

MINUTES
TRANSYLVANIA COUNTY BOARD OF COMMISSIONERS
September 22, 2008 – REGULAR MEETING

The Board of Commissioners of Transylvania County met in regular session on Monday, September 22, 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. Also present were County Manager Artie Wilson, County Attorney David Neumann and Clerk to the Board Trisha McLeod.

Media: *Hendersonville Times News* – Leigh Kelley
Transylvania Times – Mark Todd

There were approximately 45 people in the audience.

CALL TO ORDER

Chairman Jason Chappell presiding called the meeting to order at 7:05 p.m.

WELCOME

Chairman Chappell welcomed everyone to the meeting and thanked the members of the audience for participating in their County government.

PUBLIC HEARING

REQUEST FOR ADDITIONAL BUOYS ON LAKE TOXAWAY

The Lake Toxaway Community Association's Board of Directors has submitted a request to the Board of Commissioners to adopt a resolution asking that the North Carolina Wildlife Resources Commission authorize two restricted zones on Lake Toxaway. The restricted zones would be located at the entrances to Swimmers Cove and Suttons Cove. County Planner Mike Thomas noted that letters of support from the North Carolina Wildlife Resources Commission and the Transylvania County Sheriff are included in the Commissioners' agenda packets. He further noted that Commissioners have received a number of letters from property owners who are opposed to the proposal. Mr. Thomas turned the meeting over to representatives from the Lake Toxaway Community Association.

Mr. Jack Matthews, Chairman of the Lake Toxaway Legal Advisory Committee as well as the Safety and Security Committee, gave an overview of the history of the Association's actions involving safety on the Lake. He reported that the Association assumed the liability and became responsible for the safety on the Lake in 2003. They banned skiing in and out of Skiers Cove beginning in 2005. Mr. Matthews noted that all members received copies of the mandatory regulations in their annual directories. The

Association also developed a certification statement on the application for mandatory boat decals in which the applicant had to sign and acknowledge that he or she had read and agreed to abide by all the regulations and hold harmless the Association against any problems caused by the property owners' guests.

Last year the Association came forth to the Board of Commissioners with a similar request to place several buoys on the Lake. The Association had included Skiers Cove and Suttons Cove in their request; however the Wildlife Resources Commission rejected their request to place buoys in these two areas because the Association failed to supply a history of accidents and complaints about unsafe boating practices. The Association met with the Wildlife Resources Commission at which they recommended against placing no-wake zones in these areas because they were difficult to enforce; however they much preferred no-tow zones because they were enforceable and they give clear direction to boaters on the Lake. Mr. Matthews pointed out that the Sheriff supports the no-tow zones in these areas citing that they are essential to public safety and gives his staff better enforcement tools. He stated that he believes these areas are dangerous.

Mr. Matthews said that 20 or 30 members of the Association have been actively involved in this process and the full membership has been informed that the Association has been working to ensure safety on the Lake with the placement of additional buoys. He reported that over the years the Association has received several complaints about safety on the Lake. Mr. Matthews noted that two deaths occurred on the Lake in the 1980's as well as two very serious accidents in recent years.

Mr. John Pepin, President of the Community Association, distributed information to Commissioners which included their bylaws and boating regulations. He stated that the Association is responsible for managing the safety of Lake Toxaway. He noted that the accidents Mr. Matthews referred to did not occur in either Skiers Cove or Suttons Cove. In addition to improving the safety, the Association's goal is to improve the enforcement of violations on the Lake. If the Board of Commissioners approves their request, it will provide the Sheriff's Department with additional and much needed enforcement tools. Additionally, the Board's support will allow the Association to continue to fulfill its fiduciary and legal obligations to ensure safety on the Lake. Mr. Pepin said it would be irresponsible for the Association to put the preference of water skiers over that of safety. He noted that the placement of the buoys would not eliminate boating in these coves, only water skiing.

Mr. Pepin stated that the Association has the authority to make these rules as stated in their bylaws and noted that the bylaws are made available to each member every year. Since 2005 the Association has banned skiing and tubing through the cut between the two lakes and in the narrow coves including Skiers Cove. The rules also state that all power boats must remain at least 75 feet from the shore when not operating at idle or non-wake speed. The bylaws have been the Association's main source of communicating the rules to its members. This year the Association created a website on which they also post the rules and regulations. Mr. Pepin concluded by saying it is not the Association's goal to

over regulate property owners but rather to maintain safety and fulfill their fiduciary obligations.

Chairman Chappell declared the Public Hearing open at 7:40 p.m.

Georgann Williams: Ms. Williams and her husband have been lakefront property owners on Lake Toxaway since 1997. They are part time residents and do not feel they have been fairly represented by the Association. Ms. Williams distributed a report to Commissioners from the North Carolina Wildlife Resources Commission citing fatal and serious accidents for Transylvania County. She reported that there were no accidents reported in 2004, 2006 and 2007. Two accidents were reported in 2005, one on Cardinal Lake and the other on Lake Toxaway. She pointed out that no accidents or fatalities have been reported in Skiers Cove or Suttons Cove. Ms. Williams also distributed to Commissioners a petition of more than 50 homeowners on Lake Toxaway. She stated that many of them were just made aware of the Association's request last week. She asked Commissioners to consider both sides of the issue before making a decision.

Fred Burke: Mr. Burke owns property on Lake Toxaway at Skiers Cove. He apologized to Commissioners for having to hear a property rights matter that should be resolved by the property owners and the Association. Mr. Burke said, despite what Commissioners have been told, the Association has not involved the membership in this process. Mr. Burke questioned whether the Association had the authority to regulate the Lake in this manner. He is not required to be a member of the Association but chooses to be because he wants to be a good citizen. He pointed out that there have been no accidents reported in either of these two coves. Mr. Burke said safety is very important to all the property owners but he believes it is unreasonable to restrict these two areas of the Lake when there are other obvious areas that are more dangerous. He further stated that it is wrong to deny people the right to ski in these areas. He believes the State and the Sheriff's Department have the tools necessary to enforce boating safety laws. Mr. Burke urged Commissioners to deny the Association's request as it has been presented.

Joanna Fowler: Ms. Fowler and her husband own lakefront property on Lake Toxaway. She said her children have been learning to ski in Skiers Cove. She and her husband believe this area of the Lake is safe and appropriate for skiing. Ms. Fowler asked Commissioners to deny the Association's request. She stated that the Association does not represent her or hundreds of other lakefront property owners. She noted that lakefront property rights include the acreage and access to the Lake. Ms. Fowler said the Association is citing safety as their reason for opposing the right to ski in these coves; however there is no evidence to support their argument that it is a safety issue. She pointed out that the facts show there have been no accidents reported in the past 48 years and the Association should not infringe upon the property rights of hundreds of lakefront property owners based on speculation. Ms. Fowler said the Association is committed to whittling away areas of the Lake on which people are allowed to ski. If the Association makes less of the Lake available to skiers and boaters, people will not want to purchase lakefront property therefore reducing the surrounding property values. Ms. Fowler again stated that the Association does not represent her and her husband or hundreds of

lakefront property owners and should not have the right to deny their use of portions of the Lake which are granted by virtue of their property ownership.

Bruce Young: Mr. Young owns two homes on Lake Toxaway, one of which is an area with lots of skiing. He said many of the property owners are not required to pay Association dues but do so anyway because they want to be good citizens. He commented that the Association's rules and regulations change a little bit each year and members probably did not realize the nuance between should not and must not. Mr. Young said everyone is concerned about safety and believes increased law enforcement patrol on the holiday weekends when there is more traffic on the Lake would go along way at addressing the safety concerns. He believes there are alternative ways to address the Association's concerns rather than restricting use of the Lake. He asked Commissioners to seriously consider both sides of this issue.

Tom Hamby: Mr. Hamby has owned lakefront property on Lake Toxaway for approximately two years. He said he has never been on a safer lake and the Association is attempting to create restrictions for problems that do not exist. Mr. Hamby said the Association should have conducted their business in a more open manner.

Ken Anderson: Mr. Anderson owns lakefront property on Lake Toxaway. He pointed out there that are areas of the Lake that are narrower than Skiers Cove in which skiing is allowed, yet the Association is not considering any restrictions in these areas. Mr. Anderson interviewed a couple of the deputies that patrol the Lake. They informed Mr. Anderson that they had never issued a citation on the Lake because the Association's rules and regulations were not enforceable. Mr. Anderson said the Association should be considering other areas instead, noting that he believes this issue came about because of special interest.

John Nichols: Mr. Nichols said he has been involved with Lake Toxaway since it was started in 1960. He said the County should not be involved with the rules and regulations of Lake Toxaway and that the placement of buoys in these coves will adversely affect real estate values. Mr. Nichols pointed that no one has ever been killed while skiing on Lake Toxaway. He was surprised to learn about the Association's intentions just yesterday and he believes it should be resolved between the property owners and the Association.

Rick Guthy: Mr. Guthy has been a property owner and avid user of Lake Toxaway for the past 15 years. He is a firm believer in safety and in exercising safe boating practices. Mr. Guthy said he is a former water ski instructor and exhibitionist ski boat driver and has been operating a boat for over 35 years. All sports come with some risk to personal safety but he does not see that as the reason for banning skiing in these coves. Mr. Guthy believes there is a small minority in the Association that seeks to create a private section of the Lake by banning any activity that is not to their personal liking.

Doug Brandon: Mr. Brandon has owned and operated Lake Toxaway Marine in Lake Toxaway since 1995. He has worked with the Association extensively in the past on

establishing boating and safety guidelines. He also maintains the boats for the Sheriff's Department. Mr. Brandon said he does not wish to take sides in this matter but he believes all of the information is not being fully disclosed. He said federal and State laws can be enforced but local deputies can not enforce the rules and regulations enacted by the Association. Mr. Brandon also mentioned that the ones requesting to ban skiing live in these coves. Skiers Cove is properly named because it is a great place for skiing and if someone bought a home in either of these coves they should understand these are areas in which people like to ski. Mr. Brandon said he agreed with the Association in wanting the Lake to be safe but noted that ski boat operators are some of the safest boat operators. The Association's desire to ban skiing in these coves does not reflect the feelings of the property owners.

John Heinitsh: Mr. Heinitsh has been employee of the Lake Toxaway Community Association for the past 28 years. He also apologized to Commissioners for having to hear an issue that should be resolved by the property owners at Lake Toxaway and the Association. Mr. Heinitsh believes the Association is acting in a very arbitrary and capricious manner in that some of them do not like the noise generated by ski boats. He noted that there have no skiing accidents in either of the two coves. He further noted that the cut between the two lakes is a high traffic area but the Association has made no efforts to restrict activities in those areas. Mr. Heinitsh asked Commissioners to deny the Association's request and allow the property owners to resolve this matter with the Association.

Albert Jolly: Mr. Jolly is a property owner on Lake Toxaway. He said what Commissioners have heard from the Association is an illusion. The Association does not represent all the property owners at Lake Toxaway although they would have the County believe that they do. The overwhelming majority of property owners on Lake Toxaway whose property touches the Lake are not obligated to be in the Association; however many of them are. The majority of the membership has never voted on this issue and many are just learning about it. He apologized to Commissioners for having to hear what he calls "a family squabble".

Doug Brandon: Mr. Brandon noted that accidents that have occurred on Lake Toxaway were not related to skiing.

Roy Saunders: Mr. Saunders lives with his family on Skiers Cove. He said he enjoys skiing there as well as watching others ski. He urged Commissioners to deny the Association's request.

Jack Matthews: Mr. Matthews stated the Association has heard arguments about diminishing property values before, but to base decisions on anything other than safety reasons, etc. would be legally, morally, and ethically irresponsible. He emphasized that the Sheriff strongly supports these safety measures. As a result of the increase in unsafe boating practices, the Association, with the full cooperation of the Sheriff's Department, employed several additional deputies to patrol the Lake during high use weekends and holidays at a cost to the Association of \$6,500. The Association has spent \$13,000 trying

to ensure safety on the Lake. Mr. Matthews further stated that the buoys are essential to public safety and will give the Sheriff's Department more enforcement tools.

John Pepin: Mr. Pepin said the Association is trying to do what they think is best to ensure safety on the Lake and that there is no special interest involved. He commented if Commissioners do not pass the resolution, there will be no other way to enforce safety in these two coves. He also assured Commissioners that all Association meetings are open to the public.

With regards to the high traffic through the cut, Mr. Pepin said the Wildlife Resources Commission believes the cut is wide enough to accept the traffic. He asked Commissioners to help the Association fulfill their fiduciary obligation or tell them how they can accomplish their goals.

Rick Lasater: Mr. Lasater said he worked at Lake Toxaway as a Wildlife Officer from 1990 to 1995. He applauded the efforts and the attitude of the Association. He said there are some dangerous areas on the Lake, noting that Sheriff's deputies are not trained to enforce motorboat laws. Mr. Lasater concluded his comments saying a good enforcement effort of the existing laws can go a long way in alleviating a lot of the problems that are on this Lake; however he supports the Association's recommendations.

Jack Matthews: Mr. Matthews said Lake Toxaway is a public lake. The waters of Lake Toxaway are public waters; therefore no one has a property rights issue in a public body of water.

There being no further comments, **Chairman Chappell declared the Public Hearing closed at 8:55 p.m.**

Chairman Chappell called for a 10 minute recess. The meeting reconvened at 9:05 p.m.

PUBLIC COMMENT

There were no comments from the public.

AGENDA MODIFICATIONS

The Manager reported on the Agenda modifications. The Manager requested to add another Facilities Use Request for the Courthouse Gazebo. He also requested to add a third change order for the Public Safety Facility under New Business, Item D.

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

CONSENT AGENDA

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

The following items were approved.

MINUTES

The Minutes of the September 8, 2008 Regular Meeting and sealed Closed Session were approved. The sealed Minutes of the March 12, 2007 Closed Session were unsealed.

FACILITIES USE REQUESTS

The use of Silvermont by Jimmy Millsap for an Eagle Scout Court of Honor on October 12, 2008 from 11:30 a.m. to 4:00 p.m. was approved. The fees were waived.

The use of Silvermont by the Children's Center for the Festival of Trees from November 29, 2008 through December 8, 2008 was approved.

The use of the large courtroom by the Heart of Brevard for the Old Time Music String Band Competition on October 25, 2008 from 7:00 p.m. to 11:00 p.m. was approved. The cost will be determined by the Sheriff, dependent upon the number of deputies needed for security and the hours worked.

The use of the Courthouse Gazebo by NAMI Four Seasons for a candle lighting ceremony for the mentally ill (Mental Health Awareness Week) on October 6, 2008 from 8:30 p.m. to 9:30 p.m. was approved.

DISCOVERY AND RELEASE REPORT

The Discovery and Release Report for August 2008 was approved.

APPOINTMENTS

JUVENILE CRIME PREVENTION COUNCIL

Commissioner Bullock nominated and moved to appoint Raveen Wynn and Seth Roberts, seconded by Commissioner Phillips and unanimously approved.

TRANSYLVANIA NATURAL RESOURCES COUNCIL

Commissioner Guice moved to reappoint Susan Brown, Kenneth Duke, Bruce McDonald, Debbie Whitmire and Glynda Wilkins, and to reappoint Bruce McDonald as Chairman, seconded by Commissioner Phillips and unanimously approved.

HUMAN RELATIONS COUNCIL

Commissioner Hogsed moved to appoint Jane Ferguson to fill a vacant term, seconded by Commissioner Guice and unanimously approved.

OLD BUSINESS

PARKS AND RECREATION TRUST FUND GRANT

In January 2008 the Board of Commissioners approved an application to the North Carolina Parks and Recreation Trust Fund (PARTF) for \$325,650 to help purchase Connestee Falls and construct a handicapped observation deck at the top of the falls. The County also submitted grant applications to the Clean Water Management Trust Fund and Division of Water Resources for the remainder of the funds. In July the County was awarded \$325,650 from the Parks and Recreation Trust Fund. The County was notified in August that its request from the Clean Water Management Trust Fund was denied. Staff expects to hear from the Division of Water Resources in November.

The County needs to make a decision about whether or not to accept the grant award from PARTF. They are aware that the County has applied for additional grant funding. The County has three years, until 2011, to use the PARTF funds and fulfill the grant obligations. The Manager noted that Kieran Roe with the Carolina Mountain Land Conservancy has been working with the County to seek additional funds.

The Manager had originally offered the following options for Commissioners' consideration:

1. Return the grant to the State.
2. Sign the grant and allow Staff time to continue to seek funding for the remainder of the project. The grant can be modified if approved by the State. The grant requires a match of \$325,650.
3. Reduce the amount of the PARTF grant for only the purchase of the property if approved by the State. Will not affect future grant applications to PARTF.

The Manager suggested that Commissioners sign and accept the grant award and hold the funds while reviewing the scope of the project. No monies would be spent until the Manager brings a proposal back to the Board. If no additional monies are awarded, Commissioners can decide to return the funds to the State. The Manager also suggested reapplying for grant funding from the Clean Water Management Trust Fund.

Mr. Kieran Roe with the Carolina Mountain Land Conservancy agreed with the Manager's recommendation. The PARTF grant was the largest single grant the County was seeking for this project. He supports the Manager's recommendation to accept the grant funding at this time and use the time the grant gives the County to find additional funds, either public or private.

Chairman Chappell asked if the property owner understands what the County is facing at this time in regards to funding. Mr. Roe responded that the owner is very much willing to work with the County and the Land Conservancy. He is interested in moving as quickly as possible but he wants to see this project happen.

Commissioner Guice commented that it would be a huge mistake not to move forward. If the County does not take this opportunity to secure additional funds within the three years allowed the funds will surely go to another community.

Commissioner Phillips clarified that the Manager's recommendation does not commit any additional County funds. The Manager responded that the County has only committed to the original \$25,000. The Manager's recommendation is somewhat different than what was listed in the Commissioners' agenda packets. Again, his suggestion is to sign the grant application with the understanding that no County monies would be spent until Staff brought a recommendation back to the Board for their approval. Chairman Chappell echoed Commissioner Guice's comments, noting that if the County does not sign the grant it is guaranteed to lose the grant funds. He supports continuing to seek additional funds.

Commissioner Guice moved to sign the grant with the understanding that the County would come up with the \$325,650 match over a three year period and this would be accomplished by resubmitting the grant application to the Clean Water Management Trust Fund with an increased County match, seconded by Commissioner Phillips. Chairman Chappell clarified that the Manager's recommendation was somewhat different. **Commissioner Guice withdrew the motion.**

Commissioner Guice moved to sign the PARTF grant with the understanding that no additional funds would be spent until a recommendation is brought back to the Board on how to accomplish the project, seconded by Commissioner Hogsed and unanimously approved.

NEW BUSINESS

REQUEST TO SUPPORT A BILL FOR AFFORDABLE HOUSING

Mr. Carroll Parker reported that earlier in the year the Workforce Housing Coalition made a presentation to the Transylvania County Board of Education regarding affordable housing. The Coalition's assignment was to seek available land for affordable housing. One of the methods of acquiring land is through community land trusts. He showed a Power Point presentation which was presented to the Board of Education in January.

The Coalition's objective is to provide desirable affordable housing for the County workforce. Mr. Parker noted that there is a crisis in the recruitment and retention of critical workforce personnel in Transylvania County, especially with teachers, law enforcement and health providers, due to rising housing costs.

The Coalition proposed developing housing programs for teachers with the local high school workforce classes building the homes. Currently State law requires them to auction off the houses they build. Further, the Coalition proposed developing the Gillespie Circle property currently owned by the Board of Education for teacher housing by creating a community land trust to hold, manage and develop the project. The land trust would permanently own the land and the houses would be owned or rented by those that live in them. The advantages of the community land trust is that it makes housing affordable by separating the house and land ownership and makes housing available for teachers.

Specifically the Coalition asked the Board of Education to provide the services of an attorney to incorporate a nonprofit community land trust, to designate personnel to serve on the land trust board, to dedicate the Gillespie Circle property for teacher housing, and develop a community land trust as a broad legal entity that would serve other Transylvania County workforce needs. In order for the Coalition to proceed with the community land trust, they have to have enabling legislation from the General Assembly. Mr. Parker said it may be convenient to include Transylvania County and the City of Brevard in their request for enabling legislation simultaneously which opens the door for both governments to participate in affordable housing projects in the future. He noted that the County does not have to agree to participate in order for the Board of Education to move forward. If the Board would like to participate they must pass a resolution stating they would like to be included in the bill. Mr. Parker noted that he would be making his proposal to the Town of Rosman on October 13, 2008.

Commissioners thanked Mr. Parker for representing the County on the Workforce Housing Coalition. Chairman Chappell asked the Manager to add this item to the agenda for the next meeting for discussion and to draft a resolution.

REQUEST FROM BOARD OF EDUCATION

The Board of Education requests approval to lease a portion of the Sharon O. Hogsed property in Rosman. The property would be used for student and staff parking and for overflow parking at athletic events. This project was part of the FY 2009 School Budget funded by the Board of Commissioners. This item was also discussed during the budget workshops.

Commissioner Guice moved to approve the request from the Board of Education to lease a portion of property owned by Sharon O. Hogsed for student and staff parking and overflow parking for athletic events, seconded by Commissioner Bullock and unanimously approved.

BOARD OF HEALTH REQUEST FOR FREE FLU VACCINE

The Board of Health requests that Commissioners allow up to 150 doses of the flu vaccine be given free of charge to indigent individuals. The majority of the distribution would occur through Transylvania County Volunteers in Medicine. Commissioners approved the same request last year.

Commissioner Phillips moved to allow the Board of Health to give up to 150 doses of the flu vaccine free of charge to indigent individuals in our community, seconded by Commissioner Bullock and unanimously approved.

CHANGE ORDERS FOR THE PUBLIC SAFETY FACILITY

The Manager reported on three change orders that are needed for the Public Safety Facility site:

1. The removal of unsuitable soils and the use of flowable fill at the retaining wall. MACTEC took samples of the soil and agreed that this was the least cost solution to the problem. In order for the project to keep moving forward, staff gave

authority to proceed with removing the unsuitable soil. The cost of the change order is \$8,717.

2. Additional costs required with revising the depth of the 43 light poles. The Manager noted that this was an error and will be noted and discussed with engineering firm that designed the project. The depths as shown on the plans would not support the height of the poles where located. The cost of the change order is \$17,461.
3. Additional site work to the entrance on Morris Road to improve the line of sight for safety purposes. The cost of the change order is \$5,647.

Chairman Chappell commented that staff is working on some possible credits. The Manager added that the County expects to receive credits for the HVAC units. Commissioner Phillips stated the importance of reviewing the errors with the engineering firm.

Commissioner Guice made a motion to approve the three change orders as presented, seconded by Commissioner Phillips and unanimously approved.

CHANGE ORDER – POWELL STREAM BANK RESTORATION PROJECT

The Manager reported that the Soil and Water Conservation Board has requested the approval of a change order in the amount of \$2,000 in order to complete the Powell Stream Bank Restoration Project. The change order allows for additional linear feet of reconstruction for grading, erosion control matting, vegetation establishment and wood vegetation establishment. There are funds available to cover the cost of the change order.

Commissioner Bullock moved to approve the change order for \$2,000, seconded by Commissioner Hogsed and unanimously approved.

WESTERN HIGHLANDS NETWORK'S FISCAL MONITORING REPORT

The Manager presented the Western Highlands Network's Fiscal Monitoring Report for the Quarter ending June 30, 2008 which the County is required to approve.

Commissioner Hogsed moved to approve the Quarterly Report from Western Highlands LME, seconded by Commissioner Guice and unanimously approved.

MANAGER'S REPORT

The Manager reported the following:

- Work continues on the 3rd floor renovations of the DSS Building for the Health Department and should be complete by the end of September with a move in date of early November.
- Work continues on the proposal for the Sheriff's Department E911 software. The cost of the software is approximately \$1.1 million which will be paid for by E911 funds. Staff will bring the proposal to the Board in October. The plan calls for training staff before moving into the Public Safety Facility. Staff hopes to have the equipment installed in March 2009.
- Reminder of the public hearing on October 9th for the reclassification of

Boyleston Creek by the Division of Water Quality at the Mills River Community Center at 1:00 p.m.

- The dedication of the Applied Technology Building for BRCC is October 1, 2008 at 2:00 p.m. followed by a joint meeting with the Board of Trustees at 3:30 p.m. The Board of Trustees plans to present their long range plans.
- The North Carolina Association of County Commissioners forwarded some information to counties regarding wireless communications vendors. The vendors have requested from the federal government the right to place towers anywhere they want which usurps the power of the county commissioners. The Association opposes this. The Manager will bring further information to Commissioners at their October 13, 2008 meeting along with a possible resolution opposing the measure.

PUBLIC COMMENT

There were no comments from the public.

COMMISSIONERS' COMMENTS

Commissioner Hogsed questioned a comment made by Commissioner Phillips in the Ask Us section of the Transylvania Times regarding the use of prefabricated materials for the new Public Safety Facility. Commissioner Hogsed stated that prefabricated materials would not have produced a cost savings to the County. He asked Commissioner Phillips to clarify his statement that some people had much to gain from the higher cost of the project. Commissioner Phillips responded that the architectural firm gained monetarily from the cost of the project and they were very unwilling to change the design of the facility.

Commissioner Hogsed said he is concerned that people may misinterpret his statements to mean that Commissioners or employees had benefited from the high cost of the project. Commissioner Phillips responded that he did not view his comments from that perspective and he hopes this explanation will clear up any confusion.

The Manager added that the architect's fees were spelled out in the contract long before the County knew what the actual costs of the project would be. Normally the architectural firm gets a percentage of the cost but that was not the case here.

Commissioner Guice said the comments are unfortunate because they are untrue and causes question by the public. This Board and the previous Board has supported the design of the new Public Safety Facility throughout the entire process. He would have preferred that more communication would have occurred among Commissioners.

ADJOURNMENT

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

unanimously approved.

Jason R. Chappell, Chairman
Board of County Commissioners

ATTEST:

Trisha D. McLeod
Clerk to the Board