

Regular meeting Monday, November 16, 2009

The Graham County Board of County Commissioners met Monday, November 16, 2009 at 5:00 PM in the conference room of the Graham County community building located at 196 Knight St., Robbinsville, NC for the monthly meeting. Commissioners present were: Sandra Smith, Billy Cable, Steve Odom and Gene Trull. Commissioner Bruce Snyder was absent due to illness. Commissioner Smith called the meeting to order.

1. Commissioner Cable gave the invocation.

2. Commissioner Trull made the motion to amend the agenda to add the Discoveries as items 4A. Commissioner Cable seconded this motion. Vote unanimous.

3. Commissioner Odom made the motion to approve the agenda with the amendment. Commissioner Cable seconded this motion. Vote unanimous.

4. Commissioner Trull made the motion to approve the November 2, 2009 minutes. Commissioner Odom seconded this motion. Vote unanimous.

5. Commissioner Smith asks for public comment. No public comment was given.

6. Commissioner Smith asks Erma Phillips, Tax Assessor, to present the Discoveries. See attached! Ms. Phillips stated that approximately 359 acres were to be added to the tax records for land that is leased by Fontana Inc. from Tennessee Valley Authority. She also stated that approximately 36.4 acres were discovered at the old rock quarry and was being billed to Harrison Construction Company - APAC. The 3rd item was discovered and deal to Western Materials. She stated that she had spoken with Charles Meeker at the state and he had confirmed that the Court of Appeals had upheld the decision to allow these discoveries of leased land from the government. Commissioner Trull asks why now and not in the past. Ms. Phillips stated that the ruling had just come down when in the past you could only tax the buildings that sat upon the leased land. Commissioner Odom asks how far the tax office could go back on collections. Ms. Phillips stated that she would bill for current plus the past 5 years. Commissioner Cable asks if these properties were ever taxed. Ms. Phillips stated no they had never been taxed. Commissioner Cable asks if Fontana Inc. is aware of this discovery. Ms. Phillips stated that she had contacted Fontana Inc. last Thursday and faxed the new case law rulings. Commissioner Cable asks if they were aware of this possible tax when they took over Fontana Village. Ms. Phillips stated not that she was aware of. She stated that everyone had a right to appeal within 30 days. The appeal will come to her office first and then she will present the appeals to the Board of Commissioners. Commissioner Trull made the motion to accept the discoveries. Commissioner Odom seconded this motion. Commissioner Smith calls for a vote. Vote unanimous.

7. Commissioner Smith announces that the regular meeting is now closed. Commissioner Smith announces that the public hearing for Revaluation is now open.

8. Commissioner Smith asks Erma Phillips, Tax Assessor, to proceed with the public hearing. Ms. Phillips asks if anyone has any concerns on the reevaluation. Herve Cody, resident of Graham County, asks Ms. Phillips if the reevaluation is up or down and how much. Mr. Cody also asks when the notices for the tax values will go out. Ms. Phillips stated that the notices will go out in January and then everyone who wishes to appeal will have 30 days to appeal to the tax assessor's office. She also stated that the reevaluation had gone up and this is based upon the sales of 2009. She stated that this is a state law and neither she nor the County Commissioners had any control on setting these values. Resident Billy Holder asks how the values are taken and if they went back for a period of 10 years. Ms. Phillips stated that no the values are taken from the sales of 2009 only. Several more comments were made by Mr. Cody and the Commissioners.

9. Commissioner Smith asks for further comments. Commissioner Cable made the motion to close the public hearing. Commissioner Odom seconded this motion. Vote unanimous.

10. Commissioner Cable made the motion to reopen the regular meeting. Commissioner Odom seconded this motion. Vote unanimous.

11. Commissioner Smith called the meeting back to order and introduced Josh Carpenter as the next speaker. Josh spoke to the board briefly on the Energy Plan that he had been working on. See Attached! Josh stated that his main goal was to save money on the power, gas and oil bills for the county. Josh also presented the board with a grant from the Rural Center to help train Graham County residents who are unemployed with skills for another job. Josh also asked for permission to apply for a grant that will upgrade scattered housing in the county. Commissioner Odom made the motion to allow Josh to apply for this grant. Commissioner Cable seconded this motion. Vote unanimous.

12. Commissioner Smith asks for the finance report from Rebecca Garland. See Attached! Rebecca stated that she and Manager Cody had met with the department heads to explain the requisitions process. She stated that she had almost a 75% success rate on the department heads understanding the process. She stated that she would be checking dates of order against requisition date requests to verify that the department's heads are seeking permission to order before the order is placed. Commissioner

Trull had a question about departments thinking they are exempt for this process. Rebecca stated that no one was exempt from this process. Commissioner Smith stated that she had a book from the Institute of Government that might help and Rebecca stated that she would love to see the book. Rebecca stated that she wanted to have a 20% fund balance and the county was close. As of June 30, 2009, the county had a balance of 16% and the state mandates a balance of 8%.

13. The board questioned Rebecca on the Occupancy Tax. They wanted to know if the tax was being paid on a timely manner. Rebecca stated that some do not pay on time and she suggested the county impose a penalty for late payment. The board all agreed that the occupancy tax does not belong to the persons who collect but belong to the county and should be paid on a timely manner. The board discussed various options on collections and penalties with the attorney. Commissioner Odom made a motion that the Board of Commissioners pass a Resolution to repeal the 1999 Graham County Resolution establishing the Travel and Tourism Authority and, thereby disband the Graham County Travel and Tourism Authority; and create in its place the Graham County Department of Travel and Tourism subject to the direction and oversight of the Board of Commissioners, and retain Judy Jones and Joe Bonnette as employees of the Graham County Department of Travel and Tourism, at their current rates of pay, and direct that the Graham County Occupancy Tax be administered by the Graham County Finance Officer at the direction of the Graham County Board of Commissioners. As part of this Resolution, Graham County will continue, until further notice, all plans relative to the promotion of tourism in Graham County previously adopted by the Travel and Tourism Authority and, further, adhere to any cooperation arrangements with other organizations for the promotion of tourism in Graham County which have been duly adopted by the Travel and Tourism Authority. Commissioner Trull seconded this motion. Commissioner Smith called for a vote. Commissioners Odom, Trull and Smith voted this motion. Commissioner Cable voted against the motion. Commissioner Snyder was absent due to illness.

14. After discussion on past due occupancy taxes, the board gave Rebecca Garland, Finance Officer, a directive to assess the past due occupancy taxes add the penalties and interest, then give to the attorney so that he may prepare a command letter for payment. Commissioner Odom also asks the attorney about the past due tax bills and where the county stands on those collections. David Sawyer, County Attorney, stated that thirty letters had been sent out and payment was received on approximately eighteen which is a good percentage. He stated that he would get with Tajuana Ledwell, Tax Collector, to see if further letters need to be sent.

15. Commissioner Smith asks the board for old business. Commissioner Cable stated that he did have a question on the Rural Development Grant but that Josh Carpenter had answered the question for him earlier when he was speaking.

16. Commissioner Odom asks the county manager where we stand on fixing the drain at the entrance of the Graham County Health Department. Mr. Cody stated that he had talked to Shane Edwards with NCDOT and Wesley Grindstaff District 14th, Engineer and they are ready to begin with the understanding that the county is responsible for the cost. Commissioner Trull stated that we should go back to McGill & Associates and sue them for this cost since they were the designers and overseers of the project. Commissioner Cable agreed with Commissioner Trull and stated that McGill & Associates are the reason we are having trouble with the pool. Mr. Cody stated that he would get in touch with Wesley Grindstaff again to see when the project on the drain could begin.

17. Commissioner Odom asks if another letter had been sent to the Utilities Commission concerning the telephone lines. Mr. Cody stated that yes a letter had been sent but he had not received a response as of this date.

18. Commissioner Odom asks the board about the Public Comment Policy and if everyone was in agreement. Commissioner Smith stated that she wanted a couple of minor word changes. The board discussed the changes and agreed to all. Commissioner Odom made a motion to adopt the Public Comment Policy (See Attached). Commissioner Trull seconded this motion. Vote unanimous.

19. Commissioner Odom made a motion to accept the Graham County Pre-Authorized Debt of Property Taxes to assist the tax collector in the collection of property taxes. See Attached! Commissioner Odom stated that this form was approved by the Finance Officer and by the State Treasury's Office, Sharon Edmondson. Commissioner Cable seconded this motion. Vote unanimous.

20. Commissioner Odom made a request that the attorney and the tax collector stay on top of the taxes. Attorney Sawyer stated that he would get with the tax collector and see where the county stands on past due bills.

21. Commissioner Odom made a request that all boards within the county submit open session minutes to the Board of Commissioners in a reasonable time and submit the attendance records of all board members attending such meetings. There was discussion among the board on minutes that are not open for public review in boards such as Department of Social Services. Commissioner Cable asks why the Board of Commissioners minutes are sent out before they are approved. Manager Cody stated that Clerk Crisp didn't send the minutes to Nancy Johnson for posting nor file with the Register of Deeds until those said minutes are approved. Manager Cody also stated that the Clerk had also amended the minutes in the past if a mistake was found but that those amendments are added to the book. Commissioner Odom stated that the county needed to adopt a policy on these procedures concerning the minutes from the boards in the county. Commissioner Odom made a motion to adopt a policy that all boards of authority send copies of all open minutes with the attendance of all board members to the Graham County Board

of Commissioners in a period of ten to fifteen days after such meeting. Commissioner Trull seconded this motion. Vote unanimous.

22. Commissioner Odom stated that the board needed to send a letter of intent to the state on the child support issue. Commissioner Odom made a motion to accept the responsibility of overseeing the Child Support Division for Graham County and that the Department of Social Services would be responsible for this office as of July 1, 2010 so that the county could receive 65% reimbursement from the state for the costs associated with this office. Commissioner Trull seconded this motion. Vote unanimous.

23. Commissioner Smith asks the county attorney where we stand with the new personnel policy. Attorney Sawyer stated that he should have the policy completed by the next regular commissioners meeting but that a new law was being passed around in Washington concerning Gay Rights and the need to add those rights to personnel policies and that he would work these changes into the policy before presenting to the board.

24. Commissioner Smith asks Commissioners Cable and Trull had attended the NCACC meeting that was held on the 12th of November. Commissioners Cable and Trull were both unable to attend due to illness.

25. Commissioner Smith asks if the county had made requests for other counties dress codes. Manager Cody stated that the Clerk had made the request and only received one response to the request. Manager Cody stated that the one dress code received stated that their employees were to wear professional attire but was very vague.

26. Commissioner Smith asks if the EMS Billing office had archived their records. Manager Cody stated that this was in the process of being done and that Naomi was reviewing the new modules and stated that they were working great and she was ready for the next step. Manager Cody stated that he would follow up on this next week.

27. Commissioner Smith asks if the contract for the phone system had been found. Manager Cody stated that the contract had not been found at this time. Commissioner Smith asks that the manager call the company and get a copy sent to the county. Manager Cody stated that he would contact the company.

28. Commissioner Smith asks for new business. Commissioner Odom stated that he had received a resolution from Gaston County to prohibit illegal aliens from attending North Carolina's Community Colleges. See Attached! Commissioner Odom felt we should pass this resolution using the same draft as Gaston County. Commissioner Odom made the motion to pass a Resolution to Prohibit Illegal Aliens from Attending North Carolina's Community Colleges. Commissioner Cable seconded this motion. Vote unanimous.

29. Commissioner Odom stated that while researching the occupancy tax he found that the county needed to take a different approach to its marketing strategies. He stated that there is approximately \$100,000.00 collected annually in Occupancy Tax and this money can only be used to promote tourism and felt the county needed to be able to provide input. Commissioner Odom made a motion that the Board of Commissioners;

a) Pass a Resolution to repeal the 1999 Graham County Resolution establishing the Travel and Tourism Authority and, thereby disband the Graham County Travel and Tourism Authority, and to;

b) Create in its place the Graham County Department of Travel and Tourism subject to the direction and oversight of the Board of Commissioners, and retain Judy Jones and Joe Bonnette as employees of the Graham County Department of Travel and Tourism, at their current rates of pay, and;

c) Direct that the Graham county Occupancy Tax be administered by the Graham County Finance Officer at the direction of the Graham County Board of Commissioners. As part of this Resolution, Graham County will continue, until further notice, all plans relative to the promotion of tourism in Graham County previously adopted by the Travel and Tourism Authority and, further, adhere to any cooperative arrangements with other organizations for the promotion of tourism in Graham County which have been duly adopted by the Travel and Tourism Authority.

Commissioner Cable commented that maybe we should wait and talk to the current board before dissolving. Attorney Sawyer stated that no legal problems would entail in doing this and the Board of Commissioners can dissolve. Commissioner Odom stated that the present time the Board of Commissioners have no say in how the money is spent and the county should have a say. Commissioner Smith calls for a vote. Commissioner Trull seconded this motion. Commissioner Smith voted for and Commissioner Cable voted against. Motion passed three to one.

30. Commissioner Smith asks if the county advertised for the part time dispatcher. Manager Cody stated that yes it was in the paper.

31. Commissioner Smith stated that the County Board needed to meet with the Town Alderman of Robbinsville to discuss the downtown revitalization project. Commissioner Trull stated that we needed to wait until the new board was sworn in. All board was in agreement of this and directed the county manager to set up a meeting after such date.

32. Commissioner Smith stated that the county board needed to meet with the Veteran's and get their

views on the county and just let them know that we honor them for their dedication in serving our country. She stated that the county needed to celebrate with our veterans because they are the reason that we are here today. Commissioner Odom also stated that we needed to get with the Veterans office to see if they would be in charge of lowering or raising the flag that sits in front of courthouse. Commissioner Cable suggested that the county manager talk with Gordon Farley, representative with the Veterans office and see what he suggests.

33. Commissioner Smith asks about the two vans that needed to sold. She stated that the county had discussed the possible donation to the Stecoah School but had not received clarification on if they would be allowed to use the van in hauling school kids to and from the Stecoah Afterschool Program. The board stated that the vans were already surplussed and could be bid out at a later date.

34. Commissioner Trull asks if word had been received regarding the new transit facility. County Manager Cody stated that he had received word that the building is still a go and we should be receiving paperwork soon.

35. Manager Cody informed the board that the heating system had to be replaced at the Senior Citizens Building with a cost of \$3997.00 installed. He stated that the furnace went out and he had to install a new one before he was able to get board approval on the spending. All board was in agreement that Manager Cody acted correctly.

36. Manager Cody informed the board about the new garbage site that was being prepared on Yellow Creek and stated that he had a letter from Tennessee Land Trust granting permission with the requirement that their representative be able to input how and where the site would be. The Tennessee Land Trust also wanted native shrubbery to be added to the area. Commissioner Odom made a motion to start the site but amended the motion to check on the native shrubbery before proceeding. Commissioner Trull seconded this motion. Vote unanimous.

37. Commissioner Odom made a motion to go into closed session under G.S. 143.318A (6) and G.S. 143.318A (11) (3) for personnel, attorney client privilege and contracts. Commissioner Trull seconded this motion. Vote unanimous.

38. No decisions were made in closed session. The board discussed contracts and personnel.

39. Commissioner Steve made the motion to continue the meeting to Thursday, December 3, 2009 at 9:00 a.m. at the regular meeting place for the purpose of meeting with a representative on the Community Development Block Grant; and for Friday, December 4, 2009 at 9:00 a.m. at the regular meeting place to meet with a NCACC Consultant on the Golden Leaf Foundation for possible funding on projects for Graham County. Commissioner Cable 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