

Regular Meeting – December 1, 2015

The Graham County Board of Commissioners met Tuesday, December 1, 2015 at 5:30 p.m. in the Graham County Community Building located at 196 Knight Street Robbinsville, NC 28771 for their regular monthly meeting. All board was present.

1. Chairman Eller called the meeting to order.
2. Chairman Eller asks Commissioner Williams to give the Invocation.
3. Chairman Eller asks Commissioner Orr to lead the Pledge of Allegiance.
4. Chairman Eller asks for changes to the agenda. Clerk Crisp stated that she did have new and old business and Rebecca Garland, Juanita Colvard and Claudine Gibson needed to be added to closed session. Commissioner Williams made the motion to approve the agenda with the changes. Commissioner Nelms seconded this motion. Vote unanimous.
5. Chairman Eller asks for approval of the minutes for the Special Meeting November 12<sup>th</sup>; Regular and Workshop Meeting November 17<sup>th</sup>. Commissioner Orr made the motion to approve the minutes as stated. Commissioner Williams seconded this motion. Vote unanimous.
6. Chairman Eller asks for public comment. Clerk Crisp stated that no one had signed in for public comment.
7. Chairman Eller asks for the finance report. Ms. Garland stated that she had a couple of items for the board's review. Ms. Garland stated that the county has received two very costly inmate hospital charges that exceed \$200,000.00 and further stated that she is working with Prime America to have these costs lowered to the Medicaid rate but the amount will still affect the county budget. Ms. Garland stated that she has spoken with the NCACC Association and they are sending us information on Catastrophic Insurance.
8. Ms. Garland stated that she was looking into a new IT proposal but would need to discuss this in closed.
9. Ms. Garland stated that she has been looking into the requirements for the ACA ACT and stated that all employees will be receiving a form with their W-2's. Ms. Garland stated that the county is required to file these forms with the government electronically and this is very expensive. Ms. Garland stated that the initial price she was given for a module was \$7,000.00 but she is speaking with Smart Fusion in hopes they can supply this at a much cheaper rate. Ms. Garland stated that she was having a phone conference on Thursday morning addressing this issue. Ms. Garland stated that we are now seeing the joys of the ACA Act.
10. Ms. Garland stated that the last item was if the commissioners were planning to give the staff something for Christmas we would need to implement this prior to the upcoming payroll. Ms. Garland stated that she did receive extra money from PILT and this could be used to pay for the bonus. Commissioner Williams and Orr asks how many people are we talking about. Ms. Garland stated that she did not have that exact figure but it was around 170. Commissioner Williams made the motion to give the employees a \$100.00 gift card from Ingles the same as last year. Commissioner Nelms seconded this motion. Vote unanimous.
11. Chairman Eller asks Dale Wiggins, an ex-commissioner to speak. Mr. Wiggins stated that he came here today to speak to you about an issue that has been 20 years in the making. The following is the statement that Mr. Wiggins made: You may have read about it in an article in the Graham Star from two weeks ago. The story was about the settlement of a lawsuit brought by Ms. Karen Taylor and that lawsuit targeted over two dozen defendants. The one issue in the article that I wish to comment on is one that was focused towards the county commissioners at the time the suit originated, Mr. Williams, Mr. Cody and myself. Ms. Taylor is quoted as saying "that to this day she swears the county commissioners looked the other way knowing their cronies were bilking the federal government out of relief funds". I can assure you today that the comment attributed to Ms. Taylor I have just quoted is nothing more than an absolute lie. I was one of those commissioners and was also at the time the county manager. When this all started I received a call from Ms. Taylor one day making the allegations described in the article and I said to her "you need to call the federal offices in Waynesville and make them aware of these allegations so that they can investigate". Graham County had no means to investigate these claims. From that point forward until now we as commissioners cooperated fully with all of the investigative process. A lot of innocent people were hurt by Ms. Taylor's claims and in the 20 years since that phone call not one shred of evidence has been introduced to prove that we as commissioners were negligent nor has she proven her ludicrous claim that we turned a blind eye to fraud. She says in the article that it was never about money. That is another absolute lie. Had

the defendants not resisted and fought this in court she and her lawyers could have been awarded triple the grant dollar amounts of the grants for which damages alone for the Graham County part of the project would have been approximately \$480,000.00. Add the Cherokee County project which could have garnered her and her legal team some \$837,000.00 and you have an award totaling over \$1.3 million dollars. Not about the money? In May of this year Ms. Taylor and her legal team was asking for \$250,000.00 to settle this suit. Not about the money? If her single interest was to see "justice done" then why did she continue the lawsuit after the federal employee was prosecuted and convicted? Was that not enough justice? If it was not about the money then why were there over (24) people named as defendants? Because when you file a lawsuit like this you have to go after everybody to make it stick. Then sadly, if Ms. Taylor's overly dramatized story wasn't enough, the editor of the Graham Star who had no knowledge of this suit over that past 20 years compares this to the famous Erin Brockovich case where an entire town had to be moved and people died from exposure to toxins in the soil. Mr. Corsair assumed incorrectly that Ms. Taylor was a saint and that all she said was true. He wonders why a full blown investigation was not made. I would say that it was investigated by the Federal Bureau of Investigation, along with the NC State Bureau of Investigation, the USDA Soil and Water Conservation office, NC Department of Agriculture and the managers of the NC AG-Cost share programs. Now if that's not a full blown investigation I don't know what to call it. From this yearlong investigation only two people faced indictment, and both of those people were federal employees of USDA Soil and Water. Not one person outside of these federal employees, not one commissioner, not one member of Graham County Soil and Water Board of Directors was ever implicated nor were any of them charged with wrong doing. Does Mr. Corsair think that any of us would get to walk away from the FBI if they found any measure of criminal activity? Yet he writes his editorial with the shock and awe journalism that we've gotten used to. Doesn't have to be based on facts just has to sound like good gossip and hope it sells a few more papers that week. While his editorial and Ms. Taylor's story may certainly evoke some pity and is certainly dramatic it is lacking in one area and that is it contains a little truth. Mr. Corsair failed to offer the other side of this story that is 20 years in the making even though this story has many sides to it. If we as commissioners were guilty of anything it would be that we were guilty of putting our trust into federal employees who in the end failed to do their jobs. I want to say to Mr. Williams and Mr. Cody that I regret that we as commissioners had our trust abused. As the contact person for this program I operated and represented the Board of Commissioners and Commissioner Williams and Cody trusted me to do the right things. I can assure you today, with God as my witness, that I never betrayed that trust. I know in my heart that we never violated any federal or state laws and wish that this case could have gone to court so that I / we could have proved in open court that we were innocent of these claims. May God Bless and keep you all, I thank you for the opportunity to speak today. Commissioner Williams stated that he, Dale Wiggins and Lynn Cody were innocent of all claims! Lynn Cody fully agreed!

12. Chairman Eller stated that we would now go to the discussion items. Clerk Crisp stated that she needed approval for the releases and discoveries. Commissioner Orr made the motion to approve. Commissioner Cody seconded this motion. Vote unanimous.
13. Clerk Crisp stated that we had received our Senior Center General Purpose funding and needed the board to approve to accept. Commissioner Williams made the motion to accept the funding for the Senior Center. Commissioner Orr seconded this motion. Vote unanimous.
14. Clerk Crisp stated that Larry Hembree and Brian Stevens needed to take a day trip to Hickory for an EMPG Meeting. Commissioner Cody made the motion to approve the travel. Commissioner Williams seconded this motion. Vote unanimous.
15. Clerk Crisp asks if any of the board members would like to attend the Veteran Elected Officials Class held on Wednesday, February 17, 2016. Commissioner Orr stated that she would like to attend.
16. Clerk Crisp stated that she had learned that some CDBG Promissory Notes had not been signed off on that had reached their award date and she and Rebecca Garland had signed all the necessary paperwork to release these homes to the individuals. Clerk Crisp stated that some had reached maturity in 2013 and the last ones were in 2015.
17. Clerk Crisp reminded the board of a Special Meeting on December 3<sup>rd</sup> at 5:30 p.m. to discuss the wilderness proposals.
18. Clerk Crisp stated that Smoky Mountain Center had requested that we give them three dates of our availability to meet with them. Clerk Crisp stated that they needed to have these dates by this Friday. The board asks that this be held off until after the holiday season.

19. Clerk Crisp stated that Beverly Elliott had reached out to the office and stated that Congressman Meadows is well aware of Graham County's resolution against any more public land (USFS) being designated as wilderness and at this time, the Forest Service has not provided any information on any decisions on the proposed areas for discussion as wilderness. Many of the areas that are being examined do not even meet the FS criteria as wilderness, due to existing roads.
20. Clerk Crisp stated that she had a request from the safety committee. The first question is to add a fire extinguisher to the Travel and Tourism Office and to allow King's Fire to inspect it. The board was in agreement to this request.
21. Clerk Crisp stated that the second question was due to the recent reported fall at the DSS building that we revisit and complete the curb and sidewalk job that was contracted and was only 50% completed. The safety committee understands that this can be done when funds become available. The board wanted to hold on this until we see the cost of the current repairs taking place throughout the county.
22. Chairman Eller stated that the board would now go into closed session under G.S. 143-318.11(a) (6) for personnel. Commissioner Williams made the motion to go into closed session as stated. Commissioner Orr seconded this motion. Vote unanimous.
23. Commissioner Orr made the motion to go back into open session. Commissioner Nelms seconded this motion. Vote unanimous.
24. Commissioner Orr made the motion to approve the Katalyst Agreement for one year. This agreement will include 40 labor hours and will cover all our network devices. Commissioner Cody seconded this motion. Vote unanimous.
25. Commissioner Cody made the motion to hire Robert Michael Edwards as the county manager. Commissioner Orr seconded this motion. Vote unanimous. Salary negotiations will be conducted tomorrow by Chairman Eller. The board would then announce his hiring.
26. Commissioner Williams made the motion to appoint Kim Crisp as the Assistant County Manager. Commissioner Cody seconded this motion. Chairman Eller calls for a vote. Commissioners Eller, Nelms, Cody and Williams voted yes. Commissioner Orr voted no. Motion carried four to one.
27. Commissioner Orr made the motion to adjourn. Commissioner Nelms seconded this motion. Vote unanimous.

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Keith Eller, Chairman, Graham County Commissioner

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Jacob Nelms, Vice-Chairman, Graham County Commissioner

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Lynn Cody, Member, Graham County Commissioner

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Connie Orr, Member, Graham County Commissioner

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Raymond Williams, Member, Graham County Commissioner

ATTEST:

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Kim Crisp, Clerk to the Board