

HAYWOOD COUNTY COMMISSIONERS
REGULAR MEETING – FEBRUARY 7, 2011

CALL TO ORDER

Chairman Mark S. Swanger convened the regular meeting of the Haywood County Board of Commissioners at 9:00 a.m. in the Historic Courtroom at the Haywood County Historic Courthouse, Waynesville, North Carolina, with Chairman Mark S. Swanger, Vice-Chairman J.W. "Kirk" Kirkpatrick III, Commissioners Bill Upton, L. Kevin Ensley, and Michael T. Sorrells present. Staff members present were 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 Swanger led the pledge of allegiance.

INVOCATION

Commissioner Upton offered the invocation.

MedWest Update

Michael Poore, MedWest Chief Executive Officer, gave a PowerPoint presentation. Mr. Poore shared the management action plan, operating cash flow year-to-date, physician recruitment and growth of MedWest.

PUBLIC COMMENTS

Chairman Swanger 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.

Elise Curry expressed her concerns regarding second hand smoke. Recently when Ms. Curry went to the Haywood County Justice Center, smokers were standing just outside the entranceway. In order to get into the Justice Center, she had to walk thru the second hand smoke. Ms. Curry urged the Board to ban smoking on all Haywood County-owned property.

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

CONSTITUENT CONCERNS

Chairman Swanger inquired if there were any constituent concerns. Chairman Swanger requested that Marty Stamey, County Manager, review the areas where smoking is allowed on County-owned and Town-owned property.

Chairman Swanger shared that Sunday's edition of "The Asheville Citizen-Times" had an article listing salaries and benefits of Commissioners in various western North Carolina counties. The article listed Haywood County Commissioners received \$2,400 per month for transportation allowance. Chairman Swanger stated that amount was in error. The allowance is actually \$2,400 per year.

DISCUSSION / ADJUSTMENT / APPROVAL OF CONSENT AGENDA

Chairman Swanger commented that there are some changes in the format of the Commissioner's agenda books and requested the Board use the new format for a couple of meetings and advise as to the usefulness and convenience of it.

CONSENT AGENDA

Vice-Chairman Kirkpatrick made a motion to approve the consent agenda as presented. Commissioner Sorrells seconded and the motion carried unanimously.

- Approve January 24th, 2011 Regular Meeting Minutes. Chairman Swanger recommended that the word "was" replace "were" in the third sentence in the February 1st, 2011 Emergency Meeting Minutes
- Budget Amendments – Julie Davis, Finance Director
 - Elections - \$7,275 – HAVA Grant
 - Community Development - \$90,000 – Rural Economic Development Center
- Advertise 2010 Delinquent Real Estate Taxes – David Francis, Tax Administrator

HAYWOOD COUNTY
BUDGET ORDINANCE AMENDMENT
FISCAL YEAR 2010-2011

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
Elections:				
Salaries & Wages-temporary	114170-512600	51,800	6,758	58,558
Social Security	114170-518100	15,275	517	15,792
		-		-
		-		-

which will result in a net increase of \$ 7,275 in the expenditures of the Capital Project 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 Revenue -voting				
State Board of Elections- HAVA Grant	11 0050 441702 1HAV2	-	7,275	7,275

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

Adopted this the 7th day of February 2011.


Chairman
Haywood County Board of Commissioners

ATTEST: 
Clerk to the Board

Explanation:
To appropriate the HAVA grant for One Stop voting grant funding for personnel.

HAYWOOD COUNTY
BUDGET ORDINANCE AMENDMENT
FISCAL YEAR 2010-2011

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
Community Development				
Other Services- Imperial Hotel	11 4938 539900 1RCG1		90,000	90,000

which will result in a net increase of \$ 90,000 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
Restricted Intergovernmental				
Int Gov Rev-NC Rural Cntr. EDC	11 0050 449360 1RCG1		90,000	90,000

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

Adopted this the 7th day of February, 2011.

Mark Swanger
Chairman
Haywood County Board of Commissioners

ATTEST: [Signature]
Clerk to the Board

Explanation: To appropriate funding from Rural Economic Development Center Inc. to provide funds for renovation cost for the Imperial Hotel and Restaurant project, a historic structure located in downtown Canton.

STATE OF NORTH CAROLINA

COUNTY OF HAYWOOD

To the Tax Collector of the County of Haywood:

You are hereby authorized and ordered to advertise the tax liens on real property as per G.S. 105-369 on the 11th day of March, 2011.

Witness my hand and official seal, this 7th day of February, 2011.

Mark Swanger (Seal)
Chairman, Board of Commissioners of Haywood County

ADMINISTRATIVE / AGENCY REPORTS**Cooperative Extension 2011 Plan of Work**

Dr. Bill Skelton, Extension Director, shared that periodically a needs assessment is completed for the Cooperative Extension Program. Five state objectives selected this year are Profitable and Sustainable Agriculture, Local Foods Sales, Safe Production, Schools to Career, and Healthy Living. Dr. Skelton shared that the area of Agriculture can be dangerous due to issues such as handling large animals and fumigation materials used for vegetable production.

OLD BUSINESS**Nursing Home Community Advisory Committee Increasing Number of Members**

The number of board members for the Nursing Home Committee Advisory Board is determined by the Board of County Commissioners. Marty Stamey, County Manager, presented a letter recommending the increased membership to the Nursing Home Committee Advisory Board. If the Board approves the increase in membership, it could then appoint to the Nursing Home Committee Advisory Board, Larry Reeves.

Commissioner Upton made a motion to increase the Nursing Home Committee Advisory Board by one and to appoint Larry Reeves to that Advisory Board. Commissioner Ensley seconded and the motion carried unanimously.

Animal Services Advisory Board Appointment

Jean Hazzard, Animal Services Director, presented a request to appoint Jori Miller to the Animal Services Advisory Board.

Commissioner Ensley made a motion to appoint Jori Miller to the Animal Services Advisory Board. Commissioner Sorrells seconded and the motion carried unanimously.

Facility Space Analysis

Dale Burris, Facilities and Maintenance Director, gave a PowerPoint presentation with information regarding various County-owned facilities. Mr. Burris shared that Annex III, located on Asheville Road, in Waynesville, is 4,450 square feet with a tax appraised value of \$324,000. Mr. Burris stated that the building needs a new roof.

Mr. Burris explained that Annex II, located on North Main Street, across from the Board of Education, houses Central Permitting. Annex II is valued between \$375,000 - \$400,000. This facility could be placed on the sales market and back on the tax rolls at a tax value of \$679,000.

The Health Department's estimated renovation cost for future office space is valued between \$425,000 - \$475,000. This facility could be placed on the sales market and back on the tax rolls at a tax value of \$602,000.

The former Bargains building, located on Elmwood Way, Waynesville, has an estimated renovation cost between \$600,000 - \$625,000. The estimated cost for demolition of the structure is approximately \$39,000, not including landfill fees or the impact of placing an additional 592 cubic yards of waste in the landfill.

Mr. Burris stated that the recommendations were to place Annex II on the market for sale. For Annex III, replace the existing rubber membrane roof with EPDM .060" fully adhered roof, repair existing interior as needed due to water intrusion and place the facility on the market for sale. For the Health Department, place the facility on the market for sale. For the former Bargains building, renovate the facility for the Board of Elections, Wellness Clinic, Recreation and Parks and possibly other agencies that were housed in Annex III.

Commissioner Sorrells inquired if renovating the former Bargains building would provide ample space for the various departments that would use that facility. Mr. Burris explained

that the former Bargains building is approximately 11,000 square feet. Because the building is one level, it accommodates more easily than a building with multiple levels. Chairman Swanger confirmed that funds were available in this fiscal year's capital outlay to repair the roof on Annex III.

Vice-Chairman Kirkpatrick made a motion that Dale Burris be authorized to proceed with the replacement of the roof on Annex III. Commissioner Sorrells seconded and the motion carried unanimously.

Chairman Swanger advised that once the decision is made regarding needs of various offices and the possible renovation of the former Bargains building, it would be necessary to proceed with funding for the renovation, schematic drawings and other various issues that would give the Board a period for completion of the project. Commissioner Upton expressed that renovating the former Bargains building would be beneficial for the County. Chairman Swanger stated that once the County Wellness Clinic is relocated to County-owned premises, the savings would be \$22,500 per year. Commissioner Ensley shared the importance for departments in the County to know their future location. Commissioner Sorrells inquired as to funding for renovations. Julie Davis, Finance Director, stated that some of the funding could come from the sale of the other buildings and possible loans.

Vice-Chairman Kirkpatrick made a motion authorizing County staff to begin planning both schematic design and financing for renovation of the former Bargains building, with the intention of relocating the Board of Elections, the Wellness Clinic, Parks and Recreation and possibly other County agencies. Commissioner Sorrells seconded and the motion carried unanimously.

Recess

Chairman Swanger called for a brief recess.

NEW BUSINESS

Solid Waste Committee Recommendation for Landfill Operations

David Francis, Solid Waste Committee Member, explained that the County sought request for proposals (RFP's), for management of the White Oak Landfill (WOLF). Out of three proposals, the Solid Waste Committee is making a recommendation to allow the necessary County staff, legal counsel with experience in solid waste contract negotiations and Chairman Swanger to enter into negotiations with Santek Environmental, Inc. for the management and operation of the WOLF. Santek Environmental, Inc. offered the only financial benefit to the County. Mr. Francis stated that with a ten-year contract the County would save \$462,000 per year. With a twenty-year contract, the County would save \$480,000 per year.

On January 24th, 2011, the Solid Waste Committee met along with representatives from the municipalities. From that meeting the Solid Waste Committee recommends to allow the necessary County staff, legal counsel with experience in Solid Waste contract negotiations, and Chairman Swanger and Commissioner Bill Upton to enter into negotiations with Santek Environmental, Inc. for the management and operation of the WOLF. The Solid Waste Committee also recommends a change in the transfer station operations at 278 Recycle Road, upon completion of necessary capital improvements at the White Oak Landfill. This recommendation, for transfer operations, is recommended regardless of successful or unsuccessful negotiations with Santek. The County will incur capital expenditures for truck wash, public convenience center, new truck scales and scale house if negotiations are unsuccessful with Santek.

Vice-Chairman Kirkpatrick inquired as to the participating municipalities. Mr. Francis stated that representatives from the Towns of Waynesville, Canton and Clyde attended that January 24th, meeting. Commissioner Sorrells stated that the proposal received from Santek looks like a win-win for Haywood County, but the next step is simply to review the proposal thoroughly to be certain that all the questions regarding the landfill are answered completely. Commissioner Sorrells inquired if there had been a site visit to a similar operation in another state. Mr. Francis replied the committee could arrange a site visit.

Vice-Chairman Kirkpatrick stated that Santek would most likely bring trash from outside Haywood County to the landfill. If Haywood County continues operating the landfill the proposed life expectancy of the landfill is thirty years. If Santek operates the landfill and brings additional trash the proposed life expectancy of the landfill is still thirty years. Vice-Chairman Kirkpatrick explained that Santek could run the landfill better and save the County money.

White Oak Landfill Change Order and Final Payment

Jeff Bishop, Senior Project Manager for McGill Associates, explained that a change order is necessary for the White Oak Landfill (WOLF) construction project. Mr. Bishop presented change order number three for \$53,455.71. This change order includes extra work encountered in order to connect to the existing liner edge, leachate pond repairs. There were problems below the water level that could not be seen during the design portion. Also included in the change order is the cost due to problems that occurred during the weather event November 9th – 12th, 2009. Those problems required the contractor to use his resources to prevent the County potential environmental issues and the cleaning of the leachate pipe.

Mr. Bishop clarified that with the change order the revised contract amount is \$3,749,028.27. The County has been provided with a recommendation for pay request for \$67,932.96.

Julie Davis, Finance Director, explained that the budget amendment is to appropriate the additional amount needed to complete the project per the proposed change order and reduce the amount of the contract by the additional engineering costs.

Vice-Chairman Kirkpatrick made a motion to approve change order number three for \$53,455.71. Commissioner Upton seconded and the motion carried unanimously.

Marty Stamey, County Manager, stated that \$67,932.96 is for part of the payment on the retainage. The balance that the County is retaining is because of the subcontractor lien.

David Francis, Tax Administrator, explained that McGill and Joyce looked at the leachate piping and that cost was put in the change order in order to make it more exact for the contractor.

Vice-Chairman Kirkpatrick made a motion that \$67,932.96, retainage money from the original contract that is uncumbered, be paid now. Commissioner Sorrells seconded and the motion carried unanimously.

As per Chairman Swanger's request, Mr. Bishop confirmed that he would return to the Board with the final payment on the retainage on the contract.

Grant Proposal for Recycling

Stephen King, Solid Waste Director, explained that approximately two years ago a grant was awarded to Haywood County to accommodate the schools, local governments and County government to place containers in various locations for recyclable plastics. Some containers were placed at the stadiums. Mr. King confirmed that this effort has been very successful. Prior to becoming a member of the Board of County Commissioners, Michael Sorrells, contacted Mr. King to discuss efforts to better accommodate the recycling of plastics and paper. Mr. King explained that approximately three years ago a ban was placed on ABC permit holders requiring the recycling of glass bottles. This most recently awarded grant will assist businesses in Haywood County to meet legislative bans on plastics, aluminum cans, and assist ABC permit holders of recycling glass bottles. The grant is for slightly more than \$17,000, and the County's contribution is approximately \$4,000. Commissioner Sorrells shared that as a business owner he realizes that little effort is being done to recycle in Haywood County.

Commissioner Ensley made a motion that the grant match be approved as described by Mr. King. Vice-Chairman Kirkpatrick seconded and the motion carried unanimously.

North Carolina Department of Environment and Natural Resources (NCDENR) Lease Agreement

Marty Stamey, County Manager, presented a three-year renewal lease agreement with NCDENR with David Ferguson, Soil and Water Coordinator. The annual lease amount is \$2,145 with equal monthly installments.

Commissioner Upton made a motion that the renewal of the lease agreement be approved. Vice-Chairman Kirkpatrick seconded and the motion carried unanimously.

Hazelwood Gym Interlocal Agreement

Claire Carleton, Recreation Director, stated that in 2000, the Haywood County Parks and Recreation Department and the Haywood County Board of Education negotiated an agreement for use of the former Hazelwood School gym. Ms. Carleton presented a revised five-year agreement. County Attorney Killian confirmed that he reviewed the agreement.

Vice-chairman Kirkpatrick made a motion to approve the revised five-year interlocal agreement for the Hazelwood School gym. Commissioner Sorrells seconded and the motion carried unanimously.

Second-Year Funding, Juvenile Crime Prevention Council (JCPC) Gang Assessment

David Teague, JCPC Chairman, presented a request for approval for two grant proposals. Mr. Teague explained that in 2009 the North Carolina Governor's Crime Commission received a \$5 million grant thru the American Recovery and Investment Act. Funds were rewarded to the North Carolina Department of Juvenile Justice to fund gang violence prevention activities thru local JCPC's. Later in 2009, Haywood County received \$41,500 to conduct a comprehensive assessment of gang activity. The County received a proposal from Aspire Youth & Family, Inc. that addresses JCPC's third priority, interpersonal skills training for youth already exhibiting behavioral difficulty, including, but not limited to delinquent or substance-using behavior. In addition to this proposal, the County would like to submit a second proposal for funding to address its first priority, coordination of an intervention team to collaborate with JCPC-related agencies in removing barriers to community activities and services that support youth rehabilitation. The total request to the state is \$91,500. Haywood County is in a category to receive a minimum of \$50,000. However, not all of the first year funding was used, so counties may ask for what they need to do their programs. It is not required that counties participate in the second year of funding.

Vice-Chairman Kirkpatrick made a motion to approve the two JCPC Gang Assessment grant proposals. Commissioner Upton seconded and the motion carried unanimously.

Amendment to Emergency Meeting Minutes

Chip Killian, County Attorney, stated that after reviewing the previously approved minutes from the Emergency Meeting of February 1st, 2011, he saw some necessary revisions. County Attorney Killian expressed that he would present those suggested amendments upon returning from Closed Session.

CLOSED SESSION

Vice-Chairman Kirkpatrick made a motion to move into closed session for the purposes of approval and / or release of Closed Session Minutes – G.S. §143-318.11(a)(1), and Attorney / Client Privilege - G.S. §143-318.11(a)(3). Commissioner Upton seconded and the motion carried unanimously.

Return from Closed Session

The Board returned from closed session. County Attorney Killian reviewed the emergency meeting minutes from February 1st, 2011 and advised that the minutes should clarify that it was an emergency meeting and that minutes were released only in accordance pursuant to a protective order to be entered by the arbitrator.

Commissioner Upton made a motion that the amended minutes of February 1st, 2011 be approved. Commissioner Ensley seconded and the motion carried unanimously.

Chairman Swanger announced that the Board reviewed closed session minutes. Following is a list of those minutes and the proposed decision for such:

- January 12th, 2011, personnel, approved, but not released
- January 20th, 2009, potential litigation, released
- February 16th, 2009, potential litigation, released
- November 2nd, 2009, potential litigation, released
- October 20th, 2008, potential litigation, released
- September 8th, 2009, potential litigation, released
- November 6th, 2006, Economic Development, approved and released
- November 6th, 2006, proposed property purchase near Tuscola High School, approved and released
- June 9th, 2006, Personnel, approved and released
- June 19th, 2006, Personnel, approved and released
- December 17th, 2007, Potential Litigation, released
- October 5, 2009, Potential Litigation, released

Vice-Chairman Kirkpatrick made a motion that these actions described be taken regarding closed session minutes. Commissioner Ensley seconded and the motion carried unanimously.

Closing Comments

Marty Stamey, County Manager, stated that a groundbreaking ceremony would be held February 16th, 2011, at 1:00 p.m. on Paragon Parkway, Waynesville.

ADJOURNMENT

Commissioner Upton made a motion to adjourn. Commissioner Sorrells seconded and the motion carried unanimously.

The time of adjournment was 12:10 p.m. The DVD is attached by reference to the minutes.

CLERK

CHAIRMAN