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Posted By: Evelyn Baker
Witnessed: _____

**MINUTES OF A
SPECIAL MEETING
OF THE
JACKSON COUNTY
BOARD OF COMMISSIONERS
HELD ON
MAY 23, 2005**

The Jackson County Board of Commissioners met in a Special Meeting on Monday, May 23, 2005, at 4:00 pm, Room A201, Justice & Administration Building, 401 Grindstaff Cove Road, Sylva, North Carolina.

Present: Brian T. McMahan, Chairman
Roberta Crawford, Vice Chair
Joe Cowan, Commissioner
Eddie Madden, Commissioner
Conrad Burrell, Commissioner
Kenneth L. Westmoreland, County Manager
W. Paul Holt, Jr. County Attorney
Evelyn Baker, Clerk to Board

John Cort, Cort Architectural
Victor Lofquist, Lofquist & Associates
Chris Buchanan, Buchanan & Sons

Chairman McMahan called the meeting to order and stated that the purpose of the special meeting was to discuss bids for Smoky Mountain High School Site Work, Phase I.

The Board was given a letter dated May 22, 2005 from Buchanan & Sons. Attorney Holt stated he had read the letter and it was his opinion that the terms of the contract cannot be changed after the project is advertised for bids. The purpose of N.C.G.S. 143-129 is to prevent fraud. He said the Board could renegotiate the fee, but the contract cannot be changed to plans "A" and "B" to be completed over two summers.

Chairman McMahan stated that after meeting with the School Board last Friday night it was ascertained that Phase I cannot be completed this summer due to the unforeseen problems with the utilities and time constraints. Secondly, there is the problem of the lowest bid being \$700,000 over budget.

MOTION: Chairman McMahan moved to reject all bids and direct that Mr. Westmoreland, Ms. Sue Nations, and the professionals schedule a meeting within the next week or so and design a new plan for Phase I for approval. Commissioner Crawford seconded the Motion.

Mr. Lofquist was asked if there was time to revise the plans and designs and let bids this summer for Phase I. He responded “no”. Commissioner Burrell stated that he had talked with Fred Alexander of Duke Power who indicated a contractor must be on site before the utility company will move its poles and place utilities underground. Mr. Lofquist stated that the utilities cannot be “neatly moved” prior to doing the school project – there must be some coordination. Chairman McMahan asked if it is possible, since it was indicated that the utilities do not move lines without a contractor being on site and require the owner to do the trenching, that the utilities could be requested to relocate the lines this summer. Mr. Lofquist responded that only the utilities could answer this question and in any event, Phase I work must be coordinated with the utilities.

Mr. Lofquist stated there was nothing at this time to prevent rough grading and putting in storm drainage in the area above the stadium, and then the utility relocation could take place. That area is not time sensitive to the opening of school. Mr. Cort stated that at the meeting with the utilities, Duke and Verizon informed him they could address the issue of the lines along Hwy. 107 in the time frame. The contractor thought he could work with those limitations.

Mr. Cort stated that deleting paving from the contract is a possibility which could be done by a change order after the contract is executed; however, he would defer to the county attorney’s opinion. Deleting the cost of paving from the price would still not bring it within budget.

Mr. Holt stated that if the Board lets the contract as 85 days for the whole project, follow the statute and negotiate with the low bidder, bring the amount down within the funds available, take out paving, that would be a change, but he thought it would be all right, but the remainder of the contract, as put out for bids, must remain the same.

Mr. Westmoreland asked if Phase II and the perimeter road could be done during the school year. Mr. Cort responded “yes, and could start as soon as designs are made and permits obtained”. Mr. Lofquist stated that building Jones Road and the connector roads could be done this fall.

Mr. Lofquist stated that stream mitigation does not conflict with Jones Road, but it does with the ball fields. Commissioner Burrell stated he had talked with a DOT engineer earlier today and was informed that it usually takes about 3 months to get a stream permit.

Commissioner Madden asked, assuming mitigation approval is not granted, is there adequate room for student parking so that the grading work in front of high school could be completed at a later date. Mr. Cort responded “yes” if there is temporary parking along the stream. Not receiving a stream mitigation permit could cause the whole project to be redesigned.

Commissioner Crawford suggested that Mr. Westmoreland or some of the Commissioners should meet with representatives of the School Board and Mr. Cort more often.

Mr. Westmoreland stated what caught the Commissioners off guard, as well as the School Board, was the placement of the parking lot level with the entrance to the building. It can be redesigned, but there are reasons for it being designed that way initially; there is a lot of dirt to be moved and that is the most logical place to place it rather than hauling it off site; there are handicapped accessibility issues - walking direct from the parking lot without having to traverse steps, ramps, etc. In addition, there is the storm drain issue that must be considered in some manner and one of the ways that this design took care of that is oversized pipe will be placed underneath the parking area to store rain water in the event of a major rain event and released slowly into the Hwy 107/DOT drainage system; underneath the parking lot serves a very valuable storm water detention benefit. It may be possible for a storm water detention system to be redesigned above ground in another location.

Mr. Cort stated he should have a new design for Phase I completed within a couple of weeks. Chairman McMahan stated he had talked with representatives of the School Board, Mr. Henke and Ms. Nations, today and it was the consensus that another joint meeting should be scheduled after a new design is completed.

VOTE: Motion carried by unanimous vote.

Chairman McMahan thanked Mr. Buchanan for bidding on the project and encouraged him to submit another bid when new plans are made available.

There being no further business, Commissioner Crawford moved that the meeting be adjourned. Commissioner Burrell seconded the Motion. Motion carried by unanimous vote and the meeting adjourned at 4:45 p.m.

Evelyn B. Baker, Clerk

Brian Thomas McMahan, Chairman