

Recessed Meeting from Wednesday, March 11, 2009

The Graham County Board of County Commissioners reconvened Wednesday, March 11, 2009 at 10:00 a.m. in the Graham County Health Department Conference Room, from the recessed meeting Monday, March 9, 2009. Present were: Commissioners Bruce Snyder, Sandra Smith, Steve Odom, Gene Trull; County Manager Lynn Cody and Attorney David Sawyer.

The Board met with McGill Associates, Jeff Bishop and P&J Representatives, Ed Satterfield on the cracked pool. The County Recreation Director Jason Sawyer was also present. The Board ask questions about the original contract and the warranties involved. McGill Associate, Jeff Bishop stated that their company had millions of dollars worth of projects and the normal contract is for one year. Commissioner Snyder stated that he was curious and its now water over the dam but he is like Commissioner Trull on the one year contract that it wasn't much of a warranty and this should have been in the original contract. Commissioner Trull stated that we might not have one season before something happens. Mr. Bishop stated that the warranty had not began yet and that their company should come back after the season in early fall and reexamine the cracks. Commissioner Trull stated that if we agree to this then when they come back our warranty would be over. P & J Representative Ed Satterfield stated that no it would not because the warranty had not started yet. They also stated that approval to open the pool by the ADA was beyond their control. Commissioner Smith asked if we could use the pool for a season and then recheck it and let the warranty begin after that. Ed Satterfield stated that the warranty would begin after the acceptance of the pool. Mr. Bishop stated that it would actually enhance the county's position if we let the pool go for one season that way its had time to work and settle and then we could observe the repairs. Ed Satterfield stated that the hot water heater had a one year warranty also. Commissioner Steve Odom thanked the gentlemen for coming and stated that we needed to speak with our attorney before any decisions were made. Ed Satterfield stated that the only answer he needed was if he could put water back into the pool. Commissioner Odom stated he had no problem with putting the water back in. Commissioner Trull stated that the board needed a little time before allowing the water back in and they would contact P&J later that day. Ed Satterfield stated that concrete would crack regardless. Attorney David Sawyer asked if Attorney Mack Tallant was P&J's attorney and Ed Satterfield stated that was correct. He also asked about the warranty comes from P&J but the subcontractors provide their own warranties. Attorney Sawyer questioned them about the Diamond Bright warranty and P&J would get back to him on this. The Board also discussed the mistake concerning the sidewalk that was left off of the plans. Commissioner Snyder stated that due to the ADA laws this should have been included. Jeff Bishop stated that he could not put the cost for this on P&J because it was left out of the contract. Commissioner Odom ask if a conference was held with the building inspector before the project began and Jeff Bishop stated never and that he was not ever included. The Board questioned our building inspector about this and he stated that the company was responsible for all guidelines and if they failed to meet anything then the company is responsible. Commissioner Snyder thanked everyone for their time.

The Board then met with Blair Hyder on the software costs and stated that Perry Brown had never provided any upgrades. He also stated that he refused to pay any more monies until the upgrades were delivered. Commissioner Trull asked if the software he wants to leave is the same software that Swain County wants to go back too. Blair Hyder stated that there was a

complacency issue in that office and the personnel there did not want to move forward. Commissioner Trull stated that they did move forward and now they want to go back. Blair Hyder stated that their office was now in shambles. He stated that the personnel over there is the same people who worked in Graham County and they want to go with what is familiar.

Commissioner Odom stated that we needed to get back to the issue of the company now. Does the lawyer need to review the 2006 agreement to see if the company is doing what they are supposed to be doing? Blair Hyder stated that yes because we made a payment in 2006 and as yet have not received any products and to his knowledge no other counties that have this software have received any new software. He also stated that the price has gone down now and hoped to look in another direction and go with another company. The Board stated that we needed to look at the contract which Blair Hyder stated was in the County Manager's office.

Blair Hyder also showed the board a set of prints that the current software did not pick up all vital information. He stated that more and more the houses are being cut up and in the name of fairness we need software that will draw the houses up just like they are designed. He stated that the Tax Collector did not want to go with the new software. Commissioner Odom stated that we should stay with one company for both the tax collector and tax assessor's office or we would run into problems. He also stated that Mitchell County is using the new software. Commissioner Trull stated that we needed to speak with some of the other counties. Commissioner Smith ask if the offices used different companies would be have to pay both software companies and Blair Hyder stated yes we would. Blair Hyder stated that the tax assessor equipment is old and outdated now. Commissioner Trull ask about the revaluation fund that would help pay for this system and what was the bottom line on the cost for this system. Blair stated the cost was around \$185,000.00 for the appraisal and collections together. Commissioner Odom ask if we had a warranty on this. Blair stated that the company has insurance to help us if anything did go wrong. Commissioner Odom ask about the cost and Blair stated that we could get a pay plan. He also explained that the DMV office will be combining with the tax office in 2011 but that all monies collected would go straight to the finance office because the state is in control of this.

Commissioner Trull stated that the board may or may not be in a situation to get this now due to the funds available. Blair stated that if we convert now during reappraisal the software should pay for itself. Commisioner Smith asked why Tajuana, our tax collector, was so against this and Blair stated change! She did not understand it and was reluctant to change. Commissioner Odom asked if this software would last for several years or would we have to change again in the near future. Blair Hyder stated that changes are constant in technology and the new system would be fairer to the tax payers on figuring taxes based on high end to low end. Blair Hyder stated that the name of the game is to keep all the tax appraisals fair to each taxpayer so everyone is treated fairly. Attorney David Sawyer asked about the program that the county has now and did we get this system in 1995 or 1996. Blair stated that we received it in 1995 but did not sign a contract until 1996. He stated that this company had changed hands several times and this was another problem that we faced because the company went bankrupt due to the software not being written as promised. Commisisner Smith stated that we had tried to get with Mr. Brown since January and still we have not spoken with him. Blair stated that we needed to get moving on this quickly so that we will be ready for the revaluation. Commissioner Odom stated that we have an obligation to make sure the software is fair to all our taxpayers. Blair stated that we are losing revenue right now because our current software does not pick up the correct measurements. Commissioner Snyder stated that Tajuana did not want to use this system and asked Blair why. He stated that they needed to speak to her about that. Commissioner Smith stated that Tajuana

would have to balance by hand on the dmV's if they went with the new system and Blair stated that was not correct and that her paperwork would be reduced also. She would be able to digitize her checks and keep a backup for her use. Commissioner Smith stated that we will at one point have to scan and keep our documents in house. Commissioner Odom stated that when the dmV was moved into the tax office our collection rate would be 100% instead of 80% and Blair stated yes that was correct. Commissioner Snyder stated again if we go to this software Tajuana would be able to balance and Blair stated that we didn't have to keep the same system. The Board stated that we needed to keep them the same or we would be paying two systems. Josh Carpenter, County Planner stated that we could get a grant to help pay for the software with a 60/40 split along with the server. Commissioner Odom stated that this would be a bargain and that would be the way to go. Josh stated that he would research some more and make sure how the grant would be used. Blair stated again time was of an essence and we needed to act quickly. Commissioner Odom stated that our attorney needed to see the old contract to see if the county could recoup some monies.

County Manager, Lynn Cody , spoke to the board about the Extension Office copy machine. The old machine blew up on Tuesday. A new copy machine would cost around \$3000.00 to \$3500.00. Commissioner Smith ask about the copy machine in the sheriff's office and could they share with the extension office. Commissioner Odom stated that with the hipaa laws and the fact that the information was on hard drives someone could retrieve the information and that would become a problem for us. The Board discussed this issue and felt they should go ahead and buy Teresa Garland her own machine. Commissioner Odom made the motion to buy a copier with Teresa using the funds that she had available. Commissioner Snyder seconded this motion. Vote unanimous.

County Manager, Lynn Cody returned the call to P&J Representative Ed Satterfield that the Board agreed to fill the pool with the understanding that P&J were responsible for the costs and the board agreed to accept all information on warranties or any other information concerning the pool and they wanted an agreement with them that all problems would come before the board and P&J would supply the board a list of all contact persons involving the pool. The Board is not accepting the pool at this time. Commissioner Trull stated that we had other issues with McGill and Ed stated that he would not talk about their end only P&J's business. Ed stated that all questions would be directed to him.

The Commissioners stated to the press that they are not accepting the pool but that they are allowing it to be filled for the kids to use this season.

Commissioner Snyder made the motion to go into closed session to review the job applications. Commissioner Odom seconded.