

HAYWOOD COUNTY COMMISSIONERS**REGULAR MEETING – SEPTEMBER 19, 2011****CALL TO ORDER**

Chairman Mark S. Swanger 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 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 Ensley offered the invocation.

PUBLIC HEARING**2011 Edward Byrne Memorial JAG Grant Continuation**

Sergeant Matt Shell stated 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. Chairman Swanger opened the public hearing for the Edward Byrne Memorial JAG grant continuation. Being no public comment Chairman Swanger closed the public hearing.

Santek Environmental Landfill Management Agreement

Chairman Swanger opened the public hearing for the Santek Environmental landfill management agreement. Marty Stamey, County Manager, explained that the notice of public hearing for this item, the PowerPoint presentation given at the last regular Board meeting and the proposed agreement were posted on the County website, www.haywoodnc.net.

Mr. Stamey introduced Cheryl Dunson, Santek Environmental Vice-President of Marketing; Matt Dillard, Vice-President of Operations; and Ron Vail, Engineer, with Santek Environmental.

Monroe Miller stated that he presented the proposed contract to former Solid Waste Director Bobby Cogdill, who made eighteen comments / questions regarding the proposed contract. Mr. Miller sent those comments / questions to Mr. Stamey and requested the Board address those concerns. Chairman Swanger confirmed that the Board would respond, as requested by Mr. Miller.

David Francis, Tax Administrator, replied to the comment / questions presented by Mr. Miller regarding the proposed agreement with Santek Environmental. Mr. Francis shared the importance of Santek Environmental operating the landfill for a year to ensure that there are no pre-existing environmental issues. Mr. Francis explained one example of a pre-existing issue. Sometime between 2000 and 2003, waste was placed outside the liner, but this was not discovered until 2009 during the construction of the new cell.

Mr. Francis shared that fuel surcharges have become an industry standard due to the volatility of fuel prices. Haywood County is attuned to post closure care. To ensure that all

rules and regulations are met and followed, the County has made a significant commitment at White Oak Landfill (WOLF) and Francis Farm.

The drop-off center would make it more accessible and user friendly to all patrons of smaller vehicles. Mr. Francis stated that safety is of the utmost importance to the County.

Santek Environmental would lease the equipment and therefore, be responsible for the maintenance of the equipment. Santek Environmental has agreed to give Haywood County thirty years of disposable life. Presently, the County does not have such a guarantee. Mr. Francis stated that the Haywood County landfill inspector would be Stephen King, Solid Waste Director.

Santek Environmental would pay for all leachate cost under the expanded management agreement. Therefore, the County's leachate cost would not increase under the expanded management agreement. The first three million gallons of leachate would be paid for by Santek Environmental. Alternative covers would become the responsibility of Santek Environmental and would be paid by Santek Environmental, not the County. The County randomly checks loads as required by the permit. This has been an ongoing program since 2007. The County has gone through the steps to certify the employees through Solid Waste Association of North America (SWANA), an educational body for landfill operators that includes waste screening. The permit and contract require Santek Environmental to continue this best practice of preventing the burying of prohibited waste. The financial assurance remains with the County. However, once expanded management agreement is reached, the funding would become the responsibility of Santek Environmental and closure would be the responsibility of Santek Environmental. Closure would be completed in accordance with regulations, which should minimize post closure cost, and the tipping fee would decrease.

County Attorney Killian explained that hold harmless clauses are standard language in contracts. County Attorney Killian stated that the County would not want to be responsible for the landfill during Santek Environmental's operation of the landfill. In the same way, Santek Environmental would not want to be responsible when the County was in control of the landfill. Mr. Francis continued stating that once the proposed contract is signed, Santek Environmental would be responsible for non-compliance. The County would be responsible for any issues prior to the signing of the contract.

Vice-Chairman Kirkpatrick inquired as to the options the County has, other than entering into an agreement with Santek Environmental. Mr. Francis explained that the County would continue to operate the landfill. Presently the household availability fee is \$92 per household. The closure and post closure cost of the landfill would increase that fee by \$14. Capital improvements of \$1.1 million would be needed, thereby increasing the fee even more. Chairman Swanger shared that the County adding new cells would further require increasing the availability fee. Mr. Francis estimated that the availability fee would increase \$125 to \$150 per year per household.

The Solid Waste Committee includes Chairman Swanger, Commissioner Upton, County Manager Marty Stamey, Tax Administrator David Francis, Finance Director Julie Davis, Solid Waste Director Stephen King and as needed, other staff members. Commissioner Ensley stated that the Solid Waste Committee has been reviewing the proposed agreement for more than a year.

Commissioner Sorrells inquired how Santek Environmental could guarantee that the life of the landfill would be thirty years. Ms. Dunson explained that upon assuming operation of the landfill, one of the first things Santek Environmental would do is review how to maximize the efficiencies of the permitted design that would include some modifications to the existing site, the first one being a modification to the service area. The thirty-year life of the landfill is for Haywood County generated waste only. If during the operations, it is realized that the volume of the landfill has increased to a point that the expectancy of the life of the landfill decreases below the thirty years, Santek Environmental would turn away waste from the other seventeen counties. Ms. Dunson reiterated that the proposed agreement is between Haywood County and Santek Environmental for Haywood County's waste.

Commissioner Sorrells inquired as to when Santek Environmental anticipates modifying the permit so that the landfill could allow for wastes from other counties. Ms. Dunson replied

that Santek Environmental anticipates the process to be ready within six months to a year. Commissioner Sorrells asked if at the time that Santek Environmental reaches the point of expanded management, Santek Environmental expects to offer more jobs. Ms. Dunson stated that an increased number of jobs are not expected by Santek Environmental. Commissioner Sorrells asked what happens at the end of the thirty years. Ms. Dunson stated that it is impossible to know what Santek Environmental and the County would choose to do in thirty years. Santek Environmental is hopeful that the partnership between Haywood County and Santek Environmental would be positive so that as the close of the landfill nears, Haywood County would choose to continue using the services provided by Santek Environmental.

Being no other comment, Chairman Swanger closed the public hearing.

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 that during the public comment session at the last regular Board meeting held September 6, 2011, he referred to Bill Noland Consulting and Reece, Noland and McElrath as one in the same. Mr. Miller clarified that the two are separate entities and apologized to Reece, Noland and McElrath for his error. Mr. Miller commented on various other activities within the County.

Chairman Swanger clarified that the Haywood Waterways did not ask for permission to map and that Haywood Waterways is not required to ask permission.

Chairman Swanger read a portion of a letter dated September 14, 2011, from Attorney Clarence Dickson, representing Reece, Noland and McElrath. Chairman Swanger clarified that the letter was written to Monroe Miller advising Mr. Miller of a statement he made at the last regular Board meeting September 6, 2011, that the County paid over a quarter of a million dollars for a consulting opinion from Reece, Noland and McElrath. Attorney Dickson confirmed in the letter that Reece, Noland and McElrath was not engaged by Haywood County to offer such an opinion, and has not received any fees for doing so. The letter urged Mr. Miller to issue a retraction for the inaccurate information. Chairman Swanger expressed appreciation to Mr. Miller for the retraction.

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

CONSTITUENT CONCERNS

There were no constituent concerns.

DISCUSSION / ADJUSTMENT / APPROVAL OF CONSENT AGENDA

There were no adjustments.

CONSENT AGENDA

Commissioner Upton made a motion that the consent agenda as presented be approved. Commissioner Ensley seconded and the motion carried unanimously.

- Approve September 6, 2011 regular meeting minutes
- Annual Settlement of Taxes 2010 – David Francis, Tax Administrator
- Budget Amendment – Julie Davis, Finance Director

- o Youth Services – JCPC - \$5,463 – balance of grant revenue to be paid to the JCPC program

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
Youth Services				
Other Contract JCPC	11 5830 569900 00053	-	5,463	5,463

which will result in a net increase of \$ 5,463 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				
Intg Revenue- JCPC	11 0050 458360 00053	-	5,463	5,463
Gang Assessment				

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

Adopted this the 19th day of September, 2011.


Chairman
Haywood County Board of Commissioners

ATTEST: 
Clerk to the Board

Explanation: To reappropriate in FY 2012 the amount of the grant for Gang Assessment that the county did not know if we would receive. This money will pay a Western Carolina invoice expense for the grant.
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AGENCY / ADMINISTRATIVE REPORT

Smoky Mountain Center – Quarterly Fiscal Monitoring Report

Julie Davis, Finance Director, shared the Smoky Mountain Center’s unaudited fiscal monitoring report for the fiscal year ended June 30, 2011. Actual revenues were \$47,632,988. The actual expenditures were \$46,427,020 for net increase in cash balance of \$1,205,968.

NEW BUSINESS

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

Dale Burris, Facilities and Maintenance Director, requested permission to enter into negotiations with the lowest bidder for the building being renovated for Department of Social Services, Health Department and Central Permitting. Three bids were received for this project. The low bidder was Professional Business Interiors from Asheville, North Carolina. Commissioner Sorrells inquired as to the possibility of negotiating closer to the original amount budgeted for the project and if the equipment for the dental clinic was separate from the bid. Mr. Burris confirmed that the dental equipment was outside the bid. Mr. Burris advised that the base bid cost broken down to square footage equals approximately \$7.83 per square foot.

Commissioner Ensley made a motion authorizing staff to enter into negotiations with the base low bid from Professional Business Interiors. Vice-Chairman Kirkpatrick seconded and the motion carried unanimously.

Resolution to Authorize County Manager to Advertise Electronically for Letting of Public Contracts subject to G.S. § 143-129

Marty Stamey, County Manager, explained that at times the County is in need of an item that requires long distance bidding due to the specialty or the nature of the item. Mr. Stamey shared one example of this is an ambulance. Since no one in Haywood County manufactures ambulances, the County must advertise electronically, rather than local newspapers. Electronic advertising is necessary whenever there is a critical time for an item and advertising electronically is much less time consuming and less costly than traditional newspapers. Mr. Stamey presented a resolution allowing the County Manager authorization to advertise electronically for letting of public contracts subject to G.S. § 143-129.

Commissioner Ensley made a motion to approve the resolution to authorize the County Manager to advertise electronically for letting of public contracts subject to G.S. § 143-129. Vice-Chairman Kirkpatrick seconded and the motion carried unanimously.



RESOLUTION

County Manager to Advertise Electronically for Letting of Public Contracts subject to G.S. § 143-129

WHEREAS, the Haywood County Board of Commissioners has observed that the use of the county government website found at www.haywoodnc.net has greatly improved the ability of County officials to communicate with its citizens; and

WHEREAS, G.S. § 143-129(b) provides that advertisements for bidders and for invitation of proposals for letting of contracts may be invited by advertisement in a newspaper having general circulation in the County or by electronic means, or both; and

WHEREAS, there are instances in which the publication requirements do not coincide with the newspaper publication dates; and

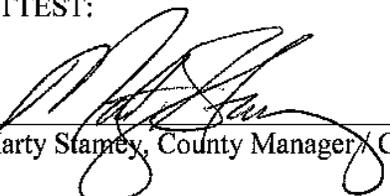
WHEREAS, the County desires to give the broadest notice possible when advertising for bidders.

NOW, THEREFORE, BE IT RESOLVED, that for purposes of compliance with all contracts that are subject to G.S. § 143-129 **Procedure for letting of public contracts**, the Haywood County Manager shall have the authority to advertise either in a newspaper having general circulation in the County or by electronic means on the county government website found at www.haywoodnc.net, or both, in the discretion of the County Manager.

ADOPTED this the nineteenth day of September, 2011.


Mark S. Swanger, Chairman
Haywood County Board of Commissioners

ATTEST:


Marty Stamey, County Manager / Clerk to the Board

CLOSED SESSION

Commissioner Ensley 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). Vice-Chairman Kirkpatrick seconded and the motion carried unanimously.

The Board returned from closed session.

Chairman Swanger explained that the following closed session minutes are regarding the Historic Courthouse:

February 4, 2008
 February 18, 2008
 May 19, 2008
 June 2, 2008
 April 6, 2009
 May 4, 2009
 June 1, 2009
 June 15, 2009
 August 15, 2011
 September 6, 2011.

Vice-Chairman Kirkpatrick made a motion to approve and release the closed session minutes as presented. Commissioner Upton seconded and the motion carried unanimously.

Chairman Swanger explained that the following list of closed session minutes have been approved, but need to be released:

September 10, 2007
 October 15, 2007
 January 22, 2008
 January 31, 2008
 April 7, 2008
 May 5, 2008
 June 16, 2008
 June 30, 2008
 July 7, 2008
 July 21, 2008
 August 4, 2008
 August 18, 2008
 September 8, 2008
 September 22, 2008
 October 7, 2008
 October 20, 2008
 November 3, 2008
 November 17, 2008
 December 15, 2008
 January 5, 2009
 January 20, 2009
 February 2, 2009
 February 16, 2009
 March 2, 2009
 March 16, 2009
 April 20, 2009
 May 18, 2009
 July 13, 2009
 August 3, 2009
 August 27, 2009
 September 8, 2009
 October 5, 2009
 November 2, 2009
 December 7, 2009
 June 7, 2010

February 21, 2011
March 7, 2011
June 6, 2011
July 18, 2011

Vice-Chairman Kirkpatrick made a motion that the closed session minutes be released. Commissioner Ensley seconded and the motion carried unanimously.

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 7:20 p.m. The DVD is attached by reference to the minutes.

CLERK

CHAIRMAN