

HAYWOOD COUNTY COMMISSIONERS

REGULAR MEETING – November 2, 2015

CALL TO ORDER

Chairman Mark S. Swanger convened the regular meeting of the Haywood County Board of Commissioners at 9:00 a.m. in the Historic Courtroom at the Haywood County Historic Courthouse, Waynesville, North Carolina, with Chairman Mark S. Swanger, Vice-Chairman J.W. “Kirk” Kirkpatrick III, Commissioners L. Kevin Ensley, Michael T. Sorrells and Bill L. Upton present. Staff members present were County Manager Ira Dove, County Attorney Leon M. “Chip” Killian, III, Finance Director Julie Davis and Deputy Clerk Candace Way.

PLEDGE OF ALLEGIANCE

Chairman Swanger led the Pledge of Allegiance.

INVOCATION

Vice-Chairman Kirkpatrick offered the invocation.

PUBLIC HEARING

Chairman Swanger opened the second Public Hearing on the consideration of local and economic development incentives pursuant to NCGS 158-7.1(d) - fee simple conveyance of three parcels totaling 55.8 acres at the Beaverdam Industrial Park to Regional Recycling Solutions, LLC by private negotiations.

Chairman Swanger recognized County Manager, Ira Dove. Mr. Dove stated that during the previous public hearing many questions were posed and the County has tried to get as many answers as possible. He provided the following information and presented a power point:

- A slide was shown during the October 19, 2015 power point on the taxes that the County would receive from the proposed recycling facility. He said that since that time, the County was made aware that the business would be eligible for tax exemption and apologized for the error. He said since that time, Regional Recycling Solutions, Inc. (RRS), has offered to pay full price of \$780,000 for the property.
- The County purchased 103 acres in July of 1993 from Green Land Company; Elchin Inc. purchased 40 acres in April 1998; Roltek purchased 3 acres in December 1998; the County bought 16 additional acres in 1999; 9 homes built adjacent to Beaverdam Industrial Park in Greene Mountain Estates from 2003-2006; Plus Cleaners purchased 6/16 acres in June 2005.
- The County Planning Director contacted NCDOT about road capacities in that area. According to DOT standards, these roads have the capacity to handle increased traffic.
- 50,000 vehicles travel I-40 daily by Exit 33, 2400 vehicles use Beaverdam Road.
- There have been significant changes in diesel standards over the past fifteen years. Restrictions on emissions have been tightened and trying to reduce the amount of particulates to near zero have been the goals. Mononitrogen oxides are one of the measured chemicals from emissions, and by 2010 standards, they have been greatly reduced.
- There will no effect from runoff from the tract in Beaverdam Industrial Park in the Rough Creek Watershed per the State Division of Water Quality and Marc Pruett. The watershed is 1.5 miles up a steep grade from the site.
- Property will be prohibited by permit and deed restriction from any type of incineration or gasification of waste, and cannot be permitted for any type of landfill operations.
Mr. Killian confirmed that there will be no violation with the deed restrictions if the waste was entirely enclosed in the building.

- Renewable Developers sought land in Transylvania County owned by Mr. Allison. The projects went to a waste incineration and diesel burning facility and Transylvania County enacted a moratorium and that ended the project.
- RRS was formed in May of 2014, and found a site in the ETJ of Fletcher. RRS decided not to pursue the site due to limitations of the building site. There is no evidence of rejection from Henderson County.
- RRS applied for a Conditional Use Permit in March 2015 for property on Pond Rd. The application was denied by the Board of Adjustments due to the plans not being approved by DENR on July 8, 2015. DENR would not approve without Buncombe County's approval. This was a zoning issue.
- RRS waste will be taken to Tennessee. The permit does not allow any out of state waste and there is an agreement and permit in place that limits the tonnage of waste allowed in the landfill. In order for more waste to be allowed into the landfill, DENR would have to change the permit and the Board would have to change the contract.
- The Montgomery, Alabama recycling plant closed due to the decline in commodity pricing, not to the quality of the product. Five or six companies have inquired about the possibility of taking control of the facility. There are no certainties in business.
- RRS & Stadler have worked together to develop operational plans for the facility. Stadler is a worldwide company with over 200 plants. They have a history with engineering that is two centuries old. They are one of the oldest in the world in production of equipment for recycling business.
- Operational hours for RRS will be 7am until 4pm. The plant manager will be trained in Germany for two months. Stadler employees will be at the opening of the facility for several weeks to train all personnel. Approximately 90% of the workforce will be from Haywood County.
- The facility will need a NCDEQ permit because a limited amount of waste will come into the facility. Materials will be transported to a facility in Tennessee.
- All proposed facilities will be baling, separating commercial recyclables, processing single stream materials and opening bagged materials. The two fiber grades will be sorted out separately by a mixture of machinery and manual sorters to provide the final quality control prior to baling and sell to market.
- Stadler's equipment is engineered and manufactured with European and USA based safety regulations.
- Marketable materials are separated by type and grade. Any residue will be transferred off site to existing landfills. Contaminated material is marketable, but at a lower price.
- Materials brought to the facility pass various stages of visual inspection for any contamination that could harm the safety of the workers, the process and marketability of the commodities. Manual sorters along the pre-sort conveyor have the ability to remove contamination, including hazardous materials.
- Stadler designed the Lawrence, Kansas facility and was instrumental in its final design and layout.
- There is a slight difference in the design between the proposed Buncombe and Haywood County facilities. More people will be required in the presort level in Haywood, thus requiring more employees.

Chairman Swanger opened the floor for public comment, asking for the audience to be respectful of each other and the Board, and to please adhere to the three minute time limit.

Mark Correll addressed the Board. He read from the deed restrictions and stated that he believed this business did not comply.

Kelly Brookshire addressed the Board. She stated that she understood the demands that the Board faces, and encouraged them to listen to the public. She stated that she felt the wages were not adequate to support a family, and there are other opportunities that the County can be proud of.

Paul Doupont addressed the Board. He expressed concern over the truck traffic and the possibility of them getting stuck if they missed their turn into the industrial park.

Dustin Cornelison addressed the Board. He stated that he feels this is a bad business plan, and not good for Haywood County. He expressed concern over the risks of the permits being changed and what it may mean for the County.

Mike Shook addressed the Board. He spoke of the traffic already coming in and out of the park. He is worried about the environmental impact along with the traffic.

Bennett Hipps addressed the Board. He asked the Board to be smart on their decisions and what it would mean for the County. He asked them not to take risks and wait to find something else that would be more viable for the County.

Jeffrey Powell addressed the Board. He stated that he believed the County has made comments that mislead the community. He believes there is no true and firm information on this project.

Tammy Powell addressed the Board. She stated that she felt the Kansas plant is not an example of what this facility will be. She said that many feel that their homeland is being attacked. She asked the Board to listen to what the citizens are asking of them.

Barbara Wilkins addressed the Board. She said the county's geographical area does not have the population density to support this business. She feels that Haywood County should not be used as an enabler, commenting that she feels RRS has no intention on being here for the long haul.

Larry Wilkins addressed the Board. He feels the County should be more aggressive in marketing the site, and encouraged the Board not to rush into selling the land.

Caroline McLean addressed the Board. She said that she works with Ward and Smith, and is here representing a group of citizens. She said that this project is in violation of statutes for the bid process and economic incentives and asks that the Board votes no and seeks bids if they want to sell this property.

Mr. Killian noted that the agreement is still being negotiated and there are no details yet as what the final agreement will be.

Peter Watkinson addressed the Board. He commented that absences of unbiased information takes away credibility from the proposed project. He said that there are many unanswered questions and this is not what the citizens wish to have their taxes spent on.

Jack Wadham addressed the Board. He expressed concerns over what could happen if Tennessee did not want to accept the RRS landfill material. He stated that it was time to think about Haywood County.

Margaret King addressed the Board. She asked the Board to keep from putting the project on the land in Beaverdam.

Al Goodis addressed the Board. He said that Haywood County should remain the beautiful place it is and not become a dumping ground.

Jeremy Davis addressed the Board. He questioned the allowable tonnage from the second amendment to the sanitary landfill agreement. He stated that he wonders what other misinformation the citizens are receiving.

Mr. Dove stated that there is a permit with DEQ that allows for 142,000 tons +/-10% into the landfill. He said that there is a study being done to see how long the landfill will last. Santek has said that there is 30.4 years. He noted that the amendment removed the daily cap but not the annual cap, and that DEQ looks at the annual cap.

Nicole Harley addressed the Board. She distributed emails from citizens and requested that they be put in the minutes. She said that Mr. Allison has been invited to two meetings, he offered to meet on October 31 but cancelled. She questions the lack of accessibility to information about RRS on the website. She requested to see a copy of the agreement between Haywood County and RRS.

David Harley addressed the Board. He voiced concerns of potential health risks with the project. He stated that his offer is still on the table. He stated that he has a business market plan, and will build industrial buildings to suit a business. He anticipated four to five jobs per graded acre, and will not seek tax exemptions. He urged the Board to wait until the best option becomes available. Dr. Harley also submitted a written letter expressing the same.

Debbie King addressed the Board. She said there are still questions about the project, such as the effect on tourism, and what is going on with phases two and three. She encouraged the Board to vote no for a few jobs for money for others.

Chairman Swanger remarked that Commissioners Ensley and Sorrells traveled and visited the Kansas site, and are preparing a written report.

Barry Bailey addressed the Board. He expressed concern over violations of deed restrictions and the possibility of RRS obtaining a variance in the future on what is allowed. He feels this was not a good financial deal for the county.

Pam Bailey addressed the Board. She expressed concern over the lack of information of Phase 2 and 3. She asked the Board to define what is happening in those phases.

The Board recessed at 10:36 a.m. and returned at 10:43 a.m.

Steve Rice addressed the Board. He stated that his family has been in the Beaverdam community for generations, and asked that trash not be brought into the community.

Melissa Moss addressed the Board. She commented about the amount of traffic that would increase in the area. She commented on how people are starting to buy in surrounding areas of Asheville and how she feels this would be detrimental to the possibility of land and home purchases here. She also submitted a letter as the president of the Beaverdam Community Development Association opposing the project.

Lynda Dixon addressed the Board. She feels that RRS has no solid business plan. She asked for patience for this property, to find something that would invest in real solid jobs. She also submitted a letter in opposition to the project.

Denny King addressed the Board. He feels that it would not be possible for RRS to make a profit. He said that the Kansas facility does not allow garbage, and this facility will. He said that the sited statue on the notice does not exist. He said that deed restriction violations will go to court. He also submitted a written letter opposing the project.

Mr. Killian said that the statue referenced on the agenda can be found and was not required to be sited on the notice.

Eddie Cabe addressed the Board. He said that no one will pay good money for dirty recyclables, and listed many. He feels these will pose a great risk to the environment and health. He asked what is going to be done with unrecyclable waste liquids.

Mr. Dove noted that he has been advised that there will be customers for the end product, acknowledging that clean recyclables are worth more than contaminated.

Carlyle Gillis addressed that Board. She said that she spends a lot of time with her family in Beaverdam. She feels the facility does not benefit people in the area and urged the Board to vote no.

Carol Grace addressed the Board. She said that she was impressed with the knowledge and passion of people here today.

Ron Moore addressed the Board. He said that he is with American Recycling in Candler. He said that the Kansas facility is not a dirty MRF and is not the same type of facility. He said that Pratt Recycling buys paper and is actually getting materials locally. He said they are more of a customer than a competitor.

Mr. Dove noted that Pratt has plants that do other things also. He said that the Pratt website involved aspects of other kinds of businesses.

Joy Diale addressed the Board. She said that not one person has spoken in favor of this project tonight. She acknowledged that the County has to give Mr. Allison due process.

Terry Ramey addressed the Board. He expressed concern over the trucks going up the road in the Beaverdam community and the possibility of not being able to turn around. He said that once some material is obtained from a wrecked truck, it is not able to be sold.

Brad Stanback addressed the Board. He said that the property will be worth much more as time goes on. He suggested that the Board looks at what HCC is training students for and promote businesses that follow that track. He doubted confidence that Mr. Allison is forthcoming. Mr. Stanback submitted a written letter expressing the same.

Angie Uhl-Kalev addressed the Board. She commented that it seems uncomfortable approving Phases 2 and 3 without knowing what they entail. She said that the doctor in the area has offered money and to sell to the highest bidder.

Mr. Dove stated that RRS has now offered \$780,000.

Travis Wesley addressed the Board. He said that this a large piece of land for the small amount of people it would employ. He encouraged the Board to vote no.

Adam King addressed the Board. He said that he had met with Mr. Allison. He is concerned on what may happen if the Tennessee corridor is shut down.

A letter was received from Suzanne Oakley. She encouraged the Board to listen to the community and find a more desirable fit for the land use.

A letter was received from David Mathewes. He expressed concern on the project, and what it might do to the watershed, and encouraged someone to make a site visit to a similar facility.

A letter was received from Sara Martin. She expressed concern over the possibility of what the facility can mean to the environment and what it would do to bringing new families and businesses into the area.

A letter was received from Logan Rice Adams Johnston. She asked the Board to vote no to the proposal, and to keep it in its natural beauty, fresh air and breezes.

A letter was received from Robyn Gillis as a broker from BHHS C. Dan Joyner Realtors. She feels the project will adversely affect property values.

A letter was received from Rita and John Kovacevich opposing the project for safety, technology and environmental reasons.

A letter was received from Michael and Margaret Goode opposing the proposed project.

Letters of concern from the following businesses were received:

Curbside Management, Waste Management, Recycling Industries Coalition, Paper Recycling Coalition, American Forest & Paper Association, and American Recycling of Western North Carolina.

Chairman Swanger said that no action would be taken today. He said that due diligence is still being done.

Vice-Chairman Kirkpatrick said that he appreciated those here today and the Board is still attempting to make the best decision for the County.

Commissioner Upton assured the citizens that no decision has been made. He said that the Board will continue to listen to the citizen and make the best decision.

Commissioner Sorrells thanked everyone for coming and said that he thoroughly listened to what was said.

Commissioner Ensley said that the Board will do what is best for the county, noting that he has still heard comments in favor of the project.

With no further comments, Chairman Swanger closed the public hearing and recessed at 11:20 a.m.

PUBLIC COMMENT SESSION

Chairman Swanger opened the public comment session after a brief recess at 11:23 a.m. 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.

No one addressed the Board.

CONSTITUENT CONCERNS

Commissioner Sorrells thanked Mr. Dove for addressing the questions about the proposed recycling facility.

Chairman Swanger remarked that a written report from the Kansas site visit will be provided by Commissioners Ensley and Sorrells and will be presented to the Board and made available to the public.

Commissioner Upton commented on how well the County football teams are doing this season.

ADMINISTRATIVE/AGENCY REPORTS

There were no reports.

DISCUSSION / ADJUSTMENT TO AGENDA

There were no discussions/adjustment to the agenda

CONSENT AGENDA

Commissioner Ensley made a motion to approve the consent agenda as presented.

Commissioner Upton seconded, the motion carried unanimously.

1. Approval of October 19, 2015 regular meeting minutes.
2. Application to the Public School Building Capital Fund - \$201,067.50 – Julie Davis, Finance Director.
Ms. Davis explained that this is from lottery proceeds to pay for the current year debt service for renovations at Pisgah High School. This has been approved by the Haywood County School Board.

APPLICATION
PUBLIC SCHOOL BUILDING CAPITAL FUND
NORTH CAROLINA EDUCATION LOTTERY

Approved: _____
Date: _____

County: Waynes Contact Person: Angie Gardner
LEA: 440 Title: Finance Officer
Address: 1200 South Main Waynesville NC Phone: 888-458-2420

Project Title: Land Payment for Pigeon High School Addition
Location: 1 Black Bear Drive, Canton, NC 28716
Type of Facility: Classroom

North Carolina General Statutes, Chapter 115C, provides that a portion of the proceeds of the North Carolina State Lottery Fund be transferred to the Public School Building Capital Fund in accordance with G.S. 115C-446.2. Further, G.S. 115C-446.2(a) has been amended to include the following:
(1) The county shall have to provide matching funds.
(2) A county may use moneys in the Fund to pay for school construction projects in local school administrative units and to repair deteriorated school buildings.
(3) A county may not use moneys in the Fund to pay for school technology needs.

As used in this section, "Public School Buildings" shall include only facilities for individual schools that are used for instructional and related purposes, and shall not include parks, administration, maintenance, or other facilities. Applicants must be submitted within one year following the date of final payment to the Commissioner or board.

Short description of Capital Project: Classroom

Estimated Costs:

Purchase of Land	\$	
Planning and Design Services		
New Construction		
Additions/Alterations		
Repair		
Land Payment (Bond Payment)		207,007.50
TOTAL	\$	207,007.50

Estimated Project Beginning Date: 12/01/2015 Est. Project Completion Date: 08/31/2016

We, the undersigned, agree to submit a statement of state moneys expended for the project within 90 days following completion of the project.

The County Commissioners and the Board of Education do hereby jointly request approval of the above project and request release of \$ _____ from the Public School Building Capital Fund Lottery Distribution. We certify that the project herein described is within the parameters of G.S. 115C-446.

Mark Swanger (Signature - Chair, County Commissioners) 11/21/15 (Date)
Chad R. Fox (Signature - Chair, Board of Education) 11/21/15 (Date)

Form No. 501-01 (2011)

OLD BUSINESS

There was no old business.

NEW BUSINESS

Request award of the bid to Clark & Leatherwood, Inc. for renovation/construction of the 911/EOC project - \$859,600

Chairman Swanger recognized Facilities & Maintenance Director, Dale Burris. Mr. Burris explained that pursuant to NCGS 143-129, there were two bidders at the time of bid closing. The two contractors were Clark & Leatherwood and H&M Constructors. Clark and Leatherwood was the lowest, responsive, responsible bidder and is qualified in all respects.

Vice-Chairman Kirkpatrick made a motion to award the bid to Clark & Leatherwood, Inc. for renovation/construction of the 911/EOC renovation/construction project as the lowest, responsive, responsible bidder in the amount of \$859,600. The motion was seconded by Commissioner Ensley and passed unanimously.

Request approval of budget amendment for EOC-911 grant project - \$25,645

Chairman Swanger recognized Finance Director, Julie Davis. Mr. Davis explained that when Mr. Burris negotiated the project, there did not seem that anything could be removed, resulting in the County being over budget. There is some money left in the technology fund and may be available because some are qualifying for 911 on this basis. The state 911 board has approved the transfer of funds out of the technology line into the construction line.

Commissioner Upton made a motion to approve the budget amendment as presented and was seconded by Vice-Chairman Kirkpatrick. The motion passed unanimously.

WAYNE COUNTY
CAPITAL PROJECT BUDGET AMENDMENT
FISCAL YEAR 2016-2018

BE IT ORDAINED by the Board of Commissioners of Wayne County that the following amendment be made to the capital project contracts for the fiscal year ending June 30, 2016:

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

Line Item	Account Number	Current Budget	Increase/Decrease	Amended Budget
Capital Project				
EOC-911				
EOC-911 Construction	44411-0000-1000	859,600	25,645	885,245
EOC-911 Technology	44411-0000-2000	25,645	(25,645)	0
EOC-911 Other	44411-0000-3000	0	0	0
EOC-911 Total		885,245	0	885,245

which will require a net increase of \$ _____ in the expenditure of the Capital Project Fund.

To provide the additional revenue for the above, the following revenues will be increased as the money has been received:

Revenue	Acct. No.	Current Budget	Increase/Decrease	Amended Budget

The effect on the General Fund is as follows:

Revenue	Acct. No.	Current Budget	Increase/Decrease	Amended Budget

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

Approved this 21st day of Feb, 2015.

Mark Swanger
Wayne County Board of Commissioners

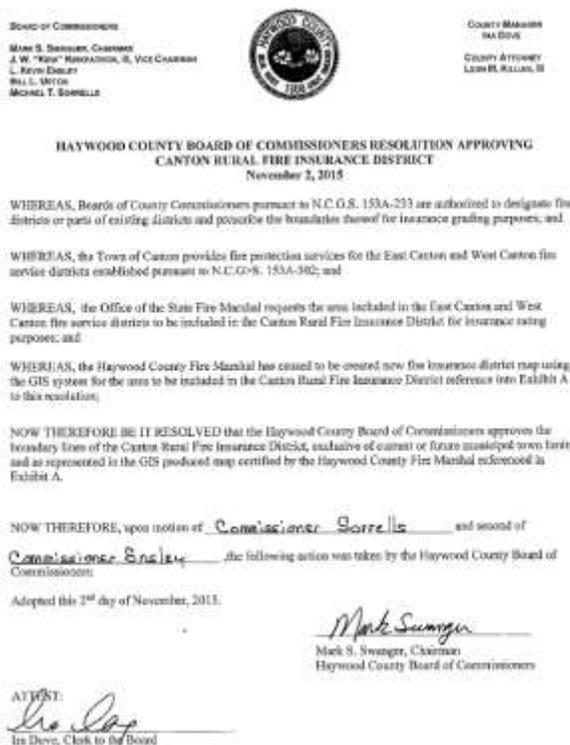
[Signature]
Chair of the Board

Approved by the Board:

Request approval to name the West Canton and East Canton Fire Insurance Districts to Canton Rural Fire Insurance District

Chairman Swanger recognized Fire Marshal, Johnny Glance. Mr. Glance explained that when municipalities have county districts, this renaming will help the insurance companies know which district to put the constituent in. It will not adversely affect taxes or anyone in the residence. This will help homeowners receive their correct insurance rating.

Commissioner Sorrells made a motion to approve the renaming of the West Canton and East Canton Fire Insurance Districts to Canton Rural Fire Insurance District and Commissioner Ensley seconded. The motion passed unanimously.



Request approval of \$1,500 donation to Disabled American Veterans, Chapter #89

Chairman Swanger recognized County Manager, Ira Dove.

Mr. Dove explained that this donation is for assistance for disabled American veterans with counseling, financial aid and Christmas visits in area nursing homes. This donation will come from the commissioners' account.

Commissioner Sorrells made a motion to approve the \$1,500 donation to Disabled American Veterans, Chapter #89 for counseling, financial aid and Christmas visits to area nursing homes and was seconded by Commissioner Ensley. The motion passed unanimously.

Request appointment of one (1) member to the Nursing Home-Community Advisory Committee

Chairman Swanger recognized County Manager, Ira Dove.

Mr. Dove explained that Kathie Johnson had applied to serve on the committee and provided her background to the Board. She is being recommended for appointment to the Nursing Home-Community Advisory Committee by Larry Reeves from the Southwestern Commission.

Commissioner Upton made a motion to approve the appointment of Kathie Johnson to the Community Advisory Committee for Long Term Nursing Home and Commissioner Upton Commissioner Ensley seconded. The motion passed unanimously.

Request appointment of three (3) members to the Health & Human Services Agency Board

Chairman Swanger recognized County Manager, Ira Dove. Mr. Dove stated that three recommendations for approval had come from the HHS Board. They are Neil Budde, Ann Geers and Tony Beaman. He reviewed their applications and stated that Mr. Beaman also serves on two other Boards and will be resigning from the Southwest Child Development Commission (SWCDC) Board of Directors in order to serve on this Board.

Vice-Chairman Kirkpatrick made a motion to approve the appointments of Neil Budde, Ann Geers and Tony Beaman, with Mr. Beaman's approval contingent on his resignation from the SWCDC Board. Commissioner Upton seconded and the motion passed unanimously.

CLOSED SESSION

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

Attorney/Client Privilege – G.S. §143-318.11(a)(3)
Economic Development - G.S. §143-318.11(a)(4)

Commissioner Upton seconded and the motion carried unanimously.

The Board returned from Closed Session.

ADJOURNMENT

Chairman Swanger asked if there was any further business.

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

The time of adjournment was 1:01 p.m. The DVD is attached by reference to the minutes.

CLERK

CHAIRMAN

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