

MINUTES
TRANSYLVANIA COUNTY BOARD OF COMMISSIONERS
February 25, 2008- REGULAR MEETING

The Board of Commissioners of Transylvania County met in regular session on Monday, February 25, 2008 at 7:00 p.m. in the large courtroom of the Transylvania County Courthouse.

Commissioners present were Lynn Bullock, Chairman Jason Chappell, David Guice, Daryle Hogsed, and Vice-Chairman Kelvin Phillips.

Staff members present were County Manager Artie Wilson, County Attorney Curtis Potter, Fire Marshal Gerald Grose, Health Director Steve Smith, Animal Control Officer Chuck Byrd, Emergency Services Director David McNeill, Register of Deeds Cindy Ownbey, Teresa Morton, D'Ree McCall, Karin Smith, Veterans Services Officer Frank Pearsall, Library Director Anna Yount, Social Services Director Carson Griffin, Project Manager Larry Reece, Finance Director Gay Poor, Elections Director Judy Mathews, Mary McCall, Nancy Pfeiffer, Sheriff David Mahoney, Barbara Raines, Chief Deputy Eddie Gunter, Communications Director Kevin Shook, Human Resources Director Sheila Cozart, Chris Woodard, Annette Raines, Bailiff Supervisor Jimmy Jones, and Clerk to the Board Trisha McLeod.

Media: *Transylvania Times*: Mark Todd

There were approximately 70 people in the audience.

CALL TO ORDER

Chairman Jason Chappell presiding called the meeting to order at 7:00 p.m.

WELCOME

Chairman Chappell welcomed everyone to the meeting.

PUBLIC HEARING

PROPOSED NEW FIRE DISTRICT MAPS

The Manager asked Emergency Services Director David McNeill to give a brief overview of the proposed new fire district maps.

Mr. McNeill showed a Power Point Presentation outlining the proposed new fire service district maps and explained the following:

Why new maps:

- Current maps are dated

- Current maps were developed based on capabilities, rules and regulations, and fire service resources available at the times the maps were developed
- Current maps do not identify and associate access points with appropriate fire department
- Current maps have fire district lines crossing parcels of property
- Current maps do not recognize new fire substations and allow ISO benefit for unprotected areas
- New maps correct district lines where access to property is not possible from district

Process:

- The Emergency Services Department worked with the Chiefs' Association, Volunteer Departments, and the Office of the State Fire Marshal to develop district lines
- The Emergency Services Department gave some broad parameters to departments and allowed them to work with each other to develop the lines
 1. Access to property must be within the district
 2. Areas in Class 10 (outside 6 mile) that could benefit from a lower insurance protection rating should be changed
 3. Attempt to limit financial impact to citizens and departments
- Once the departments met and developed lines, County Staff reviewed to ensure that proposed lines met requirements
- Any changes proposed by Staff were shared with departments
- Maps were completed and sent to OSFM for review and approval
- Maps were approved by OSFM
- Staff prepared report for Commissioners per North Carolina General Statute 153A-304 which is on file with the Clerk to the Board

Financial Impact:

- Two districts, Rosman and Cedar Mountain, will see a significant net decrease in property valuations within their districts
- The proposed changes will require due diligence during the budget process for affected districts

Key Time Frame:

- Office of State Fire Marshal will conduct fire department inspections in Transylvania County beginning March 3
- One component of the inspection is the approved district lines
- If maps are not approved, the departments would either submit the existing the maps or fail the inspection
- In either case, the impact is negative

Conclusion:

- The proposed maps reflect a cooperative effort among County Staff, fire departments and representatives from the OSFM

- The proposed maps accurately reflect response districts that can be serviced by the department contracted to provide protection
- District line changes have positive and negative impacts to the tax base in affected areas
- The proposed changes will require due diligence during the budget process for affected districts
- The maps represent a concerted effort to ensure quality fire and rescue services while recognizing the economic impact that changes in the district lines create

Chairman Chappell declared the Public Hearing open.

Mr. Terry Crowe: Mr. Crowe noted that he lives in the Rosman Fire District. Mr. Crowe asked for explanation on the negative impact to the Rosman Fire District so citizens may have an idea of how much their taxes may increase. Mr. McNeill responded that the net decrease in property valuations for the Rosman Fire District is \$10,614,715, which equates to a 4% net decrease. This figure also equates to about ½ cent increase in the tax rate for the district to collect the same amount of taxes.

Mr. Crowe is concerned that any department can decide to build a substation near their district line therefore expanding their service district into another service district. Mr. McNeill explained that the proposed maps show the areas within a service district as well as the areas outside the 5-mile district. If a department chooses to improve services within a particular district, the maps will assist them in deciding which areas to expand their services to so they can better serve the people within their district. Commissioner Bullock added that a department can not encroach upon the 5-mile limit within a district. Mr. McNeill further added that he would not support the addition of a substation unless there was substantial benefit to the citizens.

Mr. Crowe also asked what options the County would consider other than increasing taxes in the Rosman Fire District. Mr. McNeill explained that every department goes through a budget process each year, first determining their needs, then making a proposal to the Board of Commissioners of how to fund those needs.

Citizen: (Connestee Falls Fire Rescue) The gentleman noted that the substation in the Connestee Falls Fire District was built to help better serve the citizens within their district.

Chairman Chappell asked how much savings citizens can expect to see with a lower insurance rating. Mr. McNeill stated that a 30% to 35% savings could be realized from a reduction from a 9S rating to a 6. Many citizens affected by the new fire service district maps were classified at a 10, which are unprotected areas, so the savings could be more substantial.

Commissioner Bullock commented that some fire districts are more spread out than others, making it more difficult to obtain a good insurance rating.

Mr. McNeill showed maps of each fire district noting areas of concern and where changes were made to the district lines.

Ms. Cindy Bellefeuil: Ms. Bellefeuil, from Cedar Mountain Fire Rescue, asked how much loss in property value her district will see. Mr. McNeill stated that the net property value loss is approximately \$4 million.

Chairman Chappell declared the Public Hearing closed.

PUBLIC COMMENT

Mr. Robin Crowe: Mr. Crowe presented Commissioners with a petition of approximately 170 signatures opposing a new animal shelter at the Calvert site in Rosman. He stated that the residents of that area would rather see something else built in their community.

AGENDA MODIFICATIONS

There were no Agenda modifications.

Commissioner Guice moved to approve the Agenda as submitted, seconded by Commissioner Bullock and unanimously approved.

CONSENT AGENDA

Commissioner Hogsed moved to approve the Consent Agenda, seconded by Commissioner Phillips and unanimously approved.

The following items were approved:

MINUTES

Minutes of the February 11, 2008 regular meeting were approved.

CLOSED SESSION MINUTES

The following closed session minutes were approved and unsealed:

October 24, 2005	Acquisition of Real Property
February 27, 2006	Acquisition of Real Property
July 24, 2006	Acquisition of Real Property
August 14, 2006	Acquisition of Real Property
August 28, 2006	Acquisition of Real Property
November 27, 2006	Acquisition of Real Property
February 26, 2007	Negotiation of a Contract
November 13, 2007	Negotiation of a Contract

POLICY FOR UNSEALING CLOSED SESSION MINUTES

Resolution 09-08, Resolution Adopting a Policy to Unseal Closed Session Minutes, was approved. The Transylvania County Board of Commissioners Policy for Unsealing Closed Session Minutes was approved.

(Resolution 09-08, Resolution Adopting a Policy to Unseal Closed Session Minutes, and Policy for Unsealing Closed Session Minutes attached as a part of these Minutes.)

FACILITIES USE REQUESTS

The use of the Courthouse Lawn and Gazebo by the AAUW and BPW for an educational rally entitled "Equal Pay Day" on Tuesday, April 22, 2008 from 12 noon to 1:00 p.m. was approved.

The use of Silvermont by City Warriors Relay for Life Team for a motorcycle event and fundraiser for the American Cancer Society for Saturday, October 22, 2008 from 8:00 a.m. to 4:00 p.m. was approved. All fees were waived.

DISCOVERY AND RELEASE REPORT

The Discovery and Release Report for January 2008 was approved.

PRESENTATIONS/RECOGNITIONS

RESOLUTION 07-08 IN RECOGNITION OF OLGA "CHRIS" WOODARD

Olga "Chris" Woodard will retire from the Transylvania County Sheriff's Office on March 1, 2008. Commissioner Phillips read Resolution 07-08, In Recognition of Olga "Chris" Woodard.

Chairman Chappell moved to approved Resolution 07-08, seconded by Commissioner Phillips and unanimously approved.

Commissioners presented the Resolution to Ms. Woodard, thanking her for her service to the County. Ms. Woodard said she has enjoyed her job at the jail and thanked Commissioners for allowing her to do so. Sheriff Mahoney thanked Ms. Woodard for her service to the County and said it has been a pleasure to work with her all these years.

(Resolution 07-08, In Recognition of Olga "Chris" Woodard attached as part of these Minutes.)

APPOINTMENTS

BOARD OF EQUALIZATION & REVIEW

Commissioner Guice moved to reappoint Ms. Claudia Hawkins and Mr. Bill Ives, seconded by Commissioner Hogsed and unanimously approved.

ECONOMIC DEVELOPMENT ADVISORY BOARD

Commissioner Phillips nominated and moved to reappoint Mr. Tad Fogel and Mr. Anthony Morrow to subsequent terms, seconded by Commissioner Guice and unanimously approved.

Commissioner Hogsed nominated and moved to appoint Mr. Billy Higgins to fill the expired term of Mr. Tim Dillen, seconded by Commissioner Bullock and unanimously approved.

Commissioner Guice nominated and moved to appoint Ms. Molly Parkhill, seconded by Commissioner Phillips and unanimously approved.

COMMUNITY APPEARANCE INITIATIVE

Commissioner Bullock nominated and moved to reappoint Mr. Jim Robards and Mr. Bill Rogers, seconded by Commissioner Hogsed and unanimously approved.

NURSING/ADULT CARE HOME ADVISORY COMMITTEE

Commissioner Phillips nominated and moved to appoint Mr. Clifford Frady, seconded by Commissioner Hogsed and unanimously approved.

Commissioner Guice nominated and moved to appoint Mr. Marty Griffin, seconded by Commissioner Phillips and unanimously approved.

Commissioner Bullock nominated and moved to appoint Ms. Barbara Johnson, seconded by Commissioner Hogsed and unanimously approved.

OLD BUSINESS

PROPOSED MERGER OF ETOWAH CONTRACTED FIRE RESCUE SERVICE DISTRICT IN TRANSYLVANIA COUNTY WITH THE LITTLE RIVER FIRE RESCUE SERVICE DISTRICT

The Manager stated that a Public Hearing was held at the last Board of Commissioners' meeting regarding the possible merger of the Little River and Etowah-Horseshoe Fire District in Transylvania County. He noted that the requirements set forth by North General Statute have been met. Staff recommends that Commissioners consider the merger of these two fire districts.

Chairman Chappell noted that a citizen has asked to comment on this matter. The gentleman thanked staff for addressing this issue. He stated that his property is currently split by the district lines.

Commissioner Bullock moved to approve Resolution 10-08, Resolution for Merger of the Etowah Contracted Fire Rescue Service District in Transylvania County with the Little River Fire Rescue Service District, seconded by Commissioner Hogsed.

Commissioner Guice commented that Little River is in a position to provide services to Etowah and he is in full support of the motion. Commissioner Hogsed noted that

regardless of the passing of the Resolution, both departments will be answering fire calls in that district. He also thanked Etowah for their continued support and for their assistance in the Little River District. Commissioner Bullock commented that currently taxes from Transylvania County citizens in the Etowah-Horseshoe District are going to Henderson County. Commissioner Hogsed suggested that the Chairman send a letter to Etowah thanking them for their service and their continued cooperation with Little River. Chairman Chappell also thanked Etowah-Horseshoe for their outstanding service but noted that it was important that Transylvania County make this decision. **The motion passed unanimously.**

UPDATE ON NEW ANIMAL SHELTER

The Manager stated that it has been some time since the Board of Commissioners has received an update on the status of the plans for the new animal shelter. He asked Health Director Steve Smith to give a brief history of the project and review the latest plans.

Health Director Steve Smith showed a Power Point Presentation titled "Past, Present, Future". Mr. Smith noted that the current facility is cramped, has ventilation problems, and operates on a basic well and septic system.

Mr. Smith provided a brief history on the project as follows:

- Began formal process to determine the needs of a new animal shelter in 2004
- Formed Animal Shelter Committee which reported its findings in October 2004, recommending that the Board of Commissioners pursue building a new shelter at the Calvert site on Old Rosman Highway
- In 2005 Commissioners earmarked \$300,000 for the project
- Commissioners sent out RFP's for a feasibility study
- Approved Daggett and Grigg Architects to complete the feasibility study
- In 2006 Commissioners earmarked an additional \$450,000 for the project
- Daggett and Grigg Architects approved as the architects for the project in 2007
- Formed Transition Committee to offer input on the design elements and specific components for a new shelter
- County Staff met with Architects on several occasions to review the design of the animal shelter
- Currently in the final design review stage
- Architect will present final proposal to Commissioners for their approval

Mr. Smith noted that the new facility will be capable of housing 22 dogs, while the current facility's capacity is only 12. The new facility will incorporate areas of segregation for animals with communicable diseases such as rabies, or animals that present behavioral problems. The current facility can house 10 cats. The new facility will expand its capacity to house 22 cats. There will also be specific areas for the public to view and adopt animals. Mr. Smith envisions that the new facility will meet the County's needs for 25+ years.

Mr. Smith noted that one specific area of concern with an animal shelter is noise. Incorporated into the design are acoustical control systems to diminish noise within the

facility. Landscape designs and buffers on the exterior of the shelter will also help to deal with potential noise problems. The operational plan includes keeping animals on the interior of the shelter during the evening hours.

Mr. Smith stated that one of the driving factors behind the design of a new animal shelter is the Animal Welfare Act and its application to government shelters. The new shelter will be approximately 4,300 square feet in size and will operate much more efficiently than the current shelter. The existing shelter is outdated and can not accommodate expansion or improvements at its current location.

Commissioner Guice asked Mr. Smith to discuss the noise levels and odor problems that may potentially impact residents. Mr. Smith believes the noise can be managed by implementing exterior and interior components and operations. The new facility will utilize air turnover and ventilation systems and improved waste management to eliminate odors that may be normally associated with animal shelters.

Commissioner Hogsed asked what other sites were evaluated as potential sites for the animal shelter. Mr. Smith explained that the committee worked to identify potential sites that would be suitable for an animal shelter that included buffering and insulation from residential areas and access to water and sewer. Few properties within the City of Brevard were zoned for an animal shelter site or could be converted for an animal shelter site.

A citizen asked if a new shelter could be built where the current shelter is located. Mr. Smith responded that the current facility is located on a small piece of property and operates on a basic well and septic system which presents continuous concerns. The citizen added that the County truly needs a plan for housing animals that will allow them to be placed in good homes.

Mr. Robin Crowe stated that over 200 acres adjacent to the new animal shelter site at Calvert has been sold for possible development. He asked if an animal shelter at that site would affect the adjacent property. The Manager responded that the owners are well aware of the County's plans to build a state of the art animal shelter on that property. Mr. Crowe also asked if the noise level will affect the adjacent property. The Manager responded that the Architect has incorporated design elements to diminish the potential noise problems.

Commissioner Guice stated that it is important to have open communication with the citizens that live in that area. Chairman Chappell stressed that Commissioners have not approved any plans for a new shelter. Commissioner Bullock reminded Commissioners of the petition that was presented earlier opposing the animal shelter at the Calvert site and stressed the importance of listening to citizens' concerns and making the right decision.

CLASSIFICATION AND COMPENSATION STUDY APPEALS

Seventeen employees, or ten positions, appealed their pay classification to Springsted, Inc. The Manager asked Human Resources Director to explain the appeals process and Springsted, Inc.'s recommendations.

Ms. Cozart explained that the Project Team reviewed all of the appeals and then forwarded them to Springsted, Inc. for reconsideration. Springsted, Inc. recommended that the Medical Transportation Coordinator, Tax Assistant/Tax Collections Clerk, and the Lead Tax Assistant be moved up one pay grade each. She noted that the recommendations will not affect salaries.

Commissioner Hogsed moved to honor Springsted's recommendations concerning the Tax Assistant/Tax Collections Clerk being moved from a classification grade 6 to a 7 and the Lead Tax Assistant being moved from a 7 to a 8 and the following additional changes to that: the Deputy Register of Deeds be moved from a 7 to a 9, the Assistant Register of Deeds from a classification grade of 11 to a grade of 14, the Register Deeds moved from a classification grade of 20 to 22, the Elections Clerk position moved from a classification grade of 10 to a 12, Director of Elections from a classification grade of 20 to 21, Medical Transportation Coordinator from an 8 to a 10 and the Permit Technician from a classification 9 to 11. The motion was seconded by Commissioner Phillips.

Commissioner Guice asked Commissioner Hogsed to provide some basis for his recommendations. Commissioner Hogsed responded that any specific discussions about employees should be held in closed session, despite the recommendation from the Institute of Government. Chairman Chappell asked about the cost associated with Commissioner Hogsed's recommendations. Commissioner Hogsed said his recommendations will not affect employees' salaries. Commissioner Bullock added that the recommendations should give the Board some latitude to make adjustments in the future since it appears that some employees will be topping out of their salary grades in the future. Ms. Cozart noted that the recommendation may affect one employee's salary because she would be below the minimum of her new salary grade.

Commissioner Guice stated that in fairness to the other employees and taxpayers, the Board should make an effort to address this in open session. He said these recommendations will impact potentially 126 other employees and the Board should give them an opportunity to appeal. He further noted that only 7% of employees appealed indicating that most employees were satisfied with Springsted, Inc.'s recommendations. Commissioner Guice believes it would be an injustice to the taxpayers and Staff not to explain the basis for these recommendations.

Commissioner Hogsed responded that he feels any specific discussions should occur in closed session. He does not feel the study is being invalidated because these positions went through the appeals process. Commissioner Hogsed believes the study will be strengthened by his recommendations.

Commissioner Guice stated that the study reflects that County employees are within the same ranges as compared to other counties so there is no basis for understanding the changes. Commissioner Phillips noted that all employees had the right to appeal and the Board is recommending changes to only those positions. He believes it is impossible to complete a study of this nature and achieve perfect results, which is indicative by the fact that Springsted, Inc. had an appeals process in the first place. Commissioner Phillips said there are areas of the study that he has concerns about and agreed with Commissioner Hogsed that further discussions should occur in closed session.

Commissioner Bullock stated that the Board of Elections Office and Register of Deeds Office have been placed in pay grades that are too low for the level of responsibility they have. The recommendations should place them closer to where they should be.

Commissioner Guice stated that the changes do impact many other employees and does in fact move these positions above others as well, based on Commissioners making a decision outside of a study. He added that in the past Commissioners have made adjustments to salaries and pay grades but had a basis for doing so. He fears that Commissioners will be criticized for making a recommendation outside of a study and for providing no reason for the recommendations and simply making adjustments based on feelings. He noted the average pay increases for employees this year based on implementation of the pay classification and compensation study, pay for performance and cost of living adjustments. Commissioner Guice commended the Board for taking those steps.

Chairman Chappell said that while he agrees with most of the comments, the study evaluated positions, not people. He believes it important to follow the process by which Springsted Inc. implemented to ensure equitability across the board.

Commissioner Guice said the study indicated that 29.5% of County employees were being paid below the minimum proposed salary ranges and Commissioners took corrective action because they believed the study was right. Commissioners also took action to fund the implementation of the study because they believed in what the study indicated. Commissioner Guice further noted that the study indicated that earlier action taken by the Board of Commissioners with respect to the salaries in the Sheriff's Department was the correct action. The study also made some important conclusions about the County's pay classification system. Commissioner Guice believes the Board is invalidating the study because of this decision which will impact a large number of employees that are in these salary ranges. He asked Ms. Cozart to again explain the recommendations from Springsted, Inc. Ms. Cozart explained Springsted, Inc.'s recommendations once more and noted their study was based upon a point system, assigning points to positions and placing them into their respective salary grade based on that point system.

Commissioner Bullock said he compared positions and departments with each other internally and believes Commissioner Hogsed's recommendations make the positions more equal to one another.

Commissioner Guice said he would like to engage in conversation about positions, not specific employees. He noted that many of the positions Commissioners have overlooked in these pay grades requires college degrees, some masters degrees, and the positions that Commissioners are recommending to change do not have those requirements. He further commented that if North Carolina wants to pay the Board of Elections Director and Staff differently that what is being recognized across the State and in other counties, then they should give the County some direction. Since the County has not be given that direction from the State, then it is the Commissioners' responsibility to study those positions as they relate to others both internally and externally.

Ms. Cozart stated that Staff asked employees not to compare themselves to other employees in their appeal for reconsideration. Staff asked employees to bring forth additional information that may not have been originally considered and would add value to their appeal. She noted that all appeals required support from the respective department head in order to continue moving through the process. If the Board decides to reopen the appeals process, there may be more appeals.

Commissioner Phillips said he is glad everyone is concerned about the benefit and welfare of County employees. He stated that some positions may still not be placed correctly in spite of the study and the Commissioners' recommended changes. Commissioner Phillips also believes the study will be strengthened and the recommendations complete the appeals process.

Commissioner Guice asked Commissioners to consider allowing other employees an opportunity to appeal because he believes it is only fair if Commissioners are going to make recommendations outside of the study. Commissioner Hogsted stated that technically Commissioners are not making decisions outside of the study because all these positions appealed. Commissioner Guice responded that other employees should be given the same opportunity to have discussions with a Commissioner. He noted that there is no basis for the motion that has been made. He said Commissioners need to have this discussion publicly or ignore the system that is in place. He added that Commissioner Phillips may be right, that other positions may be slotted in the wrong pay grade. Commissioner Bullock said if a department head believes an appeal is worthy, he would be willing to address it.

The motion passed 3 to 2, with Chairman Chappell and Commissioner Guice voting no.

Chairman Chappell moved for a 10 minute recess, seconded by Commissioner Phillips and unanimously carried.

The Board reconvened at 9:10 p.m.

NEW BUSINESS

PROPOSED NEW FIRE DISTRICT MAPS

A Public Hearing was held on the proposed new fire district maps earlier in the meeting. The Manager offered the Commissioners three options:

- Approve the maps and allow fire department inspections to proceed as scheduled on March 3
- Do not approve maps. Fire departments will fail inspection until such time that the new maps are approved
- Call a special meeting to approve the maps prior to inspections beginning on March 3

Staff recommended that Commissioners approve the new maps as proposed.

Commissioner Guice moved to approve Resolution 11-08, Resolution Approving Relocation of Fire District Lines, seconded by Commissioner Bullock. Commissioner Bullock commented that a couple of departments will lose revenue as a result of the relocation of district lines. Although they are not happy with the loss in revenue, they know that their purpose is to provide services to citizens in their districts. Chairman Chappell added that the approval of the new maps will have a significant impact on the insurance rates and response times. Commissioner Hogsed thanked the fire departments for their service to the County and for putting themselves on the line to keep citizens safe. **The motion passed unanimously.**

(Resolution 11-08, Resolution Approving Relocation of Fire District Lines, attached as part of these Minutes.)

ROCK WALL AT COURTHOUSE

The Manager stated that there is a large section of the rock wall next to Courthouse on North Broad Street which is in need of repair. The initial bids for the project came in significantly higher than estimated by the Architect. Staff re-bid the project with a new design. The lowest bid received was from H&M Constructors with a base bid of \$282,265. Staff recommended awarding the bid to H&M Constructors for \$282,265, plus Alternate 2, re-pointing of the brick on the remainder of the wall, and Alternate 3, replacing the steps. There is \$174,179 currently budgeted for the project. The remaining \$135,382 would be budgeted for in FY 2009. Including 5% contingency, staff recommended approving a project budget of \$325,039. The Manager requested to omit Alternate 3 at this time since no decisions have made about renovating the Courthouse. The Manager emphasized the importance of this project because of the safety issues. He noted that Staff has worked with the Architect to find the lowest cost while maintaining the current design.

Commissioner Guice asked if staff had explored other revenue options. The Manager responded that Staff attempted to gain funds through a federal grant a couple of years ago in which they were denied. He knows of no other available funding.

Commissioner Hogsed asked the Manager to explain the renovation process. The Manager explained that the wall will be removed and replaced using the existing rock on the new wall.

Commissioner Phillips stated that the bid does not include cold weather protectant in their pricing and he asked Staff to explain. Emergency Services Director David McNeill explained that originally the project was scheduled for work during the winter months and included extensions for bad weather. The re-bid project is set to begin in April, if approved, and therefore it is not necessary to include extensions for bad weather.

Chairman Chappell moved to approve the bid from H&M Constructors including Alternate 2 for repair of the rock wall and approve the overall project budget of \$325,039 for the project, seconded by Commissioner Hogsed. Commissioner Phillips asked for reassurance that Staff had exhausted all efforts to seek grant funding. The Manager replied yes and that it was difficult to find funding. The Manager stressed the importance of this project because it presents major safety concerns. Commissioner Guice commented the Commissioners have other large items to fund in the coming year and \$300,000+ seems like a lot to spend on repairing a rock wall. Commissioner Hogsed noted that repairing the wall would be cheaper than a lawsuit. Chairman Chappell agreed with Commissioner Hogsed and commented that he is amazed the wall is still standing. Commissioner Phillips asked if Staff had considered alternatives such as replacing the wall using other materials. The Manager responded that if other materials are used the entire wall would have to be replaced.

After further discussion, it was the consensus of the Board for Staff to explore other options.

Chairman Chappell withdrew his motion.

Chairman Chappell moved to table the decision to the next meeting, seconded by Commissioner Phillips and unanimously approved.

CHANGE ORDERS

The Manager stated that 809 cubic yards of unsuitable soil had to be removed from the parking lot on Johnson Street and replaced with good soil, resulting in a change order of \$11,730.50. Also because of a design change, a second change order resulted in a credit of \$845.25. The total change order amount is \$10,885.25. The Manager asked the Board to approve the change orders.

Commissioner Hogsed questioned the second change order because it refers to a change in the design of the parking lot, specifically the brick pavers for the sidewalk. The Manager and Project Manager Larry Reece explained the reason for the change. During the construction of the parking lot, elevation differences were discovered which required changing the design of the sidewalk to a standard five foot sidewalk.

Commissioner Guice moved to approve the change orders as presented, seconded by Commissioner Phillips. Commissioner Phillips commented that in his discussions with the contractor he learned that the parking lot surface could potentially begin to crack within a year. He asked if there was any action that should be taken to prevent this from occurring. The Manager responded that changes to the surface would result in higher costs. Mr. Reece added that the parking lot meets minimum requirements and noted that all county projects are warranted for one year. **The motion passed unanimously.**

HANDLING OF CHANGE ORDERS

The Manager stated that when work begins on the Public Safety Facility there are going to be situations where decisions will need to be made quickly about change orders in order not to delay the project. Commissioners have approved the project budget. The Manager asked for authorization to approve change order up to \$50,000 as long as the change order did not exceed the budgeted amount. Change orders would be funded through the contingency line item in the project budget. The Manager said this would allow Staff the flexibility to respond quickly to change orders.

Commissioner Guice believes the Manager's request is reasonable because the Public Safety Facility is such a large project. Commissioner Phillips disagreed stating that the public looks to the Board of Commissioners to approve expenditures so he is not content with approving this request. Chairman Chappell said Commissioners can call a special meeting if necessary to approve change orders. Commissioner Hogsed concurred, stating the Board is responsible to the public. Commissioner Guice said he hopes this will not create a situation that postpones or delays the project, and Commissioners may have to revisit this request in the future.

RESOLUTION 08-08, JOINT RESOLUTION CELEBRATING 100 YEARS OF COUNTY UNITY IN RECOGNITION OF THE ASSOCIATION OF COUNTY COMMISSIONERS' CENTENNIAL

The North Carolina Association of County Commissioners is celebrating its Centennial Anniversary. They have asked all 100 counties to pass a joint resolution celebrating 100 years of county unity.

Commissioner Hogsed moved to approve 08-08, seconded by Commissioner Phillips. Commissioner Bullock commented that the NCACC is an organization that lobbies for counties and they are vital to local governments. Commissioner Hogsed concurred and said they do a good job representing local governments for the most part. **The motion passed unanimously.**

(Resolution 08-08, Joint Resolution Celebrating 100 Years of County Unity in Recognition of the Association of County Commissioners' Centennial.)

MANAGER'S REPORT

The Manager reported the following:

- The Planning Board will bring forth recommendations to the Commissioners at the March 10 meeting regarding zoning. The City of Brevard is exploring the possibility of expanding its ETJ.
- Staff submitted grant applications to Congressman Shuler on behalf of the Town of Rosman and for the tower at the new Public Safety Facility site. Staff will be submitting the same applications to Senator Dole. The Manager will be traveling to Washington, D.C. to request funding for the two projects.

PUBLIC COMMENT

There were no comments from public.

COMMISSIONERS' COMMENTS

Commissioner Bullock said his understanding is that Verizon is not scheduled to add service to the cell tower until much later than originally thought. The Manager said the project is now scheduled for the first quarter in 2009. Verizon may begin to make payments to the County because of the delay in the project. The Manager said Staff is trying their best to get the project moved up. Staff is waiting from a response from Verizon at this time.

Commissioner Guice announced that a Public Hearing will be held on March 19, 2008 at 5:00 p.m. at Ferguson Hall at AB Tech regarding annexation issues. The House is considering rewriting the annexation laws. Commissioner Guice noted that counties can not control annexation without some change to the annexation laws. He encouraged the Board and Staff to attend.

Chairman Chappell said his thought and prayers go out to the families in the community that have recently experienced deaths in their families.

ADJOURNMENT

There being no further business to come before the Board, **Commissioner Bullock moved to adjourn the meeting, seconded by Commissioner Phillips and unanimously carried.**

Jason R. Chappell, Chairman
Board of Commissioners

ATTEST:

Trisha D. McLeod
Clerk to the Board

