

HAYWOOD COUNTY COMMISSIONERS

REGULAR MEETING – July 20, 2015

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 L. Kevin Ensley, Michael T. Sorrells and Bill L. Upton present. Staff members present were County Manager Ira Dove, HCHHSA Director/Asst. County Manager Stoney Blevins, County Attorney Leon M. "Chip" Killian, III, and Finance Director Julie Davis.

PLEDGE OF ALLEGIANCE

Chairman Swanger led the Pledge of Allegiance.

INVOCATION

Commissioner Upton offered the invocation.

Chairman Swanger spoke of the recent passing of Maggie Valley Mayor Ron DeSimone. He said that he was a friend to many, a visionary in public service, and an inspiration to many people. He said that he was a leading advocate for broadband in Haywood County, and also started Winterfest in Maggie Valley. A moment of silence was observed.

PUBLIC HEARING

Chairman Swanger opened the Public Hearing on the consideration of an application and variance request for a stealth Monopine wireless telecommunication tower at 660 Sleepy Hollow Dr. Waynesville.

Chairman Swanger recognized Planning Director, Kris Boyd. Mr. Boyd explained that an application was received from Cellco Partnership for the tower. The owner of the adjacent property, Robert Fulbright, has consented to encroachment, and supports the application for a variance for the required setback.

Laura Askins from Pennington Law Firm addressed the Board representing Verizon Wireless for the proposed tower. She recognized Danielle Rojas also with Pennington Law Firm for her part in the preparation for the public hearing. She also recognized Ken Howell with Lake Junaluska Assembly and Mr. Husk, a property owner, in their support of the tower. She asked that the special use permit as filed be entered into the record, including exhibits 1 through 24, the variance application as filed including exhibits 1 through 8, the supplemental evidence notebook containing certification of hearing notice for the surrounding property owners and hard copies of the power point presentation. She reviewed the previous application and Board approval from 2009, noting that the tower was not constructed and the permit expired, which is why she is before the Board at this time.

She presented the power point with the following highlights:

- The goal is to maintain standard level of coverage - current gap is north of Highway 19, south of I40, and east of Highway 276.
- This will extend the coverage at the Ivy Hills site, and will address capacity limitations at the West Canton site.
- The proposed facility cannot collocate because there are no existing or approved towers or alternative structures within ¼ mile radius of the proposed tower and there are no electric transmission towers with ¼ mile radius of the proposed site.
- Where the proposed tower is to be located is near a reservoir so the land has been graded and cleared with an access road.
- The tower will be 132' in height and the antennas will be designed to look like a pine, not lighted, and designed to accommodate one future co-locator.
- The fall zone must be equal to ½ of the tower height and a minimum 25' setback.
- The tower location has been moved from the previous application, which reduces the fall zone setback.

Commissioner Sorrells verified with Ms. Askins that this will expand the coverage on cell phone service, as this has been a constituent concern.

Chairman Swanger opened the public hearing for comment.

Mr. Styles said that he has lived at Lake Junaluska for 24 years. He lives off of Sleepy Hollow which leads up to the proposed tower. He expressed concern over storm water runoff, and how it may affect his property.

Mr. Boyd responded that he had spoken with Mr. Styles. He said that he will explore the possibility of any new permits that may need to be obtained and will provide additional updates to the Board.

Chairman Swanger stated that this will be brought back for a vote if needed at a future meeting.

With no further comments, 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.

Judy West addressed the Board expressing concern over the noise at the no kill shelter at Dukes. She stated that her property is adjacent to the facility, and the shelter has been there for 1 ½ years. She said that she and her husband have farmed their land for 40 years and can no longer live there due to the noise. She feels that the County could save money if they had the dogs adopted out rather than opening a shelter.

Mr. Dove stated that he has been looking into this concern, and will continue to investigate this complaint and ensure that there are no violations of ordinances. He noted that he will be contacting the owners of Dukes.

Mr. Killian noted that two cases with Mr. West were dismissed. He said that a violation of the noise ordinance is difficult to argue.

Vice-Chairman Kirkpatrick commented that the issue is that there is no zoning in the County. He said that the only way that commissioners can regulate the usage of property is to pass zoning in the County. He said that there are things that commissioners can and cannot do, and this is one of them and Mr. Killian agreed.

Chairman Swanger suggested mediation as a possible solution and Mr. Dove said that he will check into that also.

CONSTITUENT CONCERNS

Commissioner Ensley commented on Mayor DeSimone, noting that he was a very professional person that wanted to make the County better. He said that he always tried to have solutions to problems, and he honors him today.

Vice-Chairman Kirkpatrick reiterated Commissioner Ensley's statements on Mayor DeSimone, noting that he was easy to work with and wanted what was the best for everyone. He reflected that we should all think about what we do for others every day, and what we will be remembered by.

Commissioner Upton said that Mayor DeSimone always had a smile on his face, always friendly and loved to be around people.

ADMINISTRATIVE/AGENCY REPORTS

Overview with Santek on operations at White Oak Landfill

Chairman Swanger recognized Solid Waste/Tax Administrator, David Francis. He echoed the sentiments of the Board on Mayor DeSimone.

He reminded the Board that in 2009, the County sent a request for proposal out for management of the landfill. After review of all proposals, Santek was the best choice. He noted that they have been very easy and informative to work with. He noted that they took over the management in 2011, and in 2014, expanded management for every day, and henceforth closure and post closure. He noted that the County is protected by Performance Bonds, and has a very well-constructed contract. He introduced Santek representatives who gave an overview of the operations.

Cheryl Dunson, Executive Vice President of Marketing, reiterated what Mr. Francis had explained, and further noted that there will be some cell construction in the near future. They are currently excavating soil from phases four and five, which includes 175,000 cubic yards of soil. She said that a separate fuel tank has been put in place. DENR inspected the landfill in March, and noted that there was an erosion issue due to a heavy rain event. Soil samples were subsequently submitted and were found to be in compliance. Since expanded management, \$114,338 has been paid to Haywood County in host fees.

Engineer Ron Vail stated that after an aerial overview, there is about 30.2 years left in the landfill. He noted that Santek is responsible for closure and post closure after that time, and there are bonds and environmental insurance. Phases four and five will have drilling begin on the last week in July and BLE has been contracted for this. He said that they are also completing the state required annual capacity report. Phases one through three are filling now, and there are approximately seven phases to be constructed in future years.

Commissioner Sorrells commented that the County is in to this now for four to six years, and there is still a 30 year guarantee. He said that it is working and will be here and last for a long time. He remarked that this clarifies what is going on and puts concerns at ease for the public. He said that White Oak looks good, and by the entrance, you do not know a landfill is there. He wants the public to know that when they do have concerns about the landfill, he assures them that they have been addressed. He noted that Santek has been open and addressed concerns.

Commissioner Ensley agreed, and noted that at the northwest end of the county, weather coming across the mountains seems to ring out over that area. He commented that only one issue with DENR is remarkable considering the terrain and weather at the landfill.

Chairman Swanger thanked Santek for their work. He said that he has frequent meetings at the landfill and is pleased with what they do.

Ms. Dunson explained that some constituent concerns about seeing out of state plates going into the landfill are more than likely a third party company that is bringing loads from Buncombe County. She said that this company is out of state, but the loads they are bringing are not from out of state.

Commissioner Upton commented that they have proven to be very efficient since they have been doing this for so long and Ms. Dunson responded that they have been in business for 28 years, and work in 9 states and 17 landfills.

DISCUSSION / ADJUSTMENT TO AGENDA

There were no discussions/adjustments to the agenda

CONSENT AGENDA

Commissioner Sorrells made a motion to approve the consent agenda as presented. Commissioner Ensley seconded, the motion carried unanimously.

1. Approval of June 15, 2015 regular meeting minutes.
2. Approval of June 2015 Refunds, Release, Amendments and Discoveries – David Francis, Tax and Solid Waste Administrator
Mr. Francis reported that there was nothing unusual to report.
3. Approval of June 2015 Tax Collections update – Mike Matthews, Tax Collector –
Mr. Matthews explained that the 2014-2015 Fiscal Year has been closed. He said that the goal set for the year was met and the office individual goal was met at 97.23%. He reported that delinquent taxes were 1.24 million for the year.

Chairman Swanger asked what delinquent taxes are owed to Haywood County and Mr. Matthews will provide that at the next meeting. He commented that the pool of what is owed gets smaller each year as more are collected.

Commissioner Ensley asked what the motor vehicle delinquents are and Mr. Matthews responded that the County does not have anything to do with those. Commissioner Ensley asked about the past that were due, noting that the County is still trying to collect those, and Mr. Matthews said that he could have a report run on that. Commissioner Ensley requested that be included in the report each month as

well. He stated that delinquent collections should increase each year as the tax base grows. Mr. Matthews responded that it depends on how much they collect in the current year.

4. Approve Public Health proposed fee changes on 2 hour glucose tolerance test for prenatal clients and four adult health exam fee adjustments – Carmine Rocco, Public Health Services Division Director
Mr. Rocco explained that the coding fees would be applied using a sliding fee scale for the adult health exam fee adjustments. He referenced the attached County comparisons on fees charged.
5. Approval of State of North Carolina Forest Services agreement for 2015-2016 – Julie Davis, Finance Director
Ms. Davis explained that this is an annual contract with the Forest Service that Haywood County shares in the cost of the services provided to Haywood County. Their total budget this year is \$246,383. The County pays 40% and the state pays 60%. The cost to the County is estimated to be \$98,553. This is the maximum amount to the County.

STATE OF NORTH CAROLINA
Department of
Agriculture & Consumer Services

\$ 246,383.50
Total Cooperative Appropriation
\$ 147,829.50 60%
State
\$ 98,553.00 40%
County

AGREEMENT FOR THE PROTECTION, DEVELOPMENT AND IMPROVEMENT OF FOREST LAND IN HAYWOOD COUNTY, NORTH CAROLINA

THIS AGREEMENT, made under authority of "An act to authorize Counties to cooperate with State in Forest Protection, Reforestation and promotion of Forest Management," (Section 106-500 of the general Statutes of North Carolina - 1943), and also under authority of another Section of the General Statutes, namely Section 106-501, by the North Carolina Department of Agriculture & Consumer Services (hereinafter called the Department), party of the first part, and the Board of Commissioners of HAYWOOD COUNTY in the State of North Carolina (hereinafter called the County), party of the second part, witnesseth:

That WHEREAS the said Board, recognizing the need for active forest protection, development, reforestation, management and improvement in HAYWOOD COUNTY, has accepted the offer of the Department for cooperation in accomplishing this object:

Now THEREFORE, in consideration of the mutual covenants hereinafter set forth, the said parties hereto and each to and for its heirs, assigns and legal representatives, have agreed that they will execute the same as follows:

Part I. THE DEPARTMENT AGREES:

1. To select, employ and appoint, after consultation with the Board, a County Forester or County Forest Ranger for the purpose of controlling forest fires in said County, for detecting and extinguishing fires that break out, for investigating the causes of forest, woodland and field fires, for enforcing State forest fire laws, for taking such preventative measures, educational and otherwise, as shall seem necessary to prevent forest fires, for developing and improving fire areas through technical advice, protection and practice of Forest Management practices, and for protection from insects and diseases.

2. To furnish to each Forester or Forest Ranger so employed a badge of office, stationery and report forms, undivided maps for use in the County, toolkits for distributing to landowners and others, to purchase necessary equipment, communication systems, and other forestry improvements deemed necessary insofar as the joint funds will permit.
3. To pay the Forester or Forest Ranger for all official services rendered, at a fair rate of pay. Rates of pay are to be established by the Department in accord with existing State salary schedules.
4. To direct supervise, instruct, and inspect, through its agents, the work and conduct of the Forester or Forest Ranger, to discipline and, when necessary, discharge such Forester or Forest Ranger.
5. To submit to the Board of Commissioners monthly (or at other mutually satisfactory intervals) an itemized statement of all monies to be paid by the County and those paid by the Department for proper conduct of the work within said County.
6. To make available annually from State, Federal, and other funds allotted to it, the sum of One hundred forty-seven thousand, eight hundred twenty nine dollars and fifty cents (\$147,829.50), or its share of an annual budget of \$246,383.50 for carrying the work in said County.

Part II. THE BOARD AGREES:

1. To pay to the Department 40% of the total cost of the Forester or Forest Ranger salaries and expenses and of other proper expenditures made in connection with the over-all forestry program in said County, upon receipt and subsequent approval of the periodic statements submitted by the Department.
2. To appropriate annually the sum of Ninety-eight thousand five hundred fifty-three dollars (\$98,553.00) which sum shall be available for expenditure under the terms of this Agreement, and shall represent the County's share of the annual budget.

Part III. IT IS EXPRESSLY AUTHORIZED AND UNDERSTOOD BY BOTH PARTIES:

1. That this Agreement becomes effective July 1, 2015.
2. That the annual appropriations as set forth above may be revised by mutual agreement between the Department and the Board, based on the amount of annual appropriation desirable for the proper conduct of the forestry work, such revision to become effective at the beginning of a given Fiscal Year. Any unused balance of County funds remaining at the end of a Fiscal Year shall revert to said County unless otherwise mutually agreed upon by both parties.
3. That the Board reimburse the Department as provided in Part II, Item 1, by forwarding a county voucher drawn in favor of the Department for the amount of the County's share of expenditures as set forth in the Department's periodic statement to the Board. That such payments to be made by the Board within thirty days following receipt of the Department's billing.

OLD BUSINESS

Request approval of the proposed Emergency Services/Emergency Management base design by Padgett Freeman Architects and approval to move forward with complete project design for Town of Waynesville's Development Services and bidding procedures

Chairman Swanger recognized Facilities & Maintenance Director, Dale Burris. Mr. Burris explained that this an overall site plan of the Haywood Pathways Center as schematically designed by Padgett Freeman. It shows how it will work with the set up for EM/EMS. He explained that he was asked to see how much the cost would be to bring the old building up to code and said that the cost would be very high. He presented schematic drawings of the proposed new building to the Board including floor plans and elevations. He asked the Board for the approval to move forward with the schematic design and the remainder of the removal of the old buildings. Mr. Dove stated that he is in approval of the design as were Mr. Shuping and Mr. Pressley. He stated that it will meet the current and future needs for the County with room for expansion.

Commissioner Sorrells asked about the cost, and Mr. Burris responded that it remains in the 2 million dollar range. He said that he hopes to put it out to bid in late August. He noted that with this design, they are able to maintain green space along with the parking. He said there is 4500 square feet for future expansion space on the north end.

Commissioner Upton made a motion to approve the EMS conceptual design and thereafter be forwarded to the Town of Waynesville for their review and was seconded by Vice-Chairman Kirkpatrick. The motion passed unanimously.

NEW BUSINESS

Request approval of North Carolina Department of Transportation Temporary Lane/Road Interference Permit for Blue Ridge Breakaway event on August 15, 2015

Chairman Swanger recognized County Manager Ira Dove.

Mr. Dove explained that this request is for the Blue Ridge Breakaway event to be held on August 15 which will include around 400 cyclists. He said that DOT requires a special permit for that day. This has been approved for the past four years.

Commissioner Sorrells made a motion to approve the interference permit for temporary lane closure for Blue Ridge Breakaway and forward to the Department of Transportation. The motion was seconded by Vice-Chairman Kirkpatrick and passed unanimously.

NORTH CAROLINA DEPARTMENT OF TRANSPORTATION
TEMPORARY LANE/ROAD INTERFERENCE PERMIT
Haywood County, City: Waynesville

County: _____ City: _____
Name of Event / Purpose of Interference: Blue Ridge Breakaway
Description of Interference (from where to where): Lake Junaluska
Length of Interference: 25-100 miles Date of Interference: 8/15/15 Time of Interference: 7:30-4:00
Requester: CoCo Hippy Telephone: 828.458.1430
Requester Address: 28 Walnut Street, Waynesville NC
Responsible Law Enforcement Agency: Haywood County Sheriff's Department
Law Enforcement Contact: Captain J. Smiley Telephone: 828.490.9788
Responsible Local Government: Haywood County Government
Local Government Contact: Ira Dove, County Manager Telephone: 828.358.2690
Liability Insurance Amount: \$1,000,000.00
(attach proof of insurance) *Mark S. Swanger*

Since public safety and travel will not be adversely affected, this permit is...
Requested By: CoCo Hippy Date: June 23, 2015
Approved By: _____ Date: _____
Division Engineer
District Engineer
Public Engineer
Traffic Management Engineer
Mobile Enforcement Engineer
Operations Supervisor
State Highway Patrol

Commissioner Sorrells commented that it has become a big event for Haywood County and Mr. Dove agreed.

Request approval of proposed fee increase for HCHSA Public Health Services Division for contraception device from \$750 to \$811

Chairman Swanger recognized Public Health Services Division Director, Carmine Rocco. Mr. Rocco stated that this is the Skyla intrauterine device contraceptive used in the clinic at the Health & Human Services Agency. He said that the fee increase was approved by the HHS Board on May 19th, 2015. The proposed fee increase is due to increase in cost. The charge is paid by the client through private pay, private insurance or Medicaid.

Commissioner Upton made a motion to approve the fee increase as described and was seconded by Vice-Chairman Kirkpatrick. The motion passed unanimously.

Request approval of recommended bid from Wise Communications/Eaton for workstation furniture for new 911 Center at a price of \$137,988.01

Chairman Swanger recognized Chief Jeff Haynes, Sheriff's Office. Chief Haynes explained that the workstation furniture will be paid out of the 911 grant money project.

Chairman Swanger remarked that this was not the lowest bidder, however that bidder did not meet all requirements for this procedure. Chief Haynes concurred and explained that the XybiX bid did not include equipment and training.

Commissioner Ensley made a motion to approve the lowest responsive bid from Wise Communications/Eaton for the workstation furniture and was seconded by Vice-Chairman Kirkpatrick. The motion passed unanimously.

Request adoption of resolution for authorization of disposition of retired service canine to the trained handler

Chairman Swanger recognized Chief Jeff Haynes, Sheriff's Office.
Chief Haynes read the resolution to the Board.

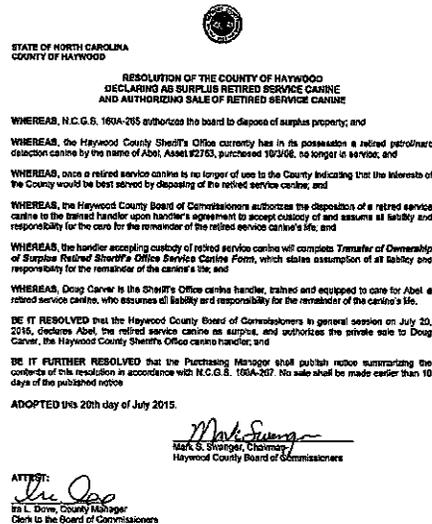
Commissioner Upton asked about the work life of a service canine. Chief Haynes answered that it was 7-9 years, however this animal had a degenerative eye disease and hence the retirement.

Vice-Chairman Kirkpatrick commented that the resolution read was different than the resolution in the Board packet. Mr. Dove responded that there were some technical issues and the resolution to be approved is the resolution in the packet.

Commissioner Sorrells commended Deputy Carver for assuming responsibility of the animal.

Chief Haynes agreed and said that these animals become partners and family members.

Commissioner Upton made a motion to adopt the resolution in the board packet regarding the disposition of the retired canine to its handler and was seconded by Vice-Chairman Kirkpatrick. The motion passed unanimously.



Request approval of the contract for, and purchase of, the Mauney Cove Convenience Center at 30 Mauney Cove Rd.

Chairman Swanger recognized Solid Waste/Tax Administrator, David Francis.
Mr. Francis explained that this is part of discussion that has been held for the past several years, and it has become apparent that Mauney Cove is an important purchase for the County. This site has 250,000 visits each year and is the busiest site. He said that this site has room for growth, and the County is looking to expand the site next year.

Chairman Swanger commented that over time, this will be a wise financial move for the County. He reminded everyone that 209 convenience center site is a dangerous site, and the County has been unable so far finding a place to relocate. He stated that it is wise to keep the one that the County has.

Mr. Killian has reviewed and approved the contract.

Commissioner Ensley made a motion to approve the contract for purchase of the Mauney Cove Convenience Center site at 30 Mauney Cove Rd., Parcel 8616-39-4150, for the purchase price of \$150,000 and Commissioner Upton seconded. The motion passed unanimously.

Request approval for a multi-year contract for RS&M Appraisal Services for appraisals of commercial properties, consulting and writing of the Schedule of Values

Chairman Swanger recognized Solid Waste/Tax Administrator, David Francis. Mr. Francis explained that the 2017 reval has begun. Issues from 2011 have been reviewed and ways to make the reval better. Ron McCarthy with RS&M was instrumental in the past reval. He said that this contract is much less than the last contract which was close to \$200,000. He noted that \$29,000 will be for 2015-2016 and the rest will be for 2016-2017.

Mr. Killian has reviewed and approved the contract.

Chairman Swanger also stated that RS&M will be involved with the writing of the Schedule of Values.

Commissioner Sorrells made a motion to approve the multi-year contract for RS&M Appraisal Services from July 2015 - June 2017 for appraisals of all commercial properties, consulting and writing of the Schedule of Values in the amount of \$103,000 and Vice-Chairman Kirkpatrick seconded. The motion passed unanimously

AGREEMENT

This Agreement made the _____ day of _____ 2015, by and between the COUNTY OF HAYWOOD, a body politic and a corporate subdivision of the State of North Carolina ("the COUNTY"), party of the first part, and RS&M Appraisal Services, Inc. ("the COMPANY"), organized under the laws of the State of North Carolina and authorized and licensed to do business in the State of North Carolina, hereinafter called ("the COMPANY").

WITNESSETH

That for and in consideration of the payments and agreements contained in the proposal attached hereto and hereafter mentioned:

ARTICLE I

The COMPANY will provide consulting services, appraisal assistance, training and project management to the COUNTY Tax Assessor for a period beginning July 1, 2015 through June 30, 2017. These services will include assistance with all field activities necessary for completion of the 2017 Reappraisal Project, including: project planning and progress reporting, preliminary residential neighborhood identification, commercial data collection, preliminary residential land pricing, residential and commercial cost studies, residential value review and informal appeals.

The COMPANY shall use competent employees of good character having sufficient skills and experience to properly perform the work outlined in this agreement. Ten (10) days prior to assigning any employee to the project the COMPANY will furnish to the COUNTY a detailed resume specifying the employee's qualifications, experience and prior work location. COMPANY employees shall be certified by the North Carolina Department of Revenue per North Carolina General Statute 105-259.

No employee of the COMPANY is to be deemed an employee or agent of the COUNTY and is not entitled to any benefits from the COUNTY. The COUNTY has the right to approve or reject any or all COMPANY personnel assigned to the project.

The COMPANY and its employees will comply with all occupational safety and health standards, rules, regulations and orders issued under the Occupational

Haywood County Tax Administrator. All decisions regarding project planning, procedures to be followed, and forms used in this process shall be made by the Haywood County Tax Administrator.

ARTICLE II

The COUNTY will provide the following:

The COUNTY will provide office space for the COMPANY'S use during this project. The COUNTY will provide office furniture, forms, binders, office supplies and local telephone service.

Subject to schedules and procedures approved by the COUNTY, all maps, tax records, appraisal data and information pertinent to the performance of the activities outlined in this agreement will be made available to the COMPANY.

The COMPANY and COUNTY will design and develop the forms necessary for completion of the activities outlined in this agreement. The COUNTY will bear the cost of all forms used during this project.

The COUNTY will be responsible for all project related postage and mailings.

The COUNTY will make available a file of all real property transactions for use in analysis of sales for valuation activities.

The COUNTY will provide the COMPANY access to at least one computer terminal to allow for analysis of existing records and rates files. The COMPANY will complete all appraisal work in a format acceptable for use on the COUNTY'S existing KEYSTONE appraisal software.

The COUNTY will provide clerical assistance to aid in completion of all 2017 Reappraisal clerical activities, including: data entry of property characteristics, preparation of tax maps, printing and sorting of property record cards, scheduling of informal appeals, and scheduling of Board of Equalization and Review hearings.

ARTICLE III

The COMPANY will assist the COUNTY Tax Administrator in completion and preparation of the Uniform Schedule of Values, Standards and Rules in accordance with Article 19 Section 105-317 of the Machinery Act of North Carolina.

The COMPANY will advise and assist the COUNTY during the process of presentation to, and subsequent adoption by, the Haywood County Board of

**AGREEMENT FOR
PROFESSIONAL SERVICES ASSISTANCE
HAYWOOD COUNTY, NORTH CAROLINA
2017 REAPPRAISAL PROJECT**

Safety and Health Act (OSHA) of 1970, as administered by the North Carolina Department of Labor Division of Occupational Safety and Health (OSHWV).

The COMPANY will provide appraisal expertise in the market value appraisal of approximately two thousand seven hundred and fifty (2,750) commercial and industrial properties located within Haywood County, North Carolina.

In determining the market value of the above referenced properties, the COMPANY will consider at least the location, type of construction, age, replacement cost, condition, present and future income, adaptability to other uses, and all other factors that may affect market value.

The COMPANY will complete neighborhood delineation for the purpose of identifying commercial and industrial neighborhoods and valuation areas.

The COMPANY will complete an analysis of sales transactions of commercial and industrial vacant land and will develop final commercial and industrial Computer Assisted Land Pricing (CALP) tables for commercial and industrial neighborhoods.

The COMPANY will analyze income and expense information collected by the COUNTY for use in support of the Market Value Appraisals. This information will be considered confidential and will only be used within guidelines established by the COUNTY.

The COMPANY will complete a data verification and market value review for each parcel of commercial and industrial real property through an on-site visit.

The COMPANY will inventory all data pertinent to each parcel being appraised and will advise the COUNTY of significant data errors or omissions.

The COUNTY will provide staff to collect the data necessary to correct these errors. The COUNTY will enter the data and recalculate values to allow for final valuation by COMPANY staff.

The COMPANY will provide appraisal staff to hear all informal appeals arising from the valuation of commercial and industrial properties. The COMPANY will provide appraisal staff to assist with commercial and industrial appeals before the Haywood County Board of Equalization and Review arising from the 2017 Reappraisal.

These specifications cover the furnishing of labor, appraisal assistance, consultation and technical assistance by RS&M Appraisal Services, Inc. (COMPANY) to Haywood County, North Carolina (COUNTY) to aid in the completion of a computer assisted reappraisal of real property as specified herein and as directed by the COUNTY through its duly authorized agent, the

County Commissioners, of the Schedule of Values, Standards and Rules for use in the 2017 Reappraisal.

ARTICLE IV

The COMPANY'S total fees, compensation and expenses to provide the appraisal assistance described in this document is:

ONE HUNDRED THREE THOUSAND DOLLARS (\$103,000)

The total fees, compensation and expenses are allocated as follows:

Commercial/Industrial Review: Fee includes the value review and market value appraisal of two thousand seven hundred and fifty (2,750) parcels of commercial, industrial real property, at a rate of \$16 per parcel for a fee allocation of \$41,250.

Appeals: The COMPANY will provide appraisal staff to hear all informal appeals arising from the valuation of commercial and industrial properties. The COMPANY will provide appraisal staff to assist with commercial and industrial appeals before the Haywood County Board of Equalization and Review arising from the 2017 Revaluation. Time allocation for these activities is estimated at twenty (20) days for a fee allocation of \$13,000.

Consulting: The COMPANY will provide consulting services, appraisal assistance, training and project management to the COUNTY Tax Assessor for a period beginning July 1, 2015 through June 30, 2017. These services will include assistance with all field activities necessary for completion of the 2017 Reappraisal Project, including: project planning and progress reporting, preliminary residential neighborhood identification, commercial data collection, preliminary residential land pricing, residential and commercial cost studies, residential value review and informal appeals. Time allocation for these activities is estimated at a total of sixty (60) days for a fee allocation services is \$35,000.

Schedule of Values: The COMPANY will assist the COUNTY Tax Administrator in completion and preparation of the Uniform Schedule of Values, Standards and Rules in accordance with Article 10 Section 105-517 of the Statutory Act of North Carolina. Time allocation for this activity is estimated for ten (10) days for a fee allocation of \$8,500.

Schedule of Values Presentation: The COMPANY will advise and assist the COUNTY Tax Assessor during the process of presentation to, and subsequent adoption by, the Haywood County Board of County Commissioners, of the Schedule of Values, Standards and Rules for use in the 2017 Reappraisal. Time

allocation for this activity is estimated at five (5) days for a fee allocation of \$3,250.

In the event the number of parcels as of January 1, 2017 exceeds two thousand seven hundred and fifty (2,750), all additional parcels will be billed at a rate of \$16 per parcel.

If the number of parcels as of January 1, 2017 is less than two thousand seven hundred and fifty (2,750); the COMPANY will adjust its fee at a rate of \$16 per parcel.

The COUNTY will withhold an amount equal to 10% of each invoice until all appeals of specified commercial and industrial properties before the 2017 Board of Equalization and Review had been heard. The COMPANY will invoice the COUNTY for these retained earnings at such time.

The COMPANY will provide additional appraisal and consulting assistance upon request of the COUNTY Tax Administrator as outlined below.

The COMPANY will provide assistance with preparation of evidence and will provide expert witness testimony for appeals before the North Carolina Property Tax Commission.

Fees for Property Tax Commission Appeals will be based on a rate of \$650 per day plus travel expenses or \$3000 per week plus travel expenses.

The COMPANY agrees that all fees and compensation paid will include the cost of all labor, social security taxes, state and federal income taxes, insurance, automobile expenses, long distance calls, meals, lodging and all other travel related expenses.

The entire procedure will be in accordance with all applicable statutes of North Carolina relating to the appraisal of real property for Ad Valorem Taxation.

ARTICLE V

The COMPANY will invoice the COUNTY for services rendered on a monthly basis. These invoices will be documented with production records and progress reports subject to approval of the COUNTY Tax Administrator. The COUNTY will pay invoices within fifteen (15) days of approval by the Tax Administrator.

The COUNTY will withhold an amount equal to ten (10%) of each monthly invoice until completion of all appeals before the 2017 Haywood County Board of Equalization and Review resulting from the appraisal of the specified Commercial, Industrial and Exempt properties. These monies will be paid in full to the COMPANY upon completion of such appeals.

The COMPANY'S responsibilities are specifically limited to those set forth in this document.

The COMPANY'S performance of this Agreement is conditioned upon the nonoccurrence of an act of God or other cause or causes beyond the COMPANY'S control. Occurrence of any such event shall entitle the COMPANY to reasonable extension of project completion dates and/or reasonable increase in fees should such occurrence materially increase the degree of difficulty of project execution.

ARTICLE XI

The COMPANY shall carry General Liability Insurance in the amount of \$1,000,000 including protection for bodily injury and property damage with a combined single limit of \$1,000,000.

The COMPANY shall carry Worker's Compensation Insurance, which provides adequate coverage under the Compensation Act of North Carolina.

The Company shall maintain Automobile Liability Insurance providing limits of \$300,000 per occurrence.

Insurance carriers licensed in the State of North Carolina shall provide insurance coverage.

Certificates of Insurance required under this section will be provided to the COUNTY within ten (10) of the approval of this contract.

ARTICLE XII

This agreement will be governed by and construed according to the laws of the State of North Carolina. The venue of any action by either party to this Agreement to enforce their respective rights hereunder against the other party shall be the Central Court of Justice, Superior Court Division for Haywood County, North Carolina.

ARTICLE VI

The COUNTY may terminate this agreement if reasonable evidence exists that the progress being made by the COMPANY is insufficient to complete the work within the specified time or the COMPANY has failed to comply with any requirement of this agreement. Before this agreement can be terminated the COUNTY must notify the COMPANY in writing, and allow the COMPANY (30) days to rectify the conditions of termination.

The COUNTY may terminate this agreement without cause by giving the COMPANY sixty (60) days written notice. In event of termination the COMPANY will deliver all COUNTY records, materials and supplies prior to payment of any outstanding fees.

ARTICLE VII

The COMPANY may terminate this agreement without cause by giving the COUNTY sixty (60) days written notice. In event of termination the COMPANY will deliver all COUNTY records, materials and supplies prior to payment of any outstanding fees.

ARTICLE VIII

This agreement shall be binding upon all parties hereto and their respective heirs, executors, administrators, successors and assigns.

ARTICLE IX

The relationship between the COMPANY and the COUNTY will be that of an independent contractor and not as an agent, servant, or employee of the COUNTY. The COMPANY shall not obtain any privileges or rights applicable to officers or employees of the COUNTY.

The COMPANY shall comply with all the applicable provisions of Federal and North Carolina laws, rules and regulations regarding employment and shall specifically comply with those sections related to Equal Employment Opportunity.

ARTICLE X

This agreement is anticipated to commence on July 1, 2015 and continue through June 30, 2017, except for any Board of Equalization and Review meetings relating to appeals of commercial and industrial properties appraised by the COMPANY that may be scheduled after June 30, 2017.

IN WITNESS WHEREOF, the parties here executed or caused this AGREEMENT to be executed by their duly authorized officers:

COUNTY OF HAYWOOD

By: [Signature]
Ira Davis, County Manager

RSEM Appraisal Services, Inc.

By: [Signature]
Ronald S. McCarthy, President

This is to certify that, Ira Davis, Haywood County Manager appeared before me this day and acknowledged the execution of the foregoing instrument for the use and purposes therein expressed, this _____ day of _____, 2016.

Notary Public

My Commission Expires _____

This is to certify that Ronald S. McCarthy appeared before me this day and acknowledged the execution of the foregoing instrument for the use and purposes therein expressed, this _____ day of _____, 2016.

Notary Public

My Commission Expires _____

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

Haywood County Finance Officer

Request approval of three contracts with McGill Engineering for ongoing services at Francis Farm Landfill and White Oak Landfill

Chairman Swanger recognized Solid Waste/Tax Administrator, David Francis.

Mr. Francis reviewed the three contracts in the attachment. Commissioner Sorrells asked about the length of time of the capacity study and Mr. Francis responded that it took about 60 days.

Commissioner Upton made a motion to approve the three contracts with McGill Engineering: technical guidance, \$25,000; permit boundary modification, \$30,000; and White Oak landfill capacity study, \$14,300 and Vice-Chairman Kirkpatrick seconded. The motion passed unanimously



April 21, 2015

Mr. David B. Francis
Solid Waste and Tax Administrator
Office of County Manager
Haywood County
215 North Main Street
Waynesville, North Carolina 28746

RE: Technical Guidance and/or Operational Assistance for Ongoing Solid Waste Operations
Haywood County, North Carolina

Dear Mr. Francis:

McGill Associates is pleased to submit our proposal to provide technical guidance and/or operational assistance to Haywood County relative to the ongoing solid waste operations. The specific scope of services is detailed below:

SCOPE OF SERVICES

Technical Guidance and/or Operational Assistance for Ongoing Solid Waste Operations

1. Meet with County staff on an as-needed basis to discuss ongoing solid waste operations in the County.
2. Prepare conceptual layouts of proposed improvements at the Munsey Cove Road Composting Center. Once a conceptual layout is selected, a proposal for design services will be prepared.
3. Assist the County with evaluation of the ongoing operation contract at the White Oak MSW Landfill.
4. Assist the County with addressing applicable compliance issues relative to groundwater and gas monitoring.
5. Provide engineering support and guidance for troubleshooting the operation of the skid-mounted Hower flare systems and engine generator systems at the Francis Farm Landfill.
6. Periodically review the landfill gas monitoring well data to determine how the gas collection system is affecting the elevated methane levels in the landfill gas monitoring wells at the Francis Farm Landfill.
7. Periodically review the operation of the skid-mounted landfill gas flare system and engine generator system to assist in maximizing the operating efficiency of the systems at the Francis Farm Landfill.

51 Broad Street Asheville, North Carolina 28801 P.O. Box 2200 Asheville, North Carolina 28802 P.O. Box 2200 Asheville, North Carolina 28802

Mr. David Francis
April 21, 2015
Page 2 of 3

8. Provide recommendations for extraction well field adjustments to maximize the efficiency of the landfill gas collection system at the Francis Farm Landfill.
9. Review quarterly gas monitoring data and submit results to the North Carolina Department of Environment and Natural Resources (NCDENR), Solid Waste Section (SWS) following the semi-annual monitoring events at the Francis Farm Landfill.
10. Assist the County with evaluation of adjacent properties relative to the impact to these properties and/or the consideration of acquiring any surrounding properties at the Francis Farm Landfill.

PROPOSED FEES

Based on the above proposed scope of services, we propose to perform the above services on an hourly basis, for a maximum not to exceed fee of \$25,000. Invoices will be submitted monthly based on the actual time spent and will be calculated in accordance with the attached Basic Fee Schedule.

ASSUMPTIONS

We have based our proposal on the following assumptions:

1. The preparation of an Assessment of Corrective Measures (ACM) is not included within the scope of this proposal. A separate proposal will be submitted for your consideration to perform the required work for the ACM.
2. Haywood County will be responsible for all operational, maintenance and repair costs for the landfill gas collection and combustion system and the engine generator operation not covered under existing warranties.
3. Haywood County will be responsible for all operational, maintenance and repair costs associated with the post-closure care of the Francis Farm Landfill facility.
4. This proposal is to cover general consultation, meetings, technical guidance, and assist the County with routine compliance. We will develop a separate scope and proposed fee for any specific projects that are identified as necessary via consultation with the County and the Solid Waste Section as being necessary to maintain compliance for the facility.

Mr. Francis, we appreciate the opportunity to present this proposal to Haywood County for continuing to assist with operations and compliance for the Francis Farm Landfill. We look forward to working with you and your staff on this important project for Haywood County. If the above is acceptable to you, please provide the appropriate signature below and return one (1) copy for our records.

Mr. David Francis
April 21, 2015
Page 3 of 3

Should you have any questions or need additional information, please do not hesitate to give us a call at (828) 252-0975.

Sincerely,

McGILL ASSOCIATES, P.A.
Mark D. Cahay

Mark D. Cahay, PE
Senior Project Manager

cc: Mr. Ira Dineen, County Manager, Haywood County
Mr. Keith Webb, PE, McGill Associates

ACCEPTED

Mark Swanger

NAME

Chairman

TITLE

DATE 4/20/15

g:\2015\PERMITS\2015\April 15, 2015_Technical Assistance and Operational Proposal.doc



April 30, 2015

Mr. David B. Francis
Solid Waste and Tax Administrator
Office of County Manager
Haywood County
215 North Main Street
Waynesville, North Carolina 28746

RE: Solid Waste Engineering Services
Permit Modification - Part 1
Francis Farm Landfill, Permit #44-03
Haywood County, North Carolina

Dear Mr. Francis,

McGill Associates is pleased to submit our proposal for providing Engineering Services to Haywood County associated with preparation of a Permit Modification - Part 1 for the Francis Farm Landfill, Permit #44-03. As we discussed in our meeting with Haywood County and Andrea Keller on March 10, 2015, the corrective action measures associated with the on-going Assessment of Corrective Measures (ACM) study is proposed to take place in two parts. Part 1 will include a revision to the facility boundary to include newly acquired properties, updating the existing environmental monitoring plan, updates to the existing Facility Plan and Closure Post-Closure Care Plan, and relocation of a portion of the existing groundwater and landfill gas monitoring wells. We understand that Haywood County has contracted with Biennial-Lanterns Engineering, Inc. (BLEI) to prepare the updated environmental monitoring plan. This work is proposed to take place during the first two quarters of FY 2016.

Part 2 will involve the final implementation of the ACM Study and include permitting for the placement of the landfill cap and the placement of new access road to serve the last maintenance gauge. The permitting for Part 2 is proposed to take place during the first 3 quarters of FY 2017.

The specific tasks in our proposed scope of services for the Permit Modification - Part 1 are described below:

Scope of Services

1. Meet with County staff to discuss overall Permit Modification Part 1 to identify permit requirements, role of team members, and define schedule for completion of the Report.
2. Based on the details of the Assessment of Corrective Measures Study, define the final parameters of the Permit Modification - Part 1.

51 Broad Street Asheville, North Carolina 28801 P.O. Box 2200 Asheville, North Carolina 28802 P.O. Box 2200 Asheville, North Carolina 28802

Request approval of annual \$1000 donation to Commission for a Clean County

Chairman Swanger recognized County Manager, Ira Dove.

Mr. Dove explained that this group provides educational projects on keeping your county clean and does litter pickups throughout the County. Commissioner Upton is very active with this project. He noted that this is an annual donation.

Commissioner Upton made a motion to approve the \$1,000 donation to Commission for a Clean County and Commissioner Ensley seconded. The motion passed unanimously

Request appointment of County Commissioner, Bill Upton, as the voting delegate at the 108th Annual Conference of the North Carolina Association of County

Commissioners

Chairman Swanger recognized County Manager, Ira Dove.

Mr. Dove explained that this will be held in Pitt County, N.C. this year on August 20-23.

The Association recommends one commissioner attend the conference and requires their attendance to vote. Commissioner Upton agreed to be the voting delegate.

Commissioner Sorrells made a motion to appoint Commissioner Bill Upton as the voting delegate at the 108th Annual Conference of the North Carolina Association of County Commissioners and Vice-Chairman Kirkpatrick seconded. The motion passed unanimously

Request re-appointment of one member as the ETJ representative to the Town of Waynesville Zoning Board of Adjustments

Chairman Swanger recognized County Manager, Ira Dove.

Mr. Dove explained the ETJ representative to the Town of Waynesville Zoning Board of Adjustments requires Board approval. Mr. Neal Ensley is the ETJ representative that will need this approval.

Vice-Chairman Kirkpatrick made a motion to approve the re-appointment of Neal Ensley as the ETJ representative to the Town of Waynesville Zoning Board of Adjustments and Commissioner Upton seconded. The motion passed unanimously

Request re-appointments of two members to the Community Advisory Committee for Long Term Nursing Home

Chairman Swanger recognized County Manager, Ira Dove.

Mr. Dove explained that the County received a memo from Larry Reeves, Omnsbudsman for the SW Commisison, requesting re-appointment of Susanna Bazinet and Brian Grimm.

Commissioner Ensley made a motion to approve the re-appointment of Susanna Bazinet and Brian Grimm to the Community Advisory Committee for Long Term Nursing Home and Vice-Chairman Kirkpatrick seconded. The motion passed unanimously.

Request appointments of one member to the Haywood County Library Board of Trustees

Chairman Swanger recognized County Manager, Ira Dove and stated that this appointment would require a vote.

Mr. Dove distributed the ballots to the Board to vote for applicant Carla Woody or Elaine Stewart. After collecting the ballots, Ms. Stewart was elected to serve. They will both be notified by letter.

CLOSED SESSION

Vice-Chairman Kirkpatrick made a motion to enter into Closed Session for:

Personnel – G.S. §143-318.11(a)(6)

Closed Session Minutes – G.S. §143-318.11(a)(1)

Attorney/Client Privilege – G.S. §143-318.11(a)(3)

Commissioner Ensley seconded and the motion carried unanimously.

Chairman Swanger informed the media that action following the Closed Session will likely be the release of closed session minutes.

The Board returned from Closed Session.

Chairman Swanger noted that the followed Closed Session Minutes were recommended for approval and release by consensus:

- April 20, 2015 – Attorney/Client Privilege G.S. §143-318.11(a)(3)
- April 20, 2015 – Acquisition of Real Property G.S. §143-318.11(a)(5)
- April 20, 2015 – Acquisition of Real Property G.S. §143-318.11(a)(5)
- May 4, 2015 – Closed Session Minutes G.S. §143-318.11(a)(1)

Vice-Chairman Kirkpatrick motioned to approve and release the Closed Session Minutes as presented. Commissioner Upton seconded, the motion carried unanimously.

Chairman Swanger noted that the following Closed Session Minutes were approved but not yet released by consensus.

- May 4, 2015 - Attorney/Client Privilege G.S. §143-318.11(a)(3)
- May 4, 2015 - Personnel §143-318.11(a)(6)
- May 18, 2015 - Personnel §143-318.11(a)(6)
- May 18, 2015 - Attorney/Client Privilege G.S. §143-318.11(a)(3)
- May 18, 2015 - Personnel §143-318.11(a)(6)
- June 1, 2015 - Personnel §143-318.11(a)(6)
- June 1, 2015 - Personnel §143-318.11(a)(6)
- June 1, 2015 - Attorney/Client Privilege G.S. §143-318.11(a)(3)
- June 1, 2015 - Attorney/Client Privilege G.S. §143-318.11(a)(3)

Vice-Chairman Kirkpatrick motioned to approve but not yet release the Closed Session Minutes as presented. Commissioner Sorrells seconded; the motion carried unanimously.

ADJOURNMENT

Chairman Swanger asked if there was any further business.

With no further business, Commissioner Sorrells made a motion to adjourn the regular Board meeting. Vice-Chairman Kirkpatrick seconded; the motion carried unanimously.

The time of adjournment was 7:45 pm. The DVD is attached by reference to the minutes.

CLERK

CHAIRMAN