity. Commissioner Trull seconded this motion. Vote unanimous.
 20. Commissioner Odom stated his concerns about the drain that is located at the entrance of our health department. He felt that this would present a problem in the winter months with freezing ice and would like to see this taken care of. He asks Manager Cody to talk to the Town of Robbinsville about helping with the expense and then talk to the North Carolina Department of Transportation to help redirect the water. Commissioner Odom felt that a trench drain needed to be installed. Commissioner Smith asks why the Town would not fix this problem and Manager Cody stated because of the expense. All board was in agreement to Manager Cody getting in contact with the Town as well as the North Carolina Department of Transportation.
 21. Commissioner Odom asks if we had received word from Verizon and if not Manager Cody needed to contact the utilities commission again. All board agreed in giving a directive to Manager Cody to go back to the utilities commission with our complaints about service from

Verizon.

22. Commissioner Smith asks about the telephone that Lavina uses in the front office. She stated that Lavina had told her that the phone was not working correctly. She asks Manager Cody to check with J. R. to see where the problem is. All board was in agreement.
23. Commissioner Smith asks how the new door in the County manager's office was working. Manager Cody stated that the door was working great.
24. Commissioner Trull stated that we needed to get someone to work on our phones that have the expertise with the system. He stated that the system that we have was very expensive and we should get better service. Rebecca stated that the lease was over \$5000 per month for the phones. Commissioner Smith asks that we check the contract on our options. Commissioner Trull stated that we needed to be rid of it. Rebecca stated that this is like a capital lease which is basically a loan and that the County was pretty much stuck with it. Commissioner Smith gave a directive for the County manager's office to find the contract and see where the County stands on these issues. All board was in agreement.
25. Commissioner Smith asks about checking to see if our prisoners could use the dental clinic at the health department. Clerk Crisp stated that they were using these services now.
26. Commissioner Smith asks if the box bailer had been moved. Manager Cody stated that Donnie Orr, Sanitation Director was in the process of getting a loader to move the bailer. Commissioner Trull also stated that some of the property owner's equipment needed to be moved before we are able to move the bailer.
27. Commissioner Smith asks about the fencing proposals. Manager Cody stated that only one proposal had been received. The deadline was Friday, October 30, 2009.
28. Commissioner Smith asks if all the occupancy tax payments were up-to-date. Rebecca Garland stated that some reports were coming back without payment and she felt the County needed to charge interest and penalties. Commissioner Smith agreed to the late fees and interest. Commissioner Cable questions the legal aspect. Commissioner Odom stated this was a criminal offense because the money collected for the occupancy tax was not their money that it belonged to the county. The board agreed to look at this issue further.
29. Commissioner Smith asks if the crackers had been put on the transit buses for the people with diabetes. Manager Cody stated that yes the crackers were placed on the bus now.
30. Commissioner Smith asks if the EMS billing office had written off the bill from the Cherokee County ambulance haul. Manager Cody stated that he would check on this and inform the EMS billing office to write off that bill.
31. Commissioner Smith asks about the transit vans that needed to be surplus and stated that Juanita Colvard, Transit Director, was asking for this to be done. Commissioner Odom felt that the surplus items needed to be the counties responsibility. Commissioner Odom also stated that all titles for any vehicles that belong to Graham County are to be kept in the clerk's office. All the board was in agreement on this issue.
32. Commissioner Smith asks Manager Cody to get all records concerning the gas and diesel reports. She also stated these records needed to be kept and handled by the finance officer. All board was in agreement. Commissioner Cable stated that all records needed to be in a central location in the County manager's office.
33. Commissioner Smith stated that we needed to appoint someone to the 911 road naming board to replace Larry Hembree who is now the administrator. Manager Cody stated that he had spoken with Larry Hembree and that Larry has suggested appointing Brian Johnson who is an EMT paramedic. Commissioner Odom made the motion to appoint Brian Johnson to the 911 road naming board. Commissioner Trull seconded this motion. Vote unanimous.
34. Commissioner Smith stated that she had received a letter from Sherri Schutte with a request to appoint new JCPC board members. She stated that the board consisted of 10 members and that many of these members have never attended. Commissioner Smith also stated that the South Western Region A board had three seats to be filled. Commissioner Trull stated that several County employees were on numerous boards and he felt that the County should limit the number of boards that a County employee could serve on. Commissioner Smith stated that we needed new people who are willing to serve on these boards. Commissioner Smith asks the clerk to get a list of all the board members who are up for reappointment.
35. Commissioner Snyder asks if we had received the County Flag. Manager Cody stated that the flag was being made as we speak that he would do a follow up call tomorrow. Commissioner Smith asks that we also put up the American flag and the North Carolina flag at our Commissioner meetings. All board was in agreement.
36. Commissioner Snyder asks for new business. Commissioner Odom asks that the recreation assistant help Josh, our building maintenance worker, now that the mowing season is over.
37. Commissioner Odom stated that Representative West and Sen. Snow were going to sponsor our proposal in asking the Legislature to pass a bill on excessive spending after the Commissioner elections. He felt that the commissioners need to meet with our neighboring counties to ask for their support of this. He also stated that each County needed to pass a resolution. Commissioner Odom stated that he would go to Cherokee County, Commissioner Cable would go to Jackson and Swain County, Commissioner Trull would go to Jackson County and Commissioner Snyder would go to making County. They ask the clerk to call the counties and request to be put on the agenda.
38. Commissioner Odom stated that there will be a vacancy on the Board of Health as off November 7, 2009. Commissioner Odom made a motion to appoint Karen Anderson to a three-year term. Commissioner Trull seconded this motion. Commissioner Snyder calls for a vote. Commissioners Odom, Smith, Cable and Trull were in favor. Commissioner Snyder was opposed. Motion carried.
39. Commissioner Odom presented the board with a public comment policy to review. He recommended that the board pass this policy to set a standard for other boards to go by.

Commissioner Snyder stated that he tried to do his best and he took offense to the policy. Commissioner Odom stated that Commissioner Snyder had been a great job that this policy was only to set a standard for other boards to go by and was in no way a reflection of how Commissioner Snyder carried out the public comment session. Commissioner Trull stated that Commissioner Snyder was stepping down as chairman in December and the next chairman might not have the same standards that Commissioner Snyder had set and that the policy was just a guideline. Commissioner Cable made the motion to table this issue until everyone had a chance to review the policy. Commissioner Odom seconded this motion. Vote unanimous.

40. Commissioner Odom made the motion to purchase the modules for the EMS billing office. Commissioner Trull asks Rebecca Garland, Finance director if this was needed and she stated that yes it would help. Commissioner Snyder seconded the motion. Vote unanimous.
41. Commissioner Cable stated that he had been approached by several people on the training season issue. He asks if the County could set up a meeting with the wildlife officers and the hunters to talk about this issue. The commissioners discussed this issue and felt this was not something that the County should get involved with.
42. Commissioner Snyder stated that he had spoken with people who were vehemently opposed to the sign ordinance that the North Carolina Department of Transportation was enacting. Commissioner Snyder stated that this was wrong to make these businesses move their signs. Commissioner Trull stated that this was a law from a long time ago that was never enforced and that for some reason the state has decided to enforce this ordinance. All commissioners were in agreement to sending a letter to our representatives in opposition to this enforcement. Commissioner Odom asks that the County attorney draft a letter and voice our disapproval of this action. All board agreed. Commissioner Odom made a motion of statement that the Graham County Board of Commissioners disapproves of the removal of the signs on the state right of way. Commissioner Snyder seconded this motion. Vote unanimous
43. Commissioner Smith asks if any of the board was attending the NCACC Meeting being held on November 12th 2009 in Haywood County. Commissioner Trull and Cable stated that they would try to attend the meeting.
44. Commissioner Smith asks about the grant writing class and if our county planner was attending. Manager Cody stated that the county planner would be attending this class.
45. Commissioner Cable made the motion to go into closed session. Commissioner Trull seconded this motion. Vote unanimous. Commissioner Snyder stated we are going into closed session under GS 143-318.11A (1) (2) (6) privilege or confidential information, attorney-client privilege and personnel.
46. Commissioner Cable made the motion to come out of closed session. Commissioner Trull seconded this motion. Vote unanimous.
47. Commissioner Snyder made the motion to raise Larry Hembree's pay to \$43,000.00. Commissioner Trull seconded this motion. Vote unanimous.
48. Manager Cody asks the board for permission to take off November 10 to the 13th. Permission was granted by all board members.
49. Manager Cody stated that he had request from Misty Hembree to allow a part-time backup dispatcher to be hired. All board was in agreement to posting the ad in the paper for a part-time backup dispatcher.
50. The board along with County attorney David Sawyer's advice all agreed to return the server that was purchased at the Department of Social Services. Attorney Sawyer stated that the contract was not valid due to the fact that neither the finance officer nor the County manager had signed the contract. The board agreed to a new server as long as the bid process was adhered too.
51. 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