

HAYWOOD COUNTY COMMISSIONERS**REGULAR MEETING – NOVEMBER 15, 2010****CALL TO ORDER**

Chairman J.W. "Kirk" Kirkpatrick, III convened the regular meeting of the Haywood County Board of Commissioners at 5:30 p.m. in the Historic Courtroom at the Haywood County Historic Courthouse, Waynesville, North Carolina, with Chairman J.W. "Kirk" Kirkpatrick, III, Vice-Chairman Bill Upton, Commissioners Charles "Skeeter" Curtis, L. Kevin Ensley, and Mark S. Swanger present. Staff members present were Interim County Manager Marty Stamey, County Attorney Leon M. "Chip" Killian, III, Finance Director Julie Davis, Public Information Officer David Teague and Administrative Assistant Rebecca Morgan.

PLEDGE OF ALLEGIANCE

Chairman Kirkpatrick led the pledge of allegiance.

INVOCATION

Chairman Kirkpatrick offered the invocation.

RECOGNITION

Chairman Kirkpatrick presented a plaque of appreciation to Commissioner Curtis, for his four years of service on the Board.

CALL TO PUBLIC HEARING**Public Health and Solid Waste Awareness and Compliance Ordinance**

Kris Boyd, Planning Director, requested that a public hearing be held on December 20th, 2010 regarding the proposed Public Health and Solid Waste Awareness and Compliance Ordinance. The Board confirmed a public hearing for December 20th, at 5:30 p.m.

PUBLIC COMMENTS

Chairman Kirkpatrick opened the public comment session. Comments are generally limited to three minutes per individual, unless the speaker is representing a group for which the comment period may be extended to five minutes.

Nancy Hoffman stated that she recently learned there was a moratorium on new landfills in North Carolina, but that information is incorrect. Ms. Hoffman explained that according to an e-mail from Jeff Little in Raleigh's Solid Waste Division, the moratorium was lifted in 2008. Ms. Hoffman stated that if mega corporations get a foothold at the White Oak Landfill, the corporations would likely expand to areas with highly fractured bedrock.

There being no other public comments, Chairman Kirkpatrick closed the public comments session.

CONSTITUENT CONCERNS

Chairman Kirkpatrick stated that the County has a request for proposals (RFP's) regarding uses of the landfill.

There were no other constituent concerns.

DISCUSSION / ADJUSTMENT / APPROVAL OF CONSENT AGENDA

There were no adjustments to the agenda.

CONSENT AGENDA

Commissioner Swanger made a motion to approve the consent agenda as presented. Commissioner Curtis seconded and the motion carried unanimously.

- Approve November 1st, 2010 Regular Meeting Minutes
- Declaration of Surplus Property for Sale by Mountain Projects, Inc. - Julie Davis, Finance Director
- Presentation for consideration a request to dispose of surplus property, a Mountain Projects, Inc. vehicle #3764.
- Budget Amendments – Julie Davis
 - Social Services - \$2,570 – Domestic Violence Funds - To appropriate the total amount authorized for the Domestic Violence program, including the additional funding from prior year balance. The original allocation was \$21,838. Additional allocation is \$3,513, Total allocation: \$25,351.
 - Capital Project Ordinance – Wal-Mart Building Purchase - the Purchase of Property inception fiscal year 2010-2011.
- October 2010 Refunds, Releases, Amendments and Discoveries – David Francis, Tax Administrator
- Property Tax Commission (PTC) Appeal – David Francis – appeal to the Property Tax Commission for Gary and Jane Neubauer to adjust the property.

RESOLUTION
DECLARATION OF SURPLUS PROPERTY

WHEREAS, N.C.G.S. 160A-265 authorizes The Board of County Commissioners of Haywood County to dispose of surplus property. This vehicle was purchased with NCDOT funds, which came through the county, and

WHEREAS, Haywood County owns and Mountain Projects has in its possession:

1 – Mountain Projects Vehicle #3764

no longer of use to Mountain Projects.

NOW, THEREFORE, BE IT RESOLVED by The Board of County Commissioners of Haywood County meeting in general session on Monday, November 15, 2010, does the following:

The Haywood County Purchasing Manager is hereby authorized to declare surplus:

1 – Mountain Projects Vehicle #3764

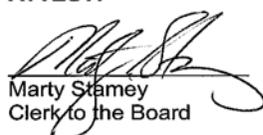
for Mountain Projects to sell.

ADOPTED this 15th day of November, 2010.



J. W. Kirkpatrick, III, Chairman
Haywood County Board of Commissioners

ATTEST:


Marty Stamey
Clerk to the Board

HAYWOOD COUNTY
BUDGET ORDINANCE AMENDMENT
FISCAL YEAR 2010-11

PER: _____
JNL: _____

BE IT ORDAINED by the Board of Commissioners of Haywood County that the following amendment be made to the budget ordinance for the fiscal year ending June 30, 2011

Section 1. To amend the General Fund, the expenditures are to be charged as follows:

Department	Account Number	Current Budget	Increase (Decrease)	Amended Budget
DSS - Public Assistance				
Domestic Violence	115340-549926	22,781	2,570	25,351
		-	-	-

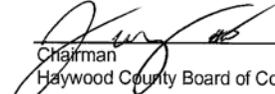
which will result in a net increase of \$ 2,570 in the expenditures of the General Fund.

To provide the additional revenue for the above, the following revenues will be increased as the money has been received:

Revenue	Acct. No.	Current Budget	Increase (Decrease)	Amended Budget
Intergovernmental				-
Admin. Reimbursement	110050-453400	4,750,451	2,570	4,753,021
				-
				-

Section 2. Copies of this budget amendment shall be delivered to the Budget Officer and the Finance Officer for their direction.

Adopted this the 15th day of November, 2010.


Chairman
Haywood County Board of Commissioners

ATTEST: 
Clerk to the Board

Explanation:	
To appropriate the total amount authorized for the Domestic Violence program, including the additional funding from prior year balance.	
original allocation	21,838
additional alloc.	3,513
Total allocation	25,351

ADMINISTRATIVE / AGENCY REPORTS

Senior Tar Heel Legislature

Ernestine Upchurch, Delegate of the Senior Tar Heel Legislature, presented an update from the meeting held October 5th and 6th in Raleigh. Ms. Upchurch shared that the Senior Tar Heel Legislature was created in 1993 so that each county in North Carolina would have one representative and one alternate to serve and make recommendations for aging advocacy. Ms. Upchurch explained that on November 30th, there would be a public meeting for seniors to answer questions regarding Medicare and a prescription plan. Ms. Upchurch reviewed priorities the Senior Tar Heel Legislature is recommending to the North Carolina General Assembly.

Dixon Hughes PLLC – Certified Public Accountants presentation of June 30th, 2010 audit report

David Kerestes, Dixon Hughes, presented the comprehensive annual financial report for the fiscal year ended June 30th, 2010 for Haywood County. Mr. Kerestes urged the Board to consider documenting a formal risk assessment plan, which would identify and evaluate the risks related to the County, develop measures to treat those risks, implement a plan as it relates to those risks, and review and monitor the plan on a regular basis.

Francis Farm Compliance Audit Report

Stephen King, Solid Waste Director, presented the facility compliance audit report, from the North Carolina Department of Environment and Natural Resources (NCDENR). The report indicates the status of past noted violations. NCDENR could assess a \$15,000 penalty per violation per day. Mr. King explained that immediate action was taken to resolve the violations. However, further action may be required pending section review of the plan or in response to further landfill gas sampling results.

Smoky Mountain Center

Shelly Foreman, Planning and Public Affairs Director, and Doug Trantham, Appalachian Community Services Director, presented the Haywood County Post Divestiture Report. Mr. Trantham explained that some services have been integrated as a comprehensive behavioral health agency provided at Smoky Mountain Center. Mr. Trantham stated that one of the concerns is the shortage of psychiatrists in North Carolina.

OLD BUSINESS**North Carolina Veterans Park Update**

Ron Putnam, Veterans Service Officer, stated that the North Carolina Association of County Commissioners (NCACC) initiatives include the building of a Veterans Park in Fayetteville. The Veterans Park would include an exhibit of a wall bearing a bronze cast mold of a veteran from each of North Carolina's 100 counties and five individuals will have their handprints on the column of this exhibit. Roy Pressley, President of the Haywood County Veteran's Council, stated that the Veteran's Council has not yet chosen the veteran to represent Haywood County. The criteria include being a native of Haywood County and having an excellent military record. The names of the chosen individuals will be submitted by November 17th.

Food Safety Act Update – SB510 Resolution

Bill Holbrook stated that in its present form, United States Senate Bill S510 threatens small farm, home, local / organic and community food production with onerous rules that, while perhaps appropriate for industrialized food production, will create impossible "barriers against entry" that will rapidly destroy such local and natural production. No protective language is included in the Senate bill that satisfied these concerns.

Section 106 of the bill provides in part for the regulations issued to be kept secret from the public "in the interest of national security, the Secretary... may determine the time and manner in which the guidance documents issued under paragraph (1) are made public..." The bill, as written incorporates the "Harmonization" provisions of the discredited "Dietary Supplement Safety Act" S.3002, and actually calls upon the Food and Drug Administration to recommend harmonization of American nutritional freedoms with Codex Alimentarius restriction, stating in Section 404 "Nothing in this Act....shall be construed in a manner inconsistent with...any....treaty or international agreement to which the United States is a party....". Cost of this program as shown in Section 401, will be \$825,000,000 in the first year.

Mr. Holbrook explained that the costs required by the proposed food safety bill would be difficult for small farmers. An annual audit would be required by the farmer and the farmer would be responsible for keeping animals, such as dogs and cats, off their farms, making it almost impossible to operate a small farm.

Commissioner Ensley made a motion to approve the resolution in attachment twelve, as presented by Mr. Holbrook. Vice-Chairman Upton seconded and the motion carried unanimously.

**HAYWOOD COUNTY BOARD OF COMMISSIONERS
RESOLUTION**



WHEREAS, the Board of County Commissioners of Haywood County, North Carolina met in regular session on October 18th, 2010, and during that session took under consideration a request for an expression of concern for the wording of U.S. Senate Bill S510; and,

WHEREAS, the citizens of Haywood County, North Carolina have entrusted their officials to protect their interests by taking appropriate action under the law; and,

WHEREAS, the citizens of Haywood County, North Carolina have sought protection by the Board of County Commissioners of Haywood County, North Carolina of their health, safety and well-being from detrimental and damaging actions that may be taken by outside entities; and,

WHEREAS, the Board of County Commissioners recognizes that in its present form, United States Senate Bill S510, threatens small farm, home, local/organic and community food production with onerous rules that, while perhaps appropriate for industrialized food production, will create impossible “barriers against entry” that will rapidly destroy such local and natural production. No protective language is included in the Senate bill that satisfied these concerns; and,

WHEREAS, Section 106 of the bill provides in part for the regulations issued to be kept secret from the public “in the interest of national security, the Secretary....may determine the time and manner in which the guidance documents issued under paragraph (1) are made public.....”; and,

WHEREAS, in addition to the previous concerns, the bill, as written incorporates the “Harmonization” provisions of the discredited “Dietary Supplement Safety Act” S.3002, and actually calls upon the Food and Drug Administration to recommend harmonization of American nutritional freedoms with Codex Alimentarius restriction, stating in Section 404 “Nothing in this Act....shall be construed in a manner inconsistent with...any....treaty or international agreement to which the United States is a party....”; and,

WHEREAS, cost of this program as shown in Section 401, will be \$825,000,000 in the first year.

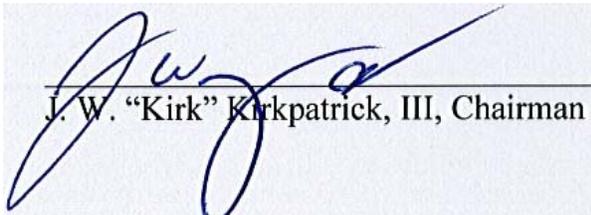
NOW THEREFORE BE IT RESOLVED, that the Board of County Commissioners of Haywood County, North Carolina, declares its opposition to United States Senate Bill S510 in its present form.

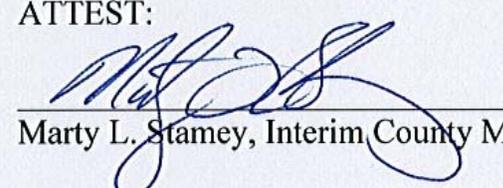
BE IT FURTHER RESOLVED, that the Board of County Commissioners of Haywood County North Carolina recommends incorporation of an Amendment to Senate Bill S510 as follows:

“Rule of interpretation – No provision of this act shall be deemed to apply (a) to any home-business, homestead, home or community gardens, small farm, organic or natural agricultural activity, (b) to any family farm or ranch, or (c) to any natural food product, including dietary supplements regulated under the Dietary Supplement Health and Education Act of 1994”.

ADOPTED this the 18th day of October, 2010.

Signed on behalf of the Haywood County Board of Commissioners


 J. W. "Kirk" Kirkpatrick, III, Chairman

ATTEST:

 Marty L. Stamey, Interim County Manager

NEW BUSINESS

Development Approval Extension Extended, 2010 "opt-out" Option update

Kris Boyd, Planning Director, explained that the economic recession that began in 2008 continues to have a profound effect on housing and other forms of land development. Many projects that had received state or local regulatory approval were put on hold by their developers. This led the General Assembly in 2009 to enact legislation to extend the validity of most state and local development approvals. Faced with a continuing recession in 2010, the General Assembly took further action to provide relief for developers whose projects have been delayed. New legislation was enacted to extend these permit approvals for an additional year. Local governments were, however, given the opportunity to opt out of this fourth year of permit extension. The new law also imposed conditions that must be met by those projects that are covered by the additional extension period. Mr. Boyd presented an opt-out option allowing the period during which permit expirations are suspended (tolled) to end on December 31st, 2010, as originally called for in the 2009 legislation. Mr. Boyd stated that Bruce Crawford, Chief Building Codes Inspector, the Inspections Office, Marc Pruett, Erosion Control Director and the Erosion Control Office, recommends allowing the legislation to take place without action on behalf of the County. The Board agreed to support the presented recommendation.

Next Generation 911 Service Agreement

Kristy Lanning, Information Technology and Communications Director, stated that the Haywood County 9-1-1 has been included in a project funded through the North Carolina 9-1-1 Board grant program, which would allow the County to implement the next step toward a fully functional next generation 9-1-1 center. Ms. Lanning presented a request for authorization to move forward with participation in this funded project.

Vice-Chairman Upton made a motion to approve the next generation 9-1-1 service agreement as presented by Kristy. Commissioner Curtis seconded and the motion carried unanimously.

Spay / Neuter Subsidizing Memorandum of Understanding

Jean Hazzard, Animal Services Director, presented a Memorandum of Understanding (MOU) between Haywood County and Haywood Animal Welfare Association, (HAWA) for subsidizing the cost of spay / neuter surgery for low-income pet owners. County Attorney Killian reviewed the MOU. Ms. Hazzard explained that the MOU will be facilitated by HAWA. Haywood Animal Services would provide the rabies vaccinations.

Commissioner Swanger made a motion to approve the Memorandum of Understanding that is between Haywood County and Haywood Animal Welfare Association. Commissioner Curtis seconded and the motion carried unanimously.

National Rifle Association (NRA) Friends of the NRA Grant Proposal

Dr. Bill Skelton, Extension Service Director, explained that the Extension 4-H shooting sports program involves thirty or more youth from across Haywood County. Recently the youths participated in a State level competition and brought back more than seventy medals. Dr. Skelton explained that a grant from the Friends of the NRA, proposed for \$4,920, would provide for supplies and equipment for the program. The grant requires no

match. The majority of the grant would be awarded in the form of a NRA store credit, with the remainder coming in the form of a cash award to purchase items not found in the NRA store. Dr. Skelton requested approval to move forward with the grant request.

Commissioner Ensley made a motion to approve this National Rifle Association Friends of the NRA grant proposal as presented by Dr. Skelton. Commissioner Curtis seconded and the motion carried unanimously.

North Canton Fire District Six-Mile Insurance District Approval

Johnny Glance, Fire Marshal, presented a request for approval for the North Canton Fire Insurance District to expand to a six-mile district. Mr. Glance stated that all requirements have been fulfilled and a map has been reviewed and approved by the Department of Insurance.

Vice-Chairman Upton made a motion to approve the extension of the North Canton Fire District from five miles to six miles. Commissioner Swanger seconded and the motion carried unanimously.

Center Pigeon Six-Mile Insurance District Modification

Johnny Glance, Fire Marshal, presented a request for approval for a modification of the Center Pigeon six-mile Fire Insurance District. The Department of Insurance discovered an area of coverage greater than six miles in the area of Old Asheville Highway. This correction would bring this area to the approved six-mile limit. The map has been reviewed and approved by the Department of Insurance.

Commissioner Ensley made a motion to approve the Center Pigeon six-mile Fire Insurance District modification as presented. Commissioner Curtis seconded and the motion carried unanimously.

Recess

Chairman Kirkpatrick called for a brief recess.

Buyout Property Lease Request / Annual Renewals

Marty Stamey, Interim County Manager, requested approval of a lease agreement renewal for property located on 102 Suttles Street, Clyde, by Bruce and Ruby Moore. Mr. Stamey presented an amendment to the lease agreement with Jack Morgan for property located on 840 Hyder Mountain Road, Clyde. The property has changed to a commercial status and therefore the amount for the lease has increased. Both the lease agreement renewal and the amendment to the lease agreement have been approved by the Recreation Board.

Commissioner Swanger made a motion to approve the lease agreement with the Moore's, which is attached as attachment nineteen and also the amendment to the lease agreement with Jack Morgan, attached as item number twenty. Vice-Chairman Upton seconded and the motion carried unanimously.

Tourism Development Authority Board

Marty Stamey, Interim County Manager, stated that the Tourism Development Authority (TDA) Board has two vacancies for a representative of more than 20 units and a representative of a tourist related business. Alice Aumen currently serves as the representative for more than 20 units. Deborah Reed currently serves as the representative for a tourist related business. Both Ms. Aumen and Ms. Reed have expressed their desire to be re-appointed to the TDA Board.

Applications were received from Jeffrey Smith and Alice Aumen, representing more than twenty units, and from John Curtis, Gene Monson, Kay Miller and Deborah Reed, representing a tourist related business. Interviews were conducted by the Board of County Commissioners. Mr. Smith did not arrive for his interview.

The Board of County Commissioners submitted ballots. Mr. Stamey collected the ballots and announced that Alice Aumen received five votes. Deborah Reed received four votes and John Curtis received one vote.

Mr. Stamey explained that the Town of Clyde's TDA Board representative is Carroll Mease. Mr. Mease's term will end December 31st, 2010. The Town of Clyde recommends the re-appointment of Carroll Mease.

Commissioner Ensley made a motion to approve Aumen, Reed and Mease. Vice-Chairman Upton seconded and the motion carried unanimously.

Appointment of Clerk to the Board

Chairman Kirkpatrick presented a request to appoint Interim County Manager Marty Stamey as Clerk to the Board of County Commissioners.

Commissioner Swanger made a motion to appoint Mr. Stamey as the Clerk to the Board for now. Vice-Chairman Upton seconded and the motion carried unanimously.

Commissioner Swanger made a motion to appoint Marty Stamey as the Interim County Manager. Vice-Chairman Upton seconded and the motion carried unanimously.

CLOSED SESSION

Commissioner Ensley made a motion to move into closed session for the purposes of approval and release of Closed Session Minutes – G.S. §143-318.11(a)(1), Attorney / Client Privileges and Litigation – G.S. §143-318.11(a)(3), and Personnel – G.S. §143-318.11(a)(6). Commissioner Curtis seconded and the motion carried unanimously.

Return from Closed Session

The Board returned from closed session.

Commissioner Swanger made a motion to authorize the Chairman and Interim County Manager to enter into an agreement with Fitch Development Group to sell the old Haywood County Hospital property, not including the excess parking and Smoky Mountain Center building, to be identified by a current survey, for a sales price of \$1,275,000 for use and development as elderly housing involving certification as a historic site, award of tax credits by the N.C. Housing Finance Agency, zoning changes together with a public loan of \$159,000, the contract to be subject to the upset bid procedures set forth under G.S. Section §160A-269. Commissioner Curtis seconded and the motion carried unanimously.

Vice-Chairman Upton made a motion to approve but not release the closed session minutes involving litigation from November 1st, 2010. Commissioner Curtis seconded and the motion carried unanimously.

Commissioner Ensley made a motion to increase the salary of Marty Stamey, Interim County Manager, from \$92,000 he receives presently to \$125,232, which is commensurate with the previous County Manager. Commissioner Swanger seconded and the motion carried unanimously.

ADJOURNMENT

Commissioner Curtis made a motion to adjourn. Commissioner Ensley seconded and the motion carried unanimously.

The time of adjournment was 8:45 p.m. The DVD is attached by reference to the minutes.

CLERK

CHAIRMAN