

**HAYWOOD COUNTY COMMISSIONERS****REGULAR MEETING – JANUARY 12, 2011****CALL TO ORDER**

Chairman Mark S. Swanger convened the regular meeting of the Haywood County Board of Commissioners at 10:30 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 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.

Chairman Swanger stated that the regular Board meeting scheduled for Monday, January 10<sup>th</sup>, was postponed because of inclement weather.

**PLEDGE OF ALLEGIANCE**

Chairman Swanger led the pledge of allegiance.

**INVOCATION**

Commissioner Ensley offered the invocation.

**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.

Monroe Miller shared that after the Board released closed session minutes regarding Fairgrounds litigation against Shawn Leatherwood, with the Architectural Studio. Mr. Miller stated that a settlement of \$25,000 was paid on December 13<sup>th</sup>, 2010. Mr. Miller expressed his concern regarding a letter from County Attorney Chip Killian, dated August 6<sup>th</sup>, 2010, to Mr. Leatherwood. Mr. Miller advised that County Attorney Killian’s letter is an abuse of power and therefore County Attorney Killian’s only recourse is to resign as County Attorney.

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

**CONSTITUENT CONCERNS**

Chairman Swanger inquired if there were any constituent concerns. Vice-Chairman Kirkpatrick stated that the closed session minutes that were recently released were involving the Fairgrounds, not necessarily the County. Vice-Chairman Kirkpatrick clarified that County Attorney Killian’s letter to Mr. Leatherwood was on behalf of the Fairgrounds, not the County and was in reference to issues that occurred with Mr. Leatherwood over the past several years.

Commissioner Ensley stated that the Fairgrounds Board does not have an attorney and therefore, contacted County Attorney Killian for his assistance in the matter regarding litigation.

**DISCUSSION / ADJUSTMENT / APPROVAL OF CONSENT AGENDA**

Chairman Swanger explained that Michael Poore was scheduled to make a presentation to the Board, but Mr. Poore was unable to attend the meeting.

**CONSENT AGENDA**

Vice-Chairman Kirkpatrick made a motion to approve the consent agenda as presented with the exception of item 'c' under Budget Amendments, which is the Lake Junaluska sediment removal grant project. Commissioner Ensley seconded and the motion passed with Commissioner Ensley abstaining.

Vice-Chairman Kirkpatrick made a motion to approve the Lake Junaluska sediment removal grant project budget amendment as presented. Commissioner Upton seconded and the motion carried unanimously.

- Approve December 20<sup>th</sup>, 2010 Regular Meeting Minutes
- Board of Equalization and Review (BOE) – David Francis, Tax Administrator, stated that the BOE could be represented by the public at large members and / or the Commissioners. After discussion, the Board concluded that the BOE would be represented by both the public at large members and the Commissioners. Chairman Swanger and Commissioner Upton volunteered to serve on the BOE. There would be five members and one alternate member. Mr. Francis confirmed that he would advertise for three full-time representatives. Commissioner Ensley volunteered to serve as an alternate. The deadline for applications would be February 4<sup>th</sup>, 2011. Interviews were scheduled for February 21<sup>st</sup>, 2011.
- Budget Amendments – Julie Davis, Finance Director
  - Legal - \$50,000 from contingency - to cover the increased cost of attorney fees paid, and to be paid for the balance of the year.
  - Bioterrorism H1N1 – \$80,000 – Bioterrorism received additional H1N1 Funds are to be spent in accordance to the Agreement Addendum by May 31<sup>st</sup>, 2011.
  - Lake Junaluska Sediment Removal grant project – \$169,000 - To appropriate additional funding from NC Dept of Environment and Natural Resources (NCDENR) for Lake Junaluska sediment removal phase II and the Lake Junaluska spillway project. State funding to be matched by Lake Junaluska Assembly. No county funding is required; however, funds must run through the county. Commissioner Ensley confirmed that he performed work on the project for Lake Junaluska, and therefore, he would abstain from voting on this item.
  - Haywood Community College (HCC) – \$5,000 from project contingency – To allocate an amount from contingency to cover the cost of dismantling the old storage building as part of the project.

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
LEGAL:				
Professional Services - litigation	114150-519201	22,457	15,000	37,457
Professional Services - other attorney	114150-519204	54,623	15,000	69,623
Professional Services - courthouse litigation	114150-519210	40,000	20,000	60,000
Contingency	119910-599100	264,600	(50,000)	214,600

which will result in a net increase (decrease) of \$ \_\_\_\_\_ 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

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

Adopted this the 10th day of January, 2011.

Mark Swartz  
Chairman  
Haywood County Board of Commissioners

ATTEST: [Signature]  
Clerk to the Board

Explanation:
To cover the increased cost of attorney fees paid, and to be paid for the balance of the year.

HAYWOOD COUNTY  
BUDGET ORDINANCE AMENDMENT  
FISCAL YEAR 2011

PER: \_\_\_\_\_  
JPL: \_\_\_\_\_

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
Gen.-Prof. Serv Other	115110-519900-03BIO	-	3,000	3,000
Special Prog. Materials	115110-523100-03BIO	1,500	4,207	5,707
Office Supplies	115110-526000-03BIO	-	10,731	10,731
Non-Exp Supplies	115110-526900-03BIO	-	5,400	5,400
Training	115110-539500-03BIO	500	2,500	3,000
Dues & Sub	115110-549100-03BIO	-	303	303
C/O Furn & Equip.	115110-551000-03BIO	-	48,359	48,359
C/O Data Processing	115110-552000-03BIO	-	1,500	1,500
C/O Other Structure	115110-559000-03BIO	-	4,000	4,000
which will result in a net increase of \$		80,000		

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
Bioterrorism H1N1	110050-451360-03BIO	50,791	80,000	130,791

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

Adopted this the 10th day of January, 2011

Mark Swartz  
Chairman  
Haywood County Board of Commissioners

ATTEST: [Signature]  
Clerk to the Board

Explanation: Bioterrorism received additional H1N1 Funds are to be spent in accordance to the Agreement Addendum by May 31, 2011. List of items to be purchased by funds are enclosed.
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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
Lake Junaluska Sed Removal Phase I				
Repairs & Maintenance-Lake Jun	35 7200 535500 11LJA	150,000	169,000	319,000

which will result in a net increase of \$ 169,000 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 Revenue-Non Fed	35 0050 449360 11LJA	150,000	169,000	319,000

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

Adopted this the 10<sup>th</sup> 12<sup>th</sup> day of January, 2011.

Mark Swanga  
Chairman  
Haywood County Board of Commissioners

ATTEST: [Signature]  
Clerk to the Board

Explanation: To appropriate additional funding from NC Dept of Environment & Natural Resources (NCDENR) for Lake Junaluska sediment removal phase II and the Lake Junaluska spillway project. State funding is to be matched by Lake Junaluska Assembly. No county funding is required, however, funds must run through the county. See attached minutes and resolution previously adopted.
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HAYWOOD COUNTY  
CAPITAL PROJECT 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 capital project ordinance for the fiscal year ending June 30, 2011.

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

Line Item	Account Number	Current Budget	Increase (Decrease)	Amended Budget
C/P - Haywood Community College projects				
Administrative building:				
Professional Services - other	405922-519900-11HCC	15,399	5,000	20,399
Contingency	405922-599100-11HCC	46,197	(5,000)	41,197

which will result in a net increase of \$ \_\_\_\_\_ 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

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

Adopted this the 10<sup>th</sup> 12<sup>th</sup> day of January, 2011

Mark Swanga  
Chairman  
Haywood County Board of Commissioners

ATTEST: [Signature]  
Clerk to the Board

Explanation: To allocate an amount from contingency to cover the cost of dismantling the old storage building as part of the project.
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**OLD BUSINESS****Rescheduling Board Applicant Interviews**

Chairman Swanger added under “Old Business” an item to reschedule interviews with the applicants for the Fairgrounds Board and the Tourism Development Authority Board. Interviews had been scheduled, but due to inclement weather, the interviews were postponed. After discussion, the Board agreed to reschedule interviews for January 24<sup>th</sup>, 2011, at 4:15 p.m.

**Federal Emergency Management Agency (FEMA) flood mapping project**

Kris Boyd, Planning Director, stated that the Planning Department had reviewed a set of preliminary flood maps produced by the State of North Carolina. Citizens in Haywood County have submitted appeals and protests regarding the preliminary flood maps to FEMA. One protest has been submitted by the County. Mr. Boyd explained that FEMA has created a new, scientific resolution panel to hear protests and appeals across the United States. North Carolina is the only state that has a memorandum of understanding that FEMA has delegated its authority to the State of Division of Crime Control and Public Safety to produce these new maps in a cooperative manner with FEMA. Mr. Boyd inquired if Haywood County would choose to submit an additional protest to FEMA to go before the scientific resolution panel. Mr. Boyd explained that by so doing, there would be a delay in adoption of the maps, questions regarding the maps have been answered and the final product meets all the necessary criteria. Presently the adoption of these maps is expected within six to eight months. However, by submitting to the scientific resolution panel, adoption of the maps could take years. Commissioner Ensley shared that he met with the engineer from the State of North Carolina. It seems that approved maps allow flood certificates to be presented and thereby determines flood insurance for properties. Mr. Boyd explained that the present maps are not being used for regulatory purposes for construction because the maps are not approved by FEMA. However, some of the lending institutions outside, third party contractors are looking at these maps. Problems are on the side of the lenders and insurance, not the regulatory construction side.

Vice-Chairman Kirkpatrick made a motion to not submit a protest to FEMA for the preliminary flood maps. Commissioner Ensley seconded and the motion carried unanimously.

**Public Health and Solid Waste Awareness and Compliance**

Kris Boyd, Planning Director, presented the proposed Public Health and Solid Waste Awareness and Compliance Ordinance, which was drafted by an advisory committee consisting of elected officials, members of the public at-large, staff and members of the Health Board. The proposed ordinance is designed to deal only with public health risks. The proposed ordinance was posted on the website, [www.haywoodnc.net](http://www.haywoodnc.net). A public hearing was held at the last regular Board meeting December 20<sup>th</sup>, 2010.

Vice-Chairman Kirkpatrick made a motion that the Public Health and Solid Waste Awareness and Compliance Ordinance be approved as submitted and discussed at the public hearing and as stated in the briefing books, be under chapter 159, of the Code of Ordinances. Commissioner Upton seconded and the motion carried unanimously.

**Adaptive Renovation Project for the Haywood County Department of Social Services, Health and Central Permitting**

Scott Donald, AIA, Padgett & Freeman Architects, presented an adaptive renovation project and price list of negotiations for the Haywood County Department of Social Services, Health Department and Central Permitting and explained cost reductions. Commissioner Sorrells inquired how the renovations would affect the building in regards to long-range usage. Mr. Donald confirmed that the building would still meet code compliance and warranties remain the same.

Commissioner Ensley made a motion to approve the notice of award to Murray Construction Company of Monroe, Incorporated, for \$5,398,000. Commissioner Upton seconded and the motion carried unanimously.

Commissioner Sorrells made a motion to waive the tipping fees at the landfill. Vice-Chairman Kirkpatrick seconded and the motion carried unanimously.

#### **Animal Service Advisory Committee**

Jean Hazzard, Animal Services Director, presented a list of constituents to be considered for appointment to form an Advisory Committee for Haywood County Animal Services Department as per the Animal Services Ordinance G.S. §91.61. Chairman Swanger shared that in an e-mail he received from a citizen suggested including a representative who is familiar with large animals. Ms. Hazzard confirmed that someone experienced with large animals could be sought to serve on the committee. Once an applicant expressed their interest in the committee, Ms. Hazzard agreed to return to the Board and submit the name of that individual. Ms. Hazzard read the names of the recommended constituents for the Animal Services Advisory Committee.

- Tyler Howell, Waynesville Police Officer, resident Lake Junaluska
- Brian Sizemore, Sheriff Deputy / hunter, resident Bethel Community
- Doyle Teague, Sarges Animal Rescue, resident White Oak
- Penny Wallace, Executive Director of HAWA, resident Waynesville Laurel Ridge
- Jason Hughes, Canton Police Officer and resident of Canton area
- Beth Stovall, retired Haywood County teacher, resident Waynesville cit
- Steve Cox, retired former hunter, raises beagles, resident Thickety Community
- Dr. Kristen Hammett, Veterinarian, resident of Jonathan Creek

Commissioner Sorrells made a motion that the list of individuals as presented by Jean Hazzard, be approved to serve on the Animal Services Advisory Committee. Commissioner Ensley seconded and the motion carried unanimously.

#### **Subordination, Non-disturbance and Attornment Agreement Regarding Solar Facility at Haywood Community College (HCC)**

Chip Killian, County Attorney, presented an incentive agreement between FLS YK Farm, LLC, a North Carolina limited liability company, its successors or assigns (the "Company"), and Haywood County. The purpose of this agreement is to describe certain incentives to be provided by the County to the Company in connection with the Company's location of a solar energy facility in the County; The County is proceeding under the provisions of North Carolina General Statute §158-7.1(a), as well as other local actions applicable to Haywood County. The solar equipment will be separately financed by the owner.

Commissioner Upton made a motion to authorize Chairman Swanger to sign the agreement on behalf of the County. Vice-Chairman Kirkpatrick seconded and the motion carried unanimously.

#### **Purchase and Sale Agreement for former Haywood County Hospital**

Chip Killian, County Attorney, presented the purchase and sale agreement between Haywood County and Fitch Development Group, Inc. Request for Proposals (RFP) were sent to contractors identified as potential master developers. The RFP's did not require the sale of the property, but was an option. A committee reviewed the proposals and determined that Fitch Development Group had the most favorable proposal. The structure is to be approved for historic purposes. The purchase price is \$1,275,000, which is to be paid at the closing, which will, at the earliest, be March 1<sup>st</sup>, 2012.

Vice-Chairman Kirkpatrick made a motion to authorize Chairman Swanger to sign the purchase and sale agreement as described by County Attorney Killian. Commissioner Upton seconded and the motion carried unanimously.

**NEW BUSINESS**

**Request to Drop Property from the Maggie Valley Country Club Estates Homeowners Association's Service District**

David Francis, Tax Administrator, explained that Stan Holden, President of the Maggie Valley Country Club Estates Homeowners Association, requested that the property located in the Campbell Mountain Estates subdivision is not a part of the Maggie Valley Country Club Estates Homeowners Association Service District but has been included in the Road Tax District by error. Mr. Francis presented a request to drop the property from the Maggie Valley Country Club Estates Homeowners Association's Service District.

Commissioner Ensley made a motion that parcel number 7697913296, owned by James L. Wiggins, be removed from the Maggie Valley Country Club Estates Homeowners Association Service District. Commissioner Sorrells seconded and the motion carried unanimously.

**Change Order White Oak Landfill Well (WOLF) Installation Project and Budget Amendment**

Stephen King, Solid Waste Director, presented a change order for the contract for well installation and reporting services at WOLF. The budget amendment is to appropriate the additional amount needed to complete the project per the proposed change order.

Commissioner Upton made a motion to approve the change order in the amount of \$1,511.01 and accompanying budget amendment in that amount. Commissioner Ensley seconded and the motion carried unanimously.

HAYWOOD COUNTY  
CAPITAL PROJECT 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 capital project ordinance for the fiscal year ending June 30, 2011.

Section 1. To amend the Capital Project Fund - the expenditures are to be charged as follows:

Line Item	Account Number	Current Budget	Increase (Decrease)	Amended Budget
<u>Capital Project Fund</u>				
<u>Solid Waste:</u>				
Professional Services - monitoring	434722-519900-09SW1	44,708	1,511	46,219
Project Contingency	434722-599101-09SW1	11,528	(1,511)	10,017
		-		-

which will result in a net increase of \$ \_\_\_\_\_ 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
				-
				-
				-

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

Adopted this the 10<sup>th</sup>/12<sup>th</sup> Mo day of January, 2011.

Mark Swanger  
Chairman  
Haywood County Board of Commissioners

ATTEST:  
[Signature]  
Clerk to the Board

<b>Explanation:</b>
To appropriate the additional amount needed to complete the project per the proposed change order.

**Blue Ridge National Heritage Area**

Angie Chandler, Executive Director, presented a resolution requesting a 2 ½-year extension of the Enhancement Agreement between Haywood County and the North Carolina Department of Transportation (NCDOT) for the Blue Ridge National Heritage Area (BRNHA) Trails Program. Julie Davis, Finance Director, stated that once approved, a budget amendment would be brought to the Board.

Vice-Chairman Kirkpatrick made a motion authorizing Chairman Swanger to execute the Memorandum of Understanding between Haywood County and the Blue Ridge National Heritage Area. Commissioner Upton seconded and the motion carried unanimously.

**COPY OF A RESOLUTION PASSED BY THE HAYWOOD COUNTY BOARD OF COMMISSIONERS, NORTH CAROLINA**

A motion was made by Vice-Chairman Kirkpatrick and seconded by Commissioner Upton for the adoption of the following Resolution, and upon being put to a vote was duly adopted:

WHEREAS, the County has requested enhancement funding for the construction of INTERPRETIVE SIGNS FOR THE BLUE RIDGE NATIONAL HERITAGE AREA TRAILS PROGRAM, North Carolina; and

WHEREAS, the Department of Transportation has programmed funding in the 2010-2013 Transportation Improvement Program, as revised, for said construction under Project E- 4975, Haywood County; and

WHEREAS, the County proposes to enter into an Agreement with the North Carolina Department of Transportation for said improvements as described in said Agreement; and

WHEREAS, under the proposed Agreement and subject to the Agreement provisions, the Department shall reimburse the County to the extent of eighty percent (80%) of the approved eligible costs covered under this Agreement up to the maximum federal award of \$426,736; and

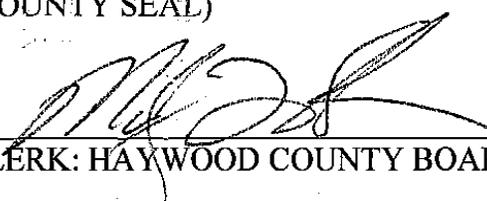
WHEREAS, the County, and The Blue Ridge National Heritage Area, pursuant to the Memorandum of Understanding attached hereto as Exhibit A, shall provide at least twenty percent (20%) matching funds and all costs that exceed the federal award of \$426,736.

NOW, THEREFORE, BE IT RESOLVED that the Agreement for Project E-4975, in Haywood County, is hereby formally approved by the Haywood County Board of Commissioners, and that the Clerk of this County is hereby empowered to sign and execute the required Agreement with the Department of Transportation.

I, Marty Stamey, Clerk of the Haywood County Board of Commissioners, do hereby certify that the foregoing is a true and correct copy of excerpts from the Minutes of the meeting of the County Commissioners duly held on the 12<sup>th</sup> day of January, ~~2010~~ 11

WITNESS, my hand and the official seal of said County on this the 12<sup>th</sup> day of January, ~~2010~~ 11

(COUNTY SEAL)

  
CLERK: HAYWOOD COUNTY BOARD OF COMMISSIONERS

**Haywood County Request for Qualified Contractors**

Dale Burris, Facilities Maintenance Director, presented a request for qualified contractors for construction projects pursuant to G.S. §143-129.

Commissioner Sorrells made a motion to approve the request for qualified contractor's project as described and as reflected in the briefing books. Commissioner Ensley seconded and the motion carried unanimously.

**Board Members**

Chairman Swanger stated that there are four vacancies for the Health Board for RN position, Veterinarian position, Pharmacist position, and the Medical Doctor position.

These vacancies were advertised with applications being accepted thru December 31<sup>st</sup>, 2010. The applications received were from William David McCracken, Veterinarian, Judy Covin, Registered nurse, and James Paul Weaver, Medical Doctor. No applications were received from a pharmacist. These three applicants are incumbents.

Vice-Chairman Kirkpatrick made a motion to appoint the three applicants, William David McCracken, Judy Covin, and James Paul Weaver to the Health Board by acclamation. Commissioner Upton seconded and the motion carried unanimously.

After discussion, the Board concluded to re-advertise the pharmacist vacancy.

There is one vacancy on the Tourism Development Authority Board (TDA) for an owner or operator of hotel(s), motel(s), or other accommodation(s) with 20 units or less, to serve remaining term ending December 31<sup>st</sup>, 2012. One application was received from Mr. Lyndon Lowe.

Commissioner Upton made a motion to approve Lyndon Lowe to the TDA Board. Commissioner Sorrells seconded and the motion carried unanimously.

**Fiscal Year 2011-2012 Proposed Budget Schedule**

Marty Stamey presented the Fiscal Year (FY) 2011-2012 Budget Schedule draft. The schedule is aggressive and could possibly be hampered by State budget cuts or delays in revenue projections from ad valorem taxes. After discussion, the Board agreed to hold a work session on Thursday, January 20<sup>th</sup>, at 10:00 a.m. in the Historic Courtroom. The work session will be televised.

**CLOSED SESSION**

Vice-Chairman Kirkpatrick made a motion to move into closed session for the purposes of approval and possible release of Closed Session Minutes – G.S. §143-318.11(a)(1), and Personnel – G.S. §143-318.11(a)(6). Commissioner Upton seconded and the motion carried unanimously.

**Return from Closed Session**

The Board returned from closed session.

Commissioner Kirkpatrick made a motion to approve and release the closed session minutes dated

- November 15<sup>th</sup>, 2010, regarding Personnel
- December 20<sup>th</sup> 2010, regarding Attorney / Client Privileges
- December 20<sup>th</sup> 2010, regarding Litigation

Commissioner Upton seconded and the motion carried unanimously.

Commissioner Kirkpatrick made a motion to approve, but not release the closed session minutes dated

- September 20<sup>th</sup>, 2010, two sets regarding personnel
- October 4<sup>th</sup>, 2010, regarding personnel
- October 18<sup>th</sup>, 2010, regarding personnel.

Commissioner Ensley seconded and the motion carried unanimously.

Chairman Swanger shared that the Board recognizes Marty Stamey, Interim County Manager, as a diligent worker and very qualified for the position of County Manager.

Vice-Chairman Kirkpatrick made a motion that Marty Stamey be appointed Haywood County Manager. Commissioner Upton seconded and the motion carried unanimously.

**ADJOURNMENT**

Vice-Chairman Kirkpatrick made a motion to adjourn. Commissioner Ensley seconded and the motion carried unanimously.

The time of adjournment was 12:50 p.m. The DVD is attached by reference to the minutes.

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CLERK

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CHAIRMAN