HAYWOOD COUNTY BOARD OF COMMISSIONERS
CLOSED SESSION MINUTES
DECEMBER 5, 2011

MEMBERS PRESENT: Chairman Mark S. Swanger, Vice-Chairman J.W. "Kirk" Kirkpatrick, Commissioners Bill L. Upton, L. Kevin Ensley and Michael T. Sorrells.

MEMBERS ABSENT: None

STAFF PRESENT: County Manager/Clerk to the Board Marty Stamey, County Attorney Leon "Chip" Killian, III and Finance Director Julie Davis.

OTHERS PRESENT: None

GENERAL STATUTE: Attorney/Client Privilege §143-318.11(a)(3)

SUBJECT: Kubalak Pond

DISCUSSION:

Chip Killian, County Attorney reported that he spoke with Don Patten, Attorney representing Herb Kubalak concerning the settlement agreement. Mr. Killian has now received the technical and background information to finalize the agreement.

OPEN SESSION:

Commissioner Sorrells made a motion to return to open session. Commissioner Upton seconded and the motion carried unanimously.

CLERK

CHAIRMAN

RELEASED

09/03/2013
Date

Chairman

Clerk

HAYWOOD COUNTY BOARD OF COMMISSIONERS
CLOSED SESSION MINUTES
DECEMBER 19, 2011

MEMBERS PRESENT: Chairman Mark S. Swanger, Vice-Chairman J.W. "Kirk" Kirkpatrick, Commissioners Bill L. Upton, L. Kevin Ensley and Michael T. Sorrells.

MEMBERS ABSENT: None

STAFF PRESENT: County Manager/Clerk to the Board Marty Stamey, County Attorney Leon "Chip" Killian, III and Finance Director Julie Davis.

OTHERS PRESENT: None

GENERAL STATUTE: Attorney/Client Privilege §143-318.11(a)(3)

SUBJECT: Kubalak Pond

DISCUSSION:

Chip Killian, County Attorney presented and reviewed the release and settlement agreement that he submitted to Attorney Don Patten. Mr. Killian has not heard back from Mr. Patten as of today.

OPEN SESSION:

Commissioner Sorrells made a motion to return to open session. Commissioner Upton seconded and the motion carried unanimously.

CLERK

CHAIRMAN

RELEASED

09/03/2013
Date

Chairman

Clerk

HAYWOOD COUNTY BOARD OF COMMISSIONERS
CLOSED SESSION MINUTES
FEBRUARY 6, 2012

MEMBERS PRESENT: Chairman Mark S. Swanger, Vice-Chairman J.W. "Kirk" Kirkpatrick, Commissioners L. Kevin Ensley and Michael T. Sorrells.

MEMBERS ABSENT: Commissioner Bill L. Upton

STAFF PRESENT: County Manager/Clerk to the Board Marty Stamey, County Attorney Leon "Chip" Killian, III, Finance Director Julie Davis and Executive Assistant/Deputy Clerk Amie Owens.

OTHERS PRESENT: None

GENERAL STATUTE: Attorney/Client Privilege §143-318.11(a)(3)

SUBJECT: Haywood Regional Medical Center

DISCUSSION:

Chip Killian, County Attorney, provided members with a working document that included reference to the Line of Credit Agreement with Deed of Trust, questions and legal issues, and possible options to consider. Discussion was held and BOCC members determined that saying no, or offering to provide a Guaranty in lieu of approval of the deed of trust were not feasible options. The third and best option would be to modify the Line of Credit Agreement or enter into a separate agreement.

County Manager Stamey and Ms. Davis were tasked with obtaining copies of HRMC's most current audit report and business plan for review by BOCC members in closed session. County Attorney Killian will proceed with the third option of drafting a proposal outlining all of the BOCC requirements and then await response from Carolinas.

OPEN SESSION:

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

CLERK

CHAIRMAN

RELEASED

09/03/2013

Date

Mark Swanger

Chairman

Clerk

HAYWOOD COUNTY BOARD OF COMMISSIONERS
CLOSED SESSION MINUTES
FEBRUARY 20, 2012

MEMBERS PRESENT: Chairman Mark S. Swanger, Vice-Chairman J.W. "Kirk" Kirkpatrick, Commissioners Bill L. Upton, L. Kevin Ensley and Michael T. Sorrells.

MEMBERS ABSENT: None

STAFF PRESENT: County Manager/Clerk to the Board Marty Stamey, County Attorney Leon "Chip" Killian, III, Finance Director Julie Davis and Executive Assistant Amie Owens.

OTHERS PRESENT: None

GENERAL STATUTE: Attorney/Client Privilege §143-318.11(a)(3)

SUBJECT: Smoky Mountain Center - County Owned Buildings

DISCUSSION:

Chairman Swanger and County Manager Stamey met with a contingent from Smoky Mountain Center (SMC) to discuss purchase and/or leasing of buildings owned by the County. Discussion was held related to the old DSS building, the old Health Department and Annex III. Specifically, what a fair price would be for purchase and/or leasing of these properties. Mr. Killian discussed the possible legal complications of dividing the old hospital building into parcels and a possible alternative lease methodology.

Fitch Development Group will not be able to obtain the necessary tax credits, and is withdrawing their contract. The earnest money will be refunded in full. Mr. Killian requested notification in writing regarding the termination of the contract and withdrawal.

Mr. Stamey will contact Lee Galloway to discuss the buildings further, as well as obtaining the property maps for review by Mr. Killian.

OPEN SESSION:

Commissioner Upton made a motion to return to open session. Commissioner Ensley seconded and the motion carried unanimously.

CLERK

Mark Swanger
CHAIRMAN

RELEASED

09/03/2013
Date

Mark Swaugh
Chairman

Clerk

HAYWOOD COUNTY BOARD OF COMMISSIONERS
CLOSED SESSION MINUTES
FEBRUARY 20, 2012

MEMBERS PRESENT: Chairman Mark S. Swanger, Vice-Chairman J.W. "Kirk" Kirkpatrick, Commissioners Bill L. Upton, L. Kevin Ensley and Michael T. Sorrells.

MEMBERS ABSENT: None

STAFF PRESENT: County Manager/Clerk to the Board Marty Stamey, County Attorney Leon "Chip" Killian, III, Finance Director Julie Davis and Executive Assistant Amie Owens.

OTHERS PRESENT: None

GENERAL STATUTE: Attorney/Client Privilege §143-318.11(a)(3)

SUBJECT: Haywood Regional Medical Center

DISCUSSION:

County Attorney Killian noted that he had sent an email to representatives from Carolinas Medical Center (CMC) related to Haywood Regional Medical Center and an offer discussed at the February 6, 2012 closed session meeting. Mr. Killian spoke with attorney Tom Stukes about the proposal later in the week after the February 6 meeting. Mr. Stukes was to report to Carolinas management and get back in touch with Mr. Killian. Mr. Killian did send a follow-up email message last week. To date, no response has been received.

Mr. Killian will continue to attempt to contact the proper individuals at CMC and will update members as new information becomes available.

OPEN SESSION:

Commissioner Upton made a motion to return to open session. Commissioner Ensley seconded and the motion carried unanimously.

CLERK

CHAIRMAN

RELEASED

09/03/2013
Date

Chairman

Clerk

HAYWOOD COUNTY BOARD OF COMMISSIONERS
CLOSED SESSION MINUTES
MARCH 5, 2012

MEMBERS PRESENT: Chairman Mark S. Swanger, Vice-Chairman J.W. "Kirk" Kirkpatrick, Commissioners Bill L. Upton, L. Kevin Ensley and Michael T. Sorrells.

MEMBERS ABSENT: None

STAFF PRESENT: County Manager/Clerk to the Board Marty Stamey, County Attorney Leon "Chip" Killian, III, Finance Director Julie Davis and Executive Assistant/Deputy Clerk Amie Owens.

OTHERS PRESENT: Dale Burris, Facilities and Maintenance Director

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GENERAL STATUTE: Attorney/Client Privilege §143-318.11(a)(3)

SUBJECT: Smoky Mountain Center - County Owned Building

DISCUSSION:

Discussion was held regarding the sale of the DSS property. A prorated purchase price based on square footage was calculated by Ms. Davis which would be received in four (4) installment payments.

Mr. Burris was asked to the meeting to provide input on the possible cost of upfitting, as he is familiar with the building and the various rennovations which may be required to separate the School Board offices from the remainder of the building. Discussion was held regarding the firewalls and subsequent separation.

From the discussion it was noted that there are still some factors which will require review and resolution prior to completion of sale. These items include:
1. Determining whether or not the other entities (15) involved with SMC have to approve this purchase?
2. Determining the property line/vertical subdivision will be and ensuring that survey is accurate, and,
3. Addressing any concerns/expectations expressed by the Town of Waynesville related to the moving forward of this sale.

Members continued discussion and determined that due to the potential cost involved for the upfitting, County Attorney Killian will draft short term lease that addresses a contract with obligation to close upon completion of the appropriate construction to meet code requirements and includes the surveying of the property. Members discussed whether or not to charge interest on the payments received as it was over a four year period. It was agreed that interest should be charged.

County Manager Stamey will follow up with Town of Waynesville representatives to ensure that they are in agreement with the actions proposed, and to determine what the requirements for this upfitting are, related to various building codes.

OPEN SESSION:

Commissioner Upton made a motion to return to open session. Commissioner Sorrells seconded and the motion carried unanimously.

CLERK

CHAIRMAN

RELEASED

09/03/2013
Date

Chairman

Clerk

HAYWOOD COUNTY BOARD OF COMMISSIONERS
CLOSED SESSION MINUTES
MARCH 5, 2012

MEMBERS PRESENT: Chairman Mark S. Swanger, Vice-Chairman J.W. "Kirk" Kirkpatrick, Commissioners Bill L. Upton, L. Kevin Ensley and Michael T. Sorrells.

MEMBERS ABSENT: None

STAFF PRESENT: County Manager/Clerk to the Board Marty Stamey, County Attorney Leon "Chip" Killian, III, Finance Director Julie Davis and Executive Assistant/Deputy Clerk Amie Owens.

OTHERS PRESENT: None

GENERAL STATUTE: Attorney/Client Privilege §143-318.11(a)(3)

SUBJECT: Haywood Regional Medical Center

DISCUSSION:

County Attorney Killian noted that he received a response from Attorney Stukes on Friday, March 2 related to the proposal submitted by the BOCC following the February 6, 2012 meeting. Carolinas Medical Center (CMC) management agree in principle and would like a formal agreement prepared and presented by March 17, 2012.

Discussion was held and members determined that while County Attorney Killian would draft such a document, the time deadline was not probable, as there could be no action taken before the March 19, 2012 BOCC meeting.

County Attorney Killian will draft the agreement and Vice-Chairman Kirkpatrick will review. Mr. Killian will continue to update the members as new information becomes available.

OPEN SESSION:

Commissioner Upton made a motion to return to open session. Commissioner Sorrells seconded and the motion carried unanimously.

CLERK

CHAIRMAN

RELEASED

09/03/2013
Date

Mark Swanger
Chairman

Clerk

HAYWOOD COUNTY BOARD OF COMMISSIONERS
CLOSED SESSION MINUTES
MARCH 19, 2012

MEMBERS PRESENT: Chairman Mark S. Swanger, Vice-Chairman J.W. "Kirk" Kirkpatrick, Commissioners Bill L. Upton, L. Kevin Ensley and Michael T. Sorrells.

MEMBERS ABSENT: None

STAFF PRESENT: County Manager/Clerk to the Board Marty Stamey, County Attorney Leon "Chip" Killian, III, Finance Director Julie Davis and Executive Assistant/Deputy Clerk Amie Owens.

OTHERS PRESENT:

GENERAL STATUTE: Attorney/Client Privilege §143-318.11(a)(3)

SUBJECT: Smoky Mountain Center - County Owned Building

DISCUSSION:

Discussion was held regarding the sale of the DSS property. Smoky Mountain Center (SMC) is still desires to purchase the property; however, the cost of dividing the building is very prohibitive. The suggestion to lease space to the school board would be the most cost-effective option. Firebreaks can be added related to tennant levels in this instance.

Attorney Killian explained that he had prepared a lease for the Schools which would rescind the earlier lease and responsibilities. He is suspending further work pending a firm offer from Smoky Mountain Center.

OPEN SESSION:

Commissioner Ensley made a motion to return to open session. Commissioner Upton seconded and the motion carried unanimously.

CLERK

CHAIRMAN

RELEASED

09/03/2013
Date

Chairman

Clerk

HAYWOOD COUNTY BOARD OF COMMISSIONERS
CLOSED SESSION MINUTES
MARCH 19, 2012

MEMBERS PRESENT: Chairman Mark S. Swanger, Vice-Chairman J.W. "Kirk" Kirkpatrick, Commissioners Bill L. Upton, L. Kevin Ensley and Michael T. Sorrells.

MEMBERS ABSENT: None

STAFF PRESENT: County Manager/Clerk to the Board Marty Stamey, County Attorney Leon "Chip" Killian, III, Finance Director Julie Davis and Executive Assistant/Deputy Clerk Amie Owens.

OTHERS PRESENT: Mark Clasby, Executive Director, Economic Development Commission

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GENERAL STATUTE: Attorney/Client Privilege §143-318.11(a)(3)

SUBJECT: Haywood Regional Medical Center

DISCUSSION:

County Attorney Killian noted that he and County Manager Stamey had a conference call with Attorney Stukes and Attorney Alan Robertson related to the deed of trust. County Attorney Killian prepared the Conditional Waiver and Subordination of Reverter (CWSR) document with input from attorneys for HRMC and Carolinas as well as Chairman Swanger. Discussion was held, noting specifically section 2 (c) relating to the assignable option. Discussion centered on the timeframe after the initial 6 month option period as to whether another 6 month or another 12 month period would be acceptible. After futher discussion, members reached consensus that the term should be stated as a 12 month period.

Mark Clasby was asked to address the members, as a representative of the Hospital Authority Board, and answer questions. Discussion was held related to the financial position of HRMC and the plans being developed to remedy the situation. Mr. Clasby noted that he would be meeting with Attorney Stukes and Attorney Robertson this week. Chairman Swanger requested that Ms. Davis be provided with a copy of the proposed financial plan to review and report to this group.

Chairman Swanger asked if a Memorandum of Understanding could be developed between all parties to ensure that reporting is provided to the board. Commissioner Ensley asked if Mike Poore would be able to present information at the regular meeting where the resolution and above document are to be signed by Commissioners. All agreed that this presentation would provide the most accurate information and decrease skepticism and rumors.

The Attorneys are to prepare an updated Agreement.
Mark Clasby will ask Attorney Stukes to prepare a Memorandum of Understanding.

OPEN SESSION:

Commissioner Ensley made a motion to return to open session. Commissioner Upton seconded and the motion carried unanimously.

CLERK

CHAIRMAN

RELEASED

09/03/2013
Date

Chairman

Clerk

HAYWOOD COUNTY BOARD OF COMMISSIONERS
CLOSED SESSION MINUTES
APRIL 2, 2012

MEMBERS PRESENT: Chairman Mark S. Swanger, Vice-Chairman J.W. "Kirk" Kirkpatrick, Commissioners Bill L. Upton, L. Kevin Ensley and Michael T. Sorrells.

MEMBERS ABSENT: None

STAFF PRESENT: County Manager/Clerk to the Board Marty Stamey, County Attorney Leon "Chip" Killian, III, Finance Director Julie Davis and Executive Assistant/Deputy Clerk Amie Owens.

OTHERS PRESENT:

GENERAL STATUTE: Attorney/Client Privilege §143-318.11(a)(3)

SUBJECT: Haywood Regional Medical Center

DISCUSSION:

County Attorney Killian provided members with a draft Memorandum of Understanding (MOU) between the County and HRMC. This document relates to the various reporting that the BOCC is requesting from HRMC while the line of credit is outstanding and unpaid.

Mr. Killian asked if members had any concerns. All members approved the MOU. Chairman Swanger noted that this document would be on the agenda for the next regular BOCC meeting.

Mr. Killian will forward to HRMC attorney Tom Stukes for signature by HRMC.

OPEN SESSION:

Commissioner Upton made a motion to return to open session. Commissioner Ensley seconded and the motion carried unanimously.

CLERK

CHAIRMAN

RELEASED

09/03/2013
Date

Chairman

Clerk

HAYWOOD COUNTY BOARD OF COMMISSIONERS
CLOSED SESSION MINUTES
AUGUST 6, 2012

MEMBERS PRESENT: Chairman Mark S. Swanger, Vice-Chairman J.W. "Kirk" Kirkpatrick, Commissioners Bill L. Upton, L. Kevin Ensley and Michael T. Sorrells.

MEMBERS ABSENT: None

STAFF PRESENT: County Manager/Clerk to the Board Marty Stamey, County Attorney Leon "Chip" Killian, III, Finance Director Julie Davis and Executive Assistant/Deputy Clerk Amie Owens.

OTHERS PRESENT: None

GENERAL STATUTE: Attorney/Client Privilege §143-318.11(a)(3)

SUBJECT: Smoky Mountain Center

DISCUSSION:

County Attorney Killian explained Chairman Swanger and Commissioner Upton had attended a meeting with SMC to discuss the reduction in appropriations by the County. On July 31, correspondence was received relating to this meeting, with the noted understanding of Brian Ingraham, CEO, SMC, that funding would be restored for SMC in future budget years.

County Attorney Killian read emails that were passed between he and Mark Botts at the UNC School of Government related to NCGS 122C 115(d) which was referenced in the letter from SMC and section (b) related to appropriations. Discussion was held as to whether or not to respond to the letter received from SMC. Consensus was to respond via written correspondence rather than with another meeting. Vice Chairman Kirkpatrick suggested that the letter address future appropriations based on the benefit of and service provided to the County.

County Attorney Killian was tasked with drafting a letter for Chairman Swanger's signature in response to the letter from SMC and addressing the initial correspondence and future appropriations as discussed. Dependent upon response from SMC, a meeting may follow.

OPEN SESSION:

Commissioner Upton made a motion to return to open session. Commissioner Ensley seconded and the motion carried unanimously.

CLERK

Mark Swanger
CHAIRMAN

RELEASED

09/03/2013
Date

Mark Swanger
Chairman

Clerk

HAYWOOD COUNTY BOARD OF COMMISSIONERS
CLOSED SESSION MINUTES
AUGUST 20, 2012

MEMBERS PRESENT: Chairman Mark S. Swanger, Vice-Chairman J.W. "Kirk" Kirkpatrick, Commissioners Bill L. Upton, L. Kevin Ensley and Michael T. Sorrells.

MEMBERS ABSENT: None

STAFF PRESENT: County Manager/Clerk to the Board Marty Stamey, County Attorney Leon "Chip" Killian, III, Finance Director Julie Davis and Executive Assistant/Deputy Clerk Amie Owens.

OTHERS PRESENT: None

GENERAL STATUTE: Attorney/Client Privilege §143-318.11(a)(3)

SUBJECT: Smoky Mountain Center

DISCUSSION:

Commissioner Upton noted that the original letter from Smoky Mountain Center (SMC) and the response letter from Haywood County were in the upcoming SMC Board agenda packet. He inquired how he should repond if questioned.

County Attorney Killian noted that no response had been received from SMC following submission of the County reply. No recommendations related to any follow up or further discussion can be made until a response is received.

OPEN SESSION:

Commissioner Ensley made a motion to return to open session. Commissioner Sorrells seconded and the motion carried unanimously.

CLERK

CHAIRMAN

RELEASED

09/03/2013
Date

Chairman

Clerk

HAYWOOD COUNTY BOARD OF COMMISSIONERS
CLOSED SESSION MINUTES
OCTOBER 1, 2012

MEMBERS PRESENT: Chairman Mark S. Swanger, Vice-Chairman J.W. "Kirk" Kirkpatrick, Commissioners L. Kevin Ensley and Michael T. Sorrells, Bill L. Upton

MEMBERS ABSENT:

STAFF PRESENT: County Manager/Clerk to the Board Marty Stamey, County Attorney Leon "Chip" Killian, III, Finance Director Julie Davis and Executive Assistant/Deputy Clerk Amie Owens.

OTHERS PRESENT: Rick French, Smoky Mountain Center (SMC) Board Chairman; Brian Ingraham, CEO, SMC; Jay Coward, Attorney - SMC; Shelly Foreman, SMC; Allison Luke, SMC General Counsel, and Nathan Miller, Chair ,BOCC Watauga County and board member for SMC

GENERAL STATUTE: Attorney/Client Privilege §143-318.11(a)(3)

SUBJECT: Smoky Mountain Center

DISCUSSION:

Members of Smoky Mountain Center and their board were present for a discussion related to the reduction in Haywood County's funding contribution. SMC representatives noted that the SMC board's position was that Haywood County should keep an appropriation of funds for SMC at $100,000 as part of the maintenance of effort (MOE) and to be in compliance with NCGS 122-C-115.

Haywood County's position is that the forwarding of ABC revenues and the reduction in price of the building purchased by SMC from Haywood County, the allocation for this FY had been satisfied.

Discussion was held. Chip Killian, County Attorney explained that further research and discussion would be completed by Haywood County. Members of the SMC contingent were thanked for their participation and left the meeting.

The Haywood County Board continued discussion and agreed that Mr. Killian should draft a memorandum of agreement that allocates total payment of $80,000 to SMC for FY 2012-2013; with $5,000 to be paid before October 15 and the remaining $75,000 to be paid in three (3) equal quarterly payments. In addition, Mr. Killian will discuss with Mr. Coward specific information requested by this Board relating to statistics and distribution of funds. The requested information includes:
The number of employees at Meridian Behavioral Health Services (MBHS) and Appalachian Community Services (ACS), a listing of locations/providers utilized – a utilization report with payment information, type of services provided at each location – specifically, not generalized (i.e. counseling, psychiatric services, etc...), term "shift" needs to be defined (four hours, eight hours, days...) and again, locations need to be noted; Number of individuals who are not Haywood County residents who are seen in Haywood County, what specifically the ABC funds are used for and, if possible the allocations to each service/location and the exact Medicaid dollars allocated to Haywood County.

Mr. Killian draft memorandum of agreement and will report back to this board

OPEN SESSION:

Commissioner Upton made a motion to return to open session. Commissioner Sorrells seconded and the motion carried unanimously.

CLERK

CHAIRMAN

RELEASED

09/03/2013
Date

Chairman

Clerk

HAYWOOD COUNTY BOARD OF COMMISSIONERS
CLOSED SESSION MINUTES
OCTOBER 1, 2012

MEMBERS PRESENT: Chairman Mark S. Swanger, Vice-Chairman J.W. "Kirk" Kirkpatrick, Commissioners L. Kevin Ensley and Michael T. Sorrells, Bill L. Upton

MEMBERS ABSENT:

STAFF PRESENT: County Manager/Clerk to the Board Marty Stamey, County Attorney Leon "Chip" Killian, III, Finance Director Julie Davis and Executive Assistant/Deputy Clerk Amie Owens.

OTHERS PRESENT: Dale Burris, Facilities and Maintenance Director

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GENERAL STATUTE: Attorney/Client Privilege §143-318.11(a)(3)

SUBJECT: Sale of Property - Annex III

DISCUSSION:

An offer of $145,000 was received from LifeSpan for purchase of the Annex III building. Dale Burris, Facilities and Maintenance Director, provided members information related to the building and the necessary upfitting required to for the building to be marketable. Members agreed that the offer from LifeSpan was acceptable.

Marty Stamey, County Manager, was instructed to inform LifeSpan of the County's acceptance of this offer. LifeSpan representatives will have to present the offer and acceptance to their Board of Directors. Once approval by LifeSpan's board is granted, the information will be advertised for ten (10) days under the upset bid process.

Chip Killian, County Attorney advised that once the information is approved,a formal purchase agreement will be drafted.

OPEN SESSION:

Commissioner Upton made a motion to return to open session. Commissioner Sorrells seconded and the motion carried unanimously.

CLERK

CHAIRMAN

RELEASED

09/03/2013
Date

Mark Savage
Chairman

Clerk

HAYWOOD COUNTY BOARD OF COMMISSIONERS
CLOSED SESSION MINUTES
JANUARY 7, 2013

MEMBERS PRESENT: Chairman Mark S. Swanger, Vice-Chairman J.W. "Kirk" Kirkpatrick, Commissioners Bill L. Upton, L. Kevin Ensley and Michael T. Sorrells.

MEMBERS ABSENT: None

STAFF PRESENT: County Manager/Clerk to the Board Marty Stamey

OTHERS PRESENT: None

GENERAL STATUTE: Personnel §143-318.11(a)(6)

SUBJECT: Annual Performance Evaluation

DISCUSSION:

Commissioners discussed the Annual Performance Evaluation of the County Manager.

OPEN SESSION:

Commissioner Upton made a motion to return to open session. Commissioner Ensley seconded and the motion carried unanimously.

CLERK

CHAIRMAN

RELEASED

09/03/2013
Date

Chairman

Clerk

HAYWOOD COUNTY BOARD OF COMMISSIONERS
CLOSED SESSION MINUTES
FEBRUARY 4, 2013

MEMBERS PRESENT: Chairman Mark S. Swanger, Vice-Chairman J.W. "Kirk" Kirkpatrick, Commissioners Bill L. Upton, L. Kevin Ensley.

MEMBERS ABSENT: Commissioner Michael T. Sorrells

STAFF PRESENT: County Manager/Clerk to the Board Marty Stamey, County Attorney Leon M. "Chip" Killian, III and Executive Assistant/Deputy Clerk Amie Owens

OTHERS PRESENT: David B. Francis, Tax Administrator

GENERAL STATUTE: Acquisition of Real Property §143-318.11(a)(5)

SUBJECT: Possible Acquisition of Real Property for Convenience Center site

DISCUSSION:

Mr. Francis presented a map of a parcel of land to be considered for possible acquisition for a new convenience center site. Discussion was held related to the current condition of the parcel and possible future modifications including the site prep for a convenience center. Due to the location of the property, there was concern about the flood plain and specific septic regulations from NC Dept of Environment and Natural Resources (NC DENR).

Vice Chairman Kirkpatrick inquired as to price for the property. Mr. Francis noted that for 4.24 acres, the price is $165,000. The property is currently under foreclosure with Mountain First Bank.

Chairman Swanger noted that the next steps would be to review the suitability of the site for a convenience center; determine the total amount of land required and contact NC DENR to determine the specific septic/sewer requirements and cost for compliance measures.

County Attorney Killian crafted a motion to be read in open session which would allow Mr. Stamey to negotiate regarding this property. The motion is as follows: to authorize the County Manager to negotiate the material terms of a portion of property on Highway 209 owned by BG&W, LLC for the purpose of a new convenience center.

Members will reconvene on this issue when additional information is available.

OPEN SESSION:

Commissioner Upton made a motion to return to open session. Vice Chairman Kirkpatrick seconded and the motion carried unanimously.

CLERK

CHAIRMAN

RELEASED

09/03/2013
Date

Chairman

Clerk

HAYWOOD COUNTY BOARD OF COMMISSIONERS
CLOSED SESSION MINUTES
FEBRUARY 18, 2013

MEMBERS PRESENT: Chairman Mark S. Swanger, Vice-Chairman J.W. "Kirk" Kirkpatrick, Commissioners Bill L. Upton, L. Kevin Ensley.

MEMBERS ABSENT: Commissioner Michael T. Sorrells

STAFF PRESENT: County Manager/Clerk to the Board Marty Stamey, County Attorney Leon M. "Chip" Killian, III and Executive Assistant/Deputy Clerk Amie Owens

OTHERS PRESENT:

GENERAL STATUTE: Acquisition of Real Property §143-318.11(a)(5)

SUBJECT: Possible Acquisition of Real Property for Convenience Center site

DISCUSSION:

Mr. Stamey updated the members related to the parcel of property that was proposed as a new convenience center site on Highway 209. Mr. Stamey and several others visited the property to assess whether or not the property could be used for a convenience center site. It was determined that the 4 acres proposed was too large and that the soil on the property was not ready as there were issues with the fill dirt.

Mr. Stamey explained that it was his recommendation that the board continue to look for other options due to the cost prohibitive nature of site work required for this parcel.

Members accepted this recommendation and will report in open session regarding this parcel.

OPEN SESSION:

Commissioner Upton made a motion to return to open session. Commissioner Ensley seconded and the motion carried unanimously.

CLERK

CHAIRMAN

RELEASED

09/03/2013
Date

Mark Swanger
Chairman

Clerk

HAYWOOD COUNTY BOARD OF COMMISSIONERS
CLOSED SESSION MINUTES
MARCH 4, 2013

MEMBERS PRESENT: Chairman Mark S. Swanger, Vice-Chairman J.W. "Kirk" Kirkpatrick, Commissioners Bill L. Upton, L. Kevin Ensley and Michael T. Sorrells.

MEMBERS ABSENT: None

STAFF PRESENT: County Manager/Clerk to the Board Marty Stamey, Finance Director Julie Davis, County Attorney Leon M. "Chip" Killian, III and Executive Assistant/Deputy Clerk Amie Owens

OTHERS PRESENT: David Francis, Tax Administrator, Stephanie Parkins, Land Records

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GENERAL STATUTE: Attorney/Client Privilege §143-318.11(a)(3)

SUBJECT: DONCON

DISCUSSION:

David Francis, Tax Administrator, reported to members regarding an upcoming mediation of a case involving DONCON, the Town of Maggie Valley and Haywood County. Mr. Francis provided background related to this lawsuit.

County Attorney Killian provided copies of a Memo of Summary Judgment from Leslie Mize, the Attorney who is representing the county on this case. The memo contained a summary and timeline of all events descirbed by Mr. Francis.

Vice Chairman Kirkpatrick noted that language should be included if there is a settlement that outlines the reason for the settlement and highlights that Haywood County was not at fault in this type of situation as the Town was the party responsible for assuring signatures were correct. This sets a precedent; Mr. Killian will work with Ms. Mize on the language.

Mr. Francis noted that a mediation would be held on March 14 and requested the members instruct as to a settlement amount that would be acceptable, if settlement could be negotiated. County Manager Stamey will be in attendance for this mediation and can authorize funds.

Mr. Stamey and Mr. Francis were instructed that the settlement amount should be no more than the amount of the attorney's fees and the amount of the taxes owed minused from the full amount in question ($29,933); the total settlement amount was estimated at $13,000 - $14,000.

The board members and Mr. Killian agreed that this was the best course of action to take related to this case.

OPEN SESSION:

Commissioner Upton made a motion to return to open session. Commissioner Ensley seconded and the motion carried unanimously.

CLERK

CHAIRMAN

RELEASED

09/03/2013
Date

Chairman

Clerk

HAYWOOD COUNTY BOARD OF COMMISSIONERS
CLOSED SESSION MINUTES
MARCH 4, 2013

MEMBERS PRESENT: Chairman Mark S. Swanger, Vice-Chairman J.W. "Kirk" Kirkpatrick, Commissioners Bill L. Upton, L. Kevin Ensley and Michael T. Sorrells.

MEMBERS ABSENT: None

STAFF PRESENT: County Manager/Clerk to the Board Marty Stamey, Finance Director Julie Davis, Executive Assistant/Deputy Clerk Amie Owens

OTHERS PRESENT: Sheriff Greg Christopher

GENERAL STATUTE: Personnel §143-318.11(a)(6)

SUBJECT: Salary for Sheriff

DISCUSSION:

Commissioners discussed the salary for new Sheriff Greg Christopher. The salary was set at $74,285; the same as the former Sheriff.

OPEN SESSION:

Commissioner Upton made a motion to return to open session. Commissioner Ensley seconded and the motion carried unanimously.

CLERK

CHAIRMAN

RELEASED

09/03/2013
Date

Chairman

Clerk

HAYWOOD COUNTY BOARD OF COMMISSIONERS
CLOSED SESSION MINUTES
MARCH 18, 2013

MEMBERS PRESENT: Chairman Mark S. Swanger, Vice-Chairman J.W. "Kirk" Kirkpatrick, Commissioners Bill L. Upton, L. Kevin Ensley and Michael T. Sorrells.

MEMBERS ABSENT: None

STAFF PRESENT: County Manager/Clerk to the Board Marty Stamey, Finance Director Julie Davis, County Attorney Leon M. "Chip" Killian, III and Executive Assistant/Deputy Clerk Amie Owens

OTHERS PRESENT: None

GENERAL STATUTE: Attorney/Client Privilege §143-318.11(a)(3)

SUBJECT: DONCON

DISCUSSION:

County Manager Marty Stamey and Tax Administrator David Francis attended the mediation related to this suit on March 14. The County settled their portion of the case for $13,750.

County Attorney Killian presented a document for review by the members entitled Settlement Agreement and Release of All Claims. All were in agreement that the document was fine and the settlement was the best course of action to take related to this case.

Chairman Swanger signed the document and it will be forwarded to Leslie Mize, the attorney who represented Haywood County for this case. A copy of the final filed document will be returned upon execution.

OPEN SESSION:

Commissioner Ensley made a motion to return to open session. Commissioner Sorrells seconded and the motion carried unanimously.

CLERK

CHAIRMAN

RELEASED

09/03/2013

Date

Mark Swarger

Chairman

Clerk

HAYWOOD COUNTY BOARD OF COMMISSIONERS
CLOSED SESSION MINUTES
JULY 15, 2013

MEMBERS PRESENT: Chairman Mark S. Swanger, Vice-Chairman J.W. "Kirk" Kirkpatrick, Commissioners Bill L. Upton, L. Kevin Ensley and Michael T. Sorrells.

MEMBERS ABSENT: None

STAFF PRESENT: County Manager/Clerk to the Board Marty Stamey, Finance Director Julie Davis, County Attorney Leon M. "Chip" Killian, III and Executive Assistant/Deputy Clerk Amie Owens

OTHERS PRESENT: Kris Boyd, Planning Director

GENERAL STATUTE: Attorney/Client Privilege §143-318.11(a)(3)

SUBJECT: Bond Release Agreement - Avalon Development

DISCUSSION:

Mr. Killian explained that bond release discussions have been in process since October 2012. An offer was made and was tentatively accepted in principle.

Mr. Boyd provided background on this issue which has been in play for 10+ years. He noted that two surety bonds were provided to the County for asphalt and gravel; a new owner would like to complete the roads and further develop this subdivision. Chairman Swanger inquired if additional funds were required if the bond amounts did not cover these services. Mr. Killian noted that the County was not guarantor of roads and will only pay what the bond amount is.

Mr. Boyd provided information on each area of the subdivision covered under the two bonds and shared information related to the maximum area for paving. Mr. Boyd noted that this project would have to be bid in accordance to statutes.

Vice Chairman Kirkpatrick inquired if the roads were ready to pave. Mr. Boyd noted that the roads have been maintained under Erosion Control Ordinance but may require minimal grading. Discussion was held related to the total amount of the bonds and the areas that require paving.

Mr. Boyd requested the contracting of an engineer to assist with project management to be paid through the bonds. Commissioner Sorrells asked if this relieves liability for the County; Mr. Killian confirmed. The estimated cost is $12-15K for engineering/project management services with the engineer completing the bid specs for the project. All agreed this was the best option for risk management.

Mr. Killian advised both Commissioner Ensley and Vice Chairman Kirkpatrick to recuse themselves from voting on this issue. This will be discussed at the August 5 regular meeting.

Mr. Killian will develop the motion including exact wording related to the bonds and include language explaining recusal of two individuals.

OPEN SESSION:

Commissioner Sorrells made a motion to return to open session. Commissioner Upton seconded and the motion carried unanimously.

CLERK

CHAIRMAN

RELEASED

09/03/2013
Date

Chairman

Clerk