

HAYWOOD COUNTY COMMISSIONERS**REGULAR MEETING – OCTOBER 3, 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 L. Kevin Ensley, Michael T. Sorrells and Bill Upton, 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

Vice-Chairman Kirkpatrick offered the invocation.

PUBLIC COMMENT SESSION

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 his concerns regarding a letter from the North Carolina Department of Environment and Natural Resources (DENR), concerning the landfill management agreement.

David Francis, Tax Administrator, shared a letter dated September 20, 2011, from Sharon Edmundson, CPA, Director Fiscal Management at the State and Local Government Finance Division addressed to Mr. Miller. The letter was in reference to a complaint submitted against Mr. Francis and the five Haywood County Commissioners through a broad spectrum of State agencies concerning the revaluations. The letter read, "Neither the State or Local Government Finance Division, nor the Local Government Commission has any jurisdiction over the property valuations... Haywood County's values continue to increase each year since the last revaluation although by increasingly smaller amounts until the 2011 revaluation. This increase is consistent with other counties and with Haywood County's past revaluation... Also, in response to your question, I traced what figures I could to the annual audits that are on file in our office. The valuation figures for the year 2006 thru 2010 match the total valuation figures in our annual audit for those years. Our review of the county's calculations found no errors in this methodology." Mr. Francis clarified that this letter was follow-up from the State regarding Mr. Miller's complaint.

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

CONSTITUENT CONCERNS

Commissioner Sorrells commended Haywood Community College for receiving a work force development grant. Commissioner Sorrells stated that March 7, 2011, the Board passed a resolution supporting the Golden Leaf Foundation. Grants received from the Golden Leaf Foundation have been used for local projects such as helping to prepare students for jobs through the expansion of the machinist-training program and to explore agricultural opportunities in Haywood County. Chairman Swanger expressed appreciation to the Golden Leaf Foundation.

CONSENT AGENDA

Vice-Chairman Kirkpatrick made a motion that the consent agenda as presented be approved. Commissioner Upton seconded and the motion carried unanimously.

- Approve September 19, 2011 regular meeting minutes

OLD BUSINESS

2011 Edward Byrne Memorial JAG Grant Continuation

Chairman Swanger shared that the Sheriff's Office is requesting continuation of the Edward Byrne Memorial JAG grant. Haywood County has been allocated \$10,392 for the upcoming year of 2012. A public hearing was held for the Edward Byrne Memorial JAG grant continuation.

Commissioner Upton made a motion that the 2011 Edward Byrne Memorial JAG grant continuation be approved. Commissioner Ensley seconded and the motion carried unanimously.

Julie Davis, Finance Director, presented a budget amendment for the Edward Byrne Memorial JAG grant continuation.

Commissioner Upton made a motion that the budget amendment be approved as presented. Vice-Chairman Kirkpatrick seconded and the motion carried unanimously.

HAYWOOD COUNTY
BUDGET ORDINANCE AMENDMENT
FISCAL YEAR 2011-2012

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, 2012.

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

Department	Account Number	Current Budget	Increase (Decrease)	Amended Budget
Sheriff				
Other Supplies 12JAG	11 4310 529300 12JAG		4,084	4,084
C/O Equipment 12JAG	11 4310 555000 12JAG		6,308	6,308

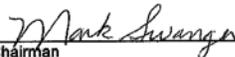
which will result in a net increase of \$ 10,392 in the expenditures of the General Fund.

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				
Sheriff	110050 443102 12JAG	-	10,392	10,392

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

Adopted this the 3rd day of October, 2011



Chairman
Haywood County Board of Commissioners

ATTEST: 

Clerk to the Board

Explanation: To appropriate funding under the FY 11 Edward Byrne Memorial Justice Assistance Grant(BJA-JAG) program for FY2012 law enforcement. Project Number 2011-DJ-BX-2762

Santek Environmental, Inc. Landfill Management Agreement

Stephen King, Solid Waste Director, presented a letter from North Carolina Department of Environment and Natural Resources (DENR) regarding the proposed agreement between Haywood County and Santek Environmental, Inc. The proposed agreement outlines two distinct phases of operation. The first phase begins at the signing date and runs until the expanded management commencement date. The second phase begins at the expanded management commencement. Mr. King clarified that if the proposed contract with Santek Environmental were approved, it would be approximately forty-five days to three months prior to the transfer of operational responsibilities to Santek Environmental. Vice-Chairman

Kirkpatrick clarified that if the Board approves the proposed contract with Santek Environmental, and if the North Carolina DENR approves the application process, the agreement would go forward. Santek Environmental cannot begin operating the landfill facility until the issuing of the modified Operations Plan.

Commissioner Upton made a motion that the sanitary landfill operations agreement between Haywood County and Santek Environmental of North Carolina, LLC, be approved as presented. Commissioner Ensley seconded and the motion carried unanimously.

Furniture Bid Approval for Department of Social Services, Health Department and Central Permitting

Dale Burris, Facilities and Maintenance Director, confirmed that the County negotiated the price for furniture for the building being renovated for Department of Social Services, Health Department and Central Permitting with Professional Business Interiors. The price for furniture is within the budget. Mr. Burris recommended awarding the contract; approving the AIA document A151-2007, and approving the notice to proceed with Professional Business Interiors.

Commissioner Sorrells made a motion that the notice of award to Professional Business Interiors, Inc. be approved, the contract be approved and the notice to proceed be approved. Commissioner Ensley seconded and the motion carried unanimously.

Health Department Dental Equipment – Appalachian Regional Commission Grant of \$99,967

Carmine Rocco, Health Director, explained that Haywood County was to receive an Appalachian Regional Commission (ARC) grant for up to \$100,000. The grant of \$99,963 is to help provide improved health care resources in our community. The grant would help purchase dental equipment. Last week Marty Stamey, County Manager, signed the final application, which allowed Haywood County to accept the funds.

Commissioner Ensley made a motion that the Board ratify the signature of the County Manager in light of the imposed deadline by Appalachian Regional Commission to receive funds. Commissioner Sorrells seconded and the motion carried unanimously.

NEW BUSINESS

Resolution Opposing Merger of Community Colleges

Dr. Laura Leatherwood, Haywood Community College, read a resolution in opposition to North Carolina joint legislative evaluation oversight committee 2011 recommendation to merge Community colleges.

Commissioner Sorrells made a motion to approve the resolution. Commissioner Ensley seconded and the motion carried unanimously.



**Resolution in Opposition to
NC Joint Legislative Evaluation Oversight Committee
2011 Recommendation to Merge Community Colleges**

Whereas, the Haywood County Board of Commissioners recognizes the significance of Haywood Community College in fostering and stabilizing Haywood County economic, workforce, and community development; and

Whereas, Haywood Community College provides leadership critical to the sustaining viable higher education; and

Whereas, Haywood County has duly supported Haywood Community College with local funding since its inception in 1965; and

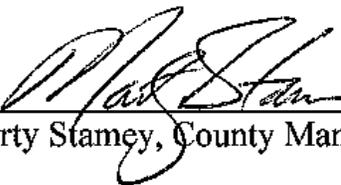
Therefore, the Haywood County Board of Commissioners with this resolution firmly opposes the recommendation put forth by the NC General Assembly Joint Legislative Program Evaluation Committee on July 13, 2011 to reduce the number of small colleges (those with less than 3,000 full-time equivalents) through administrative mergers.

ADOPTED this the third day of October, 2011.



Mark S. Swanger, Chairman
Haywood County Board of Commissioners

ATTEST:



Marty Stamey, County Manager/ Clerk to the Board

Canton Emergency Medical Services Base Sublease at MedWest Urgent Care Center

Mike Poore, President and Chief Executive Officer of MedWest, presented a sublease for a base station for the Emergency Medical Services. An urgent care center is being constructed in Canton. The sublease is for 2,484 square feet with a monthly rent in the first lease period of \$1,500. County Attorney Killian confirmed that he had reviewed the sublease.

Commissioner Upton made a motion that the Canton Emergency Medical Services base sublease between MedWest and Haywood County be approved as presented. Commissioner Ensley seconded and the motion carried unanimously.

Proclamation – National Breast Cancer Awareness Month

Steve Brown, Executive Director of MedWest Foundations, and Mike Poore, President and Chief Executive Officer of MedWest read a proclamation declaring October as 'Breast Cancer Awareness Month'. Mr. Brown presented the Commissioners and staff members with pink t-shirts.

Commissioner Sorrells made a motion that the proclamation be approved designating October as 'Breast Cancer Awareness Month' in Haywood County. Commissioner Upton seconded and the motion carried unanimously.



Breast Cancer Awareness Month

WHEREAS, October is National Breast Cancer Awareness Month; and

WHEREAS, one in eight American women is diagnosed with breast cancer at some point in her life; and

WHEREAS, breast cancer is the most commonly recognized cancer among women in the nation, and is the second leading cause of cancer deaths among women in North Carolina; and

WHEREAS, In the United States in 2010 over 207,000 new cases of breast cancer were diagnosed in women and over 7,700 cases in North Carolina; and

WHEREAS, one woman will be diagnosed with breast cancer every three minutes, and one woman will die of breast cancer every thirteen minutes in the United States; and

WHEREAS, every woman is at risk for breast cancer even if she has no family history or other risk factors of the disease; and

WHEREAS, in Haywood County over 69 women will be diagnosed with breast cancer, and over 22 deaths will be reported by the end of 2011; and

WHEREAS, early detection can be an extremely effective tool, timely screening mammograms could prevent 15 to 30 percent of all deaths from breast cancer in women over age 40; and

WHEREAS, 98% of all breast cancer patients survive when the disease is detected early and there are over 2.5 million breast cancer survivors in the United States; and

WHEREAS, October is designated as National Breast Cancer Awareness Month and MedWest Health System and Haywood County Health Department are joining the fight; and

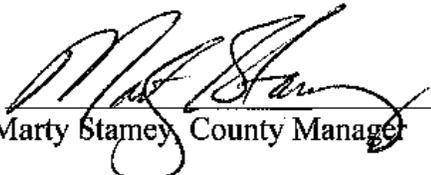
WHEREAS, community organizations, churches, synagogues and other places of worship, as well as work sites, can play a special role in educating members or employees about breast cancer.

NOW, THEREFORE, the Haywood County Board of Commissioners hereby proclaims the month of October as Breast Cancer Awareness Month in Haywood County and encourages all citizens to learn the facts about breast cancer. Further, all Haywood County residents are encouraged to wear pink on Friday, October 21, 2011, and pink ribbons throughout the month in recognition of breast cancer awareness and in honor of women who have lost their lives to breast cancer and women who are now courageously fighting the battle with breast cancer. Further, women are encouraged to talk to their health care providers about regular clinical breast examinations, getting regular mammograms, and practicing monthly breast self-examination.

Adopted this 3rd day of October, 2011

BY: 
Mark S. Swanger, Chairman

ATTEST:

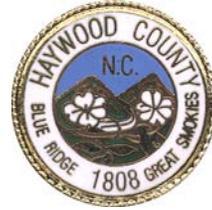

Marty Stamey, County Manager

Proclamation – National 4-H Week

Dr. Bill Skelton, Extension Service Director, presented a proclamation declaring 4-H week in Haywood County. Coley Phillips, Extension 4-H Agent in Haywood County read the proclamation.

Commissioner Ensley made a motion that the Haywood County Board of Commissioners proclaim October 2nd through 8th, 2011, as National 4-H Week in Haywood County. Commissioner Sorrells seconded and the motion carried unanimously.

JOIN | THE REVOLUTION
OF RESPONSIBILITY
North Carolina



WHEREAS, 4-H youth across the nation are leading efforts to solve problems in their communities and make a difference for their futures; and

WHEREAS, 4-H is the largest youth development organization in North Carolina and the largest in the nation with over six million participants; and

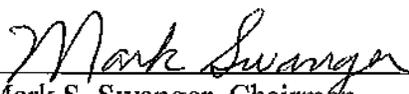
WHEREAS, 4-H in North Carolina claims 218,669 youth members and 21,413 volunteers, while Haywood County's 4-H program numbers more than 300 members and more than 30 volunteers; and

WHEREAS, 4-H as part of the NC Cooperative Extension System of NC State University and NCA&T State University is a program where youth learn through opportunities that provide them hands-on experiences in 4-H's mission mandates of science, engineering and technology; healthy living; and citizenship; and

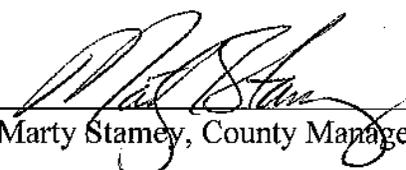
WHEREAS, 4-H has connected youth and their communities with the innovative research and resources from our nation's 106 land-grant universities and colleges for more than 101 years; and

THEREFORE, the Haywood County Board of Commissioners does hereby proclaim October 2 - 8, 2011, as **National 4-H Week** in Haywood County. Furthermore, the Board of Commissioners urges the people of this community to take advantage of the opportunity to become more aware of this special program that enhances our young people's interests in their futures as part of Haywood County 4-H Youth Development and to join us in recognizing the unique partnership between our County and our state University System.

Adopted this 3rd day of October 2011.


 Mark S. Swanger, Chairman
 Haywood County Board of Commissioners

ATTEST:


 Marty Stamey, County Manager / Clerk to the Board



NC STATE UNIVERSITY

Smoky Mountain Center Negotiated Offer of Real Property

Chairman Swanger advised that the County received a negotiated offer from Smoky Mountain Center for Mental Health Developmental Disabilities and Substance Abuse Services to purchase real property located at 1230 North Main Street, Waynesville. The negotiated purchase price is \$459,635.

County Attorney Killian, presented a resolution to approve the purchase of the property subject to certain steps as required by statutes. A public notice would be published October 4, 2011, and a written contract would be presented at the next regular Board meeting, October 17, 2011.

Vice-Chairman Kirkpatrick requested modifying the resolution from the tract of land consisting of approximately 2.13 acres. County Attorney Killian clarified that the resolution further stated, "or a lesser number of acres to be determined pursuant to a new survey."

Commissioner Sorrells made a motion to approve the resolution noting Vice-Chairman Kirkpatrick's comments that it would be amended with a new survey. Commissioner Upton seconded and the motion carried unanimously.



RESOLUTION

Offer to Purchase County Owned Property

WHEREAS, Haywood County (the "County") has received a written offer from Smoky Mountain Center for Mental Health Developmental Disabilities and Substance Abuse Services ("Smoky") dated September 19, 2011 for the purchase of a tract of land consisting of approximately 2.13 acres which includes the offices for Smoky and the Smoky Mountain Counseling Center at 1207 East Street and the offices for Meridian Behavioral Health Services, at 307 Broadview Street, Waynesville, NC (the "Property"); and

WHEREAS, the County intends to dispose of the Property pursuant to GS Section 160A-279 "Sale of property to entities carrying out a public purpose; procedure", at private sale pursuant to this statute and GS Section 160A-267; and

WHEREAS, Smoky has offered to purchase the property, or a lesser number of acres to be determined pursuant to a new survey, for \$1,025,000 less a credit for leasehold improvements, construction of a fire escape and other costs of construction heretofore expended by Smoky to improve the property, for a net purchase price of \$459,635 in cash at closing; and

WHEREAS, as a condition to such sale to be set forth in the deed of conveyance, Smoky shall be required to continue to use such property for a public purpose.

NOW THEREFORE, UPON MOTION DULY MADE AND SECONDED, AND UNANIMOUSLY ADOPTED, BE IT RESOLVED:

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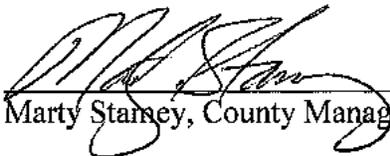
1. The County Manager shall cause a notice summarizing the contents of this resolution to be posted on its website at www.haywoodnc.net and published in The Mountaineer newspaper once after the adoption of this resolution, no less than ten (10) days prior to the consummation and closing of the sale of this Property to Smoky as aforesaid.
2. The County Manager shall cause a subdivision plat to be prepared and seek to have same approved by the Town of Waynesville, dividing the larger 4.86 acre parcel at 1230 North Main Street, Waynesville, NC (Parcel Number: 8615-79-8292) into two parcels as agreed to between the County and Smoky.
3. The closing shall not occur until after the October 17, 2011 meeting of the Haywood County Board of Commissioners at which time a written Offer to Purchase and Contract shall be considered by the Board of Commissioners for the County.

ADOPTED this the third day of October, 2011.



 Mark S. Swanger, Chairman
 Haywood County Board of Commissioners

ATTEST:



 Marty Stamey, County Manager / Clerk to the Board

CLOSED SESSION

Vice-Chairman Kirkpatrick made a motion to enter into Closed Session for the purpose 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.

The Board returned from closed session.

ADJOURNMENT

Vice-Chairman Kirkpatrick made a motion to adjourn the regular Board meeting. Commissioner Upton seconded and the motion carried unanimously.

The time of adjournment was 10:24 a.m. The DVD is attached by reference to the minutes.

CLERK

CHAIRMAN