

MINUTES
JOINT MEETING OF THE TRANSYLVANIA COUNTY BOARD OF
COMMISSIONERS AND THE NORTH CAROLINA DEPARTMENT OF
TRANSPORTATION

June 15, 2010 – SPECIAL MEETING

The Board of Commissioners of Transylvania County met jointly with officials from the North Carolina Department of Transportation (NCDOT) on Tuesday, June 15, 2010 at 2:00 p.m. in the Community Services Building Conference Room. The purpose of the meeting was to consider the NCDOT's recommended program for secondary road improvements in Transylvania County for FY 2010-2011.

Commissioners present were Lynn Bullock, Chairman Jason Chappell, and Mike Hawkins. Commissioners Daryle Hogsed and Kelvin Phillips were absent. Also present were County Manager Artie Wilson and Clerk to the Board Trisha Hogan.

NCDOT officials present were Division 14 Engineer Brian Burch, District Engineer Mark Gibbs, and County Maintenance Engineer Lori Jones.

There were 6 people in the audience. There was no media in attendance.

CALL TO ORDER/WELCOME

Chairman Jason Chappell presiding called the meeting to order at 2:00 p.m. He welcomed NCDOT officials and members of the audience.

PRESENTATION-SECONDARY ROAD IMPROVEMENTS

Division 14 Engineer Brian Burch stated the purpose of the meeting was to present the Secondary Roads Program for Transylvania County for the next three fiscal years. Transylvania County has been allocated \$539,416.72 for FY 2010-2011 and each additional year. The amount is based on NCDOT cash availability. Mr. Burch noted that allocations have steadily decreased. The allocation was formerly based on unpaved mileage in counties, but new legislation bases the allocation formula on both paved and unpaved mileage of secondary roads in counties.

District Engineer Mark Gibbs presented the Secondary Roads Program for Transylvania County for the next three fiscal years. There is \$2,442,664.51 available for road improvements carried forward from prior year allocations. Most of the allocation is dedicated to the Cashiers Valley Road project. The remaining funds will be spent on spot stabilization projects, safety improvements for maintaining existing gravel roads, surveys and five road improvement projects. Prior fiscal year programmed projects are broken down as follows:

1. Countywide – Spot stabilization, safety improvements, road additions, trust (\$181,266.98)
2. Countywide – Spot stabilization, safety improvements, road additions, highway (\$192,128.96)
3. Countywide – Countywide surveys (\$73,997.62)
4. Countywide – Safety signage (\$8,051.79)
5. SR 1301 Cold Mountain Road – End of pavement to end of system; 3.2 miles; pave unpaved road (\$23,504.68) NOTE: These funds are left over from the project and will be used for maintenance of the road.

6. SR 1556 Osborne Road – SR 1504 to US 64; 0.76 miles; paved road improvement (\$29,236.81) NOTE: These funds are left over from the project and will be used for maintenance of the road.
7. SR 1348 Probart Street – SR 1344 to SR 1350; 0.16 miles; paved road improvement (\$15,771.43) NOTE: These funds are left over from the project and will be used for maintenance of the road.
8. SR 1500 Holliday Road – Henderson County line to SR 1501; 1.14 miles; pave unpaved road (\$97,808.90) NOTE: These funds will be used to pay the bill for the paving of the road.
9. SR 1344 Cashiers Valley Road – US 64 to WCL Brevard; 1.91 miles; paved road improvement (\$1,400,000)

These projects total \$2,021,767.17. The \$420,897 remaining from prior year projects will be carried forward to FY 2010-2011. Adding the carry forward to FY 2010-2011 allocations in the amount of \$539,416.72 allows \$960,314.06 for road programs in FY 2010-2011.

FY 2010-2011 Program:

1. Countywide – Spot stabilization, safety improvements, road additions, trust (\$0) NOTE: There is a large balance available for spot stabilization projects so no funds will be carried forward for this fiscal year.
2. Countywide – Spot stabilization, safety improvements, road additions, highway (\$0) NOTE: There is a large balance available for spot stabilization projects so no funds will be carried forward for this fiscal year.
3. Countywide – Countywide surveys (\$20,000)
4. Countywide – Safety signage (\$0) NOTE: There is a large balance available for safety signage projects so no funds will be carried forward for this fiscal year.
5. SR 1398 Morton Gap Road – SR 1304 to end of system; 0.54 miles; grade, drain, base and pave unpaved road (\$175,000) NOTE: NCDOT has obtained all but one right-of-way from a property owner and hopes to obtain the right-of-way by August of this year.
6. SR 1307 Shelton Road – NC 281 to end of system; 0.81 miles; grade, drain, base and pave unpaved road (\$245,000) NOTE: NCDOT has obtained all but one right-of-way from a property owner and hopes to begin the project by Fall 2010 or Spring 2011.
7. SR 1301 Cold Mountain Road – End of pavement to end of system; 3.2 miles; construct retaining wall (\$350,000) NOTE: These are monies to construct a retaining wall to resolve some fill slope failure issues.

These projects total \$790,000 leaving \$170,314.06 to carry forward to FY 2011-2012. Adding the carry forward to FY 2011-2012 allocations in the amount of \$539,416.72 allows \$709,730.78 for road programs in FY 2011-2012.

FY 2011-2012 Program:

1. Countywide – Spot stabilization, safety improvements, road additions, trust (\$24,000)
2. Countywide – Spot stabilization, safety improvements, road additions, highway (\$24,000)
3. Countywide – Countywide surveys (\$49,000)
4. Countywide – Safety signage (\$2,658)
5. SR 1151 Cash Road – SR 1152 to end of system; 0.66 miles; grade, drain, base and pave unpaved road (\$200,000) NOTE: All rights-of-way have been obtained however NCDOT can not begin the project because of environmental reasons. The NCDOT should resolve these issues and complete the project in 2012.

6. SR 1156 Main Street in Rosman – US 178 to SR 1388; 0.42 miles; curb and gutter, drain, pave (\$410,000) NOTE: The pavement on this road is in poor shape and there are severe drainage issues.

These projects total \$709,658 leaving \$72.78 to carry forward to FY 2012-2013. Adding the carry forward to FY 2012-2013 allocations in the amount of \$539,416.72 allows \$539,489.50 for road programs in FY 2012-2013.

FY 2012-2013 Program:

1. Countywide – Spot stabilization, safety improvements, road additions, trust (\$22,000)
2. Countywide – Spot stabilization, safety improvements, road additions, highway (\$22,000)
3. Countywide – Countywide surveys (\$40,000)
4. Countywide – Safety signage (\$5,394)
5. SR 1188 Whitewater Church Road – NC 281 to NC 281; 0.54 miles; grade, drain, base and pave unpaved road (\$125,000) NOTE: The NCDOT anticipates obtaining all necessary rights-of-way.
6. SR 1152 Upper Whitewater Road – SR 1188 to beginning of pavement; 3.28 miles; grade, drain, base and pave unpaved road; partial funding (\$325,000) NOTE: The NCDOT anticipates obtaining all rights-of-way. This project is only partially funded in FY 2012-2013 and will take most of the funding allocation from FY 2013-2014 to complete.

These projects total \$539,394 leaving a balance of \$95.50 to carry forward to FY 2013-2014.

Mr. Gibbs asked Commissioners to pass a resolution approving the FY 2010-2011 programs, noting that the presentation on the program for the next three years was for informational purposes only at this time.

DISCUSSION OF SECONDARY ROAD IMPROVEMENTS

Commissioner Hawkins inquired about the NCDOT's program prioritization process. Mr. Gibbs said projects are prioritized based on whether rights-of-way have been obtained and whether or not the roads are paved or unpaved. He noted however that unpaved roads do not necessarily take precedent over paved roads. He further noted that counties can assist with prioritizing projects how they see fit. For instance, last year the Board of Commissioners prioritized Cashiers Valley Road as a top project.

In response to a question from Commissioner Bullock, Mr. Gibbs said the designation of Highway 178 has not changed. He referred to the project in Rosman programmed for FY 2011-2012 noting the poor pavement and severe drainage issues. Maintenance Engineer Lori Jones informed the Board that this project was identified by the NCDOT Maintenance Department as a priority.

The Manager inquired about the Cold Mountain Road project. Mr. Gibbs said there have been some fill slope failures identified since the completion of the project, most of which have been caused by severe weather over the winter months. Most of the failures have been repaired but there is one area that keeps shifting. Their geologist has reviewed the issue and recommends repairing by constructing a retaining wall.

Mr. Gibbs also noted that the Cashiers Valley Road project is set to begin in the Fall of 2010.

PUBLIC COMMENTS

George Lee: Mr. Lee announced he is the one property owner on SR 1307 Shelton Road who has not given the NCDOT right-of-way because it would require his property to be condemned. While he expressed a desire for the road to be paved, he described previous bad experiences with NCDOT that contributed to damage of his property. Mr. Lee noted that the NCDOT has begun condemnation procedures on a portion of his property which he feels is unfair because they have refused to communicate with him. He further explained his situation and asked Commissioners not to pass the resolution approving the projects for FY 2010-2011 until his issues with the NCDOT have been resolved.

Larry Chapman: Mr. Chapman inquired about the NCDOT's process for condemnation of property. Mr. Burch explained that the condemnation process is governed by NC General Statutes. He noted that property owners sponsor condemnations, not the NCDOT. Property owners would submit a non-refundable bond to the NCDOT. Next an appraisal is completed and the right-of-way issue is settled. Mr. Burch also reported that NC General Statutes allows for condemnation if all criteria are met.

George Lee: Mr. Lee asked further questions regarding NCDOT policy and officials responded. Mr. Gibbs noted that Mr. Lee has submitted a list of demands to the NCDOT that he feels are impossible to meet. His demands could not be accommodated because of additional expense, environmental issues, additional grading required, etc. that would make the road substandard and require additional maintenance in the future. He noted that the other property owners have decided to proceed with the condemnation process in order to urge Mr. Lee to move forward. After further discussion, Mr. Burch agreed to meet with Mr. Lee to discuss his concerns and find a way to move forward.

COMMISSIONERS' COMMENTS

There were no further comments from Commissioners.

APPROVAL OF SECONDARY ROAD IMPROVMENTS FY 2010-2011

At the request of Mr. Lee, Commissioners decided to allow time for Mr. Lee and NCDOT officials to meet and find a way to resolve his concerns. Commissioners must pass a resolution approving the program for FY 2010-2011 by June 30, 2010. This item will be placed on the Board's next agenda on June 28, 2010.

Mr. Burch will contact the Manager with the results of the meeting with Mr. Lee.

ADJOURNMENT

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

ATTEST:

Jason R. Chappell, Chairman
Board of County Commissioners

Trisha M. Hogan
Clerk to the Board

06/15/2010