

# Haywood County “Toeprints”

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Vol. #1 Issue #8 (Subject: **HCC, Quarry Expansion, Health and Solid Waste Departments**)

[www.haywoodtp.net](http://www.haywoodtp.net)

## What’s Happening?

The purpose of this newsletter is to inform Haywood County Taxpayers of what transpires at the bi-monthly County Commission Meetings. This newsletter will be written from the perspective of a casual observer, myself. Any opinions expressed will be mine.

## HCC Work Session, May 12<sup>th</sup>, 2010.

The board held a work session at the HCC Board Room. The purpose was to review the construction process for the \$ 9 Million Creative Arts Building. About 22 people attended, along with a teleconference call. Tom Hunter, NC Community College System reviewed Senate Bill SB 668, which is heavily laden with mandates from the state on efficiency requirements for new community college buildings. (The work session assumed people were familiar with SB 668 and with its stipulations).

Mike Nicklas, the architect, spoke in detail about design and cost aspects of the proposed new building. The most glaring problem in my view that deserves greater scrutiny, is that electrical power is to be generated **primarily** through Solar Panels for the energy hungry building.

Folks, we live in the mountains of Western North Carolina.

When asked for successful references employing this technology, the architect cited installations in Los Angeles, CA, Tampa, FL, and Raleigh, NC. Unfortunately, I immediately discounted all of them, as those locations actually have usable sunshine in the winter. There is an installation in Fletcher that was cited, but only one person at the meeting had actually visited that site, but offered no data. Commissioner Ensley noted that Haywood County has a lot of cloud cover in the winter, which will tend to reduce the efficiency of solar collection, (i.e. render it useless). Additionally, our average temperature is lower than in Fletcher, being in the mountains. I would suggest someone go to Fletcher, determine the generation and storage capacity of their installation, then translate that to the system envisioned here, multiplying everything by a factor of 0.8 (taking into account the additional clouds and lower temperature), and see how that computes. Additionally, students may be required to sweep the snow off the panels during the winter.

No actual detailed engineering drawings were presented or reviewed during the work session of the solar portion or any of the other energy saving proposals. The architect is currently soliciting solar equipment manufacturers to see if any of them will supply this equipment for free (no charge).

It might be a good idea to have an actual engineer or two to review the architects plans and see if it passes the sanity check.

Various levels of cost of the building were reviewed, ranging from \$9.2M, to \$8.5M, to \$8.0M, finally down to a \$6.9M base line for a plain-Jane building that is not compliant with SB 668. See, this is what I don’t understand. How can it even be considered or estimated if it is not compliant with SB668?

Handouts from HCC’s request to the Board for the \$12 Million Resolution at the May 3<sup>rd</sup> County Commission meeting, handouts presented by HCC to the Board at the May 5<sup>th</sup> Budget Work session, and a revised \$12 Million proposal dated 5/11/2010 that was to be presented at the May 17<sup>th</sup> meeting are all posted on [www.haywoodtp.net](http://www.haywoodtp.net) .

## County Commission Meeting, May 17<sup>th</sup>, 2010.

### Harrison Construction Company Quarry Expansion.

Chairman **Kirkpatrick** announced during the May 17<sup>th</sup> County Commission meeting, that he had received a reply from James D. Simons at DENR to his April 30<sup>th</sup> letter. He indicated that Mr. Simons had decided to hold a Public Hearing on this permit expansion in Haywood County, and had taken up Chairman **Kirkpatrick’s** offer of using the Old County Courthouse as the location (not mentioned in the letter, posted on [www.haywoodtp.net](http://www.haywoodtp.net) ). The date and time have not yet been designated.

From the original DENR notice, “Should the Department determine that a significant public interest exists relative to G.S. 74-51, a public hearing will be held within 60 days of the end of the 30-day comment period specified above”. [April 7 - May 6]. From that, you might deduce that the Public Hearing will presumably take place sometime before July 5<sup>th</sup>.

However, from Jim Simons, DENR, “The applicant has to give notice of the application to local government and to adjoining landowners of record, who have 30 days to comment on the application and to request a public hearing. We typically don’t schedule the hearing until the 30 days is up to ensure that we send notice of the hearing to all parties that contact us. The 30 day period is up June 27 and the hearing will be set, allowing for the required notice period and publication in a local newspaper.”

So your guess is as good as mine as to what the time frame will be when the public hearing will be scheduled.

In addition, “the schedule for public hearing should have no relation to the delays of holding the public hearing Harrison Construction was authorized to do a limited amount of land disturbing activity within the next area because the company was directed by the Federal Mine Safety and Health (MSHA) to stabilize the upper end of the slide area. Because they are a Federal agency and because safety to humans is involved, their directive overrides the Mining Act.”

This explains the comment Don Mason made in The Mountaineer article on 5/22/2010: “Mason said that the company already owns the area for which it is seeking the permit, **and some non-mining work is already going on in the area. The work will stop short of mining activities, he said, until the permit is granted**”. How could they be doing any work in the area without a permit, I asked myself? It’s because they are currently outside the purview of DENR.

### Public Comment Session.

There were two general areas of public concern:

- The run-away, out-of-control **Health Department**, and
- Concerned Solid Waste employees about their imminent layoff, and local garbage haulers facing increased operating costs.

### Health Department.

The issue with the Health Department has been festering for months, and it looks like it is coming to a head. I’ve been remiss for not bringing this to citizens attention sooner...

Beverly Elliott was one of the speakers during the Public Comment session, and I’ve requested that she summarize her concerns:

“I spoke about the Haywood County Health Department’s proposed amendment to the Solid Waste Ordinance which could potentially criminalize a lot of Haywood County citizens for alleged violations of any local, state and/or federal solid waste ordinances, rules, policies and laws. I asked the commissioners to focus on a working relationship with the citizens of Haywood in educating the populace to the benefits of recycling, rather than the proposed adversarial approach of punishments and fines. Commissioner Swanger repeatedly reminded the audience that the GS Solid Waste Ordinances already charge violators with a Class 1 misdemeanor which is true, but with a more limited scope. For example, the proposed amendment would increase the scope of the Haywood County ordinance and that of the NC General Statutes by charging landowners with a Class 1 misdemeanor for even wind-blown trash. Commissioner Swanger also stated that “they” would be willing to work with offending landowners to correct the situation. However, this protection for landowners is not currently found in the existing amendment, but should be drafted into the amendment.

In addition, County Attorney Killian had previously stated that a Class 1 misdemeanor was the least punitive of all misdemeanors. However, according to some attorneys, a Class 1 misdemeanor may actually carry the heaviest penalty, which would make it even more imperative that Haywood County not increase the types of violations associated with this ordinance.” – Beverly Elliott.

Commissioner Swanger, in my view, seemed defensive and annoyed when having to explain to the audience rationales for the Health Department actions. The Health Department Board is composed of a lot of doctors, who seem to feel that these ordinances should be created by the County Commissioners, but it is only the Health Department that can create these ordinances, Swanger explained.

No one is very happy with how this is being handled. It may/should wind up like the noise ordinance - go down in flames. [See letter to the Health Department by Denny King regarding the Proposed Solid Waste Rule, 5/17/2010 on [www.haywoodtp.net](http://www.haywoodtp.net) ].

### Solid Waste Department.

County employees at the garbage facility off of Jones Cove Road attended the meeting. Evidently, someone told them on 5/7/2010, while they were receiving their paychecks, that they were going to be laid off and that facility was closing in July. It seems to me that the person who showed up to make that announcement should take a course in Interpersonal Skills 101. Presumably, these employees might be able to transfer over to the privatized sector.

One of the speakers noted that **there seems to be a lot of “secret” meetings going on** about privatization of the Solid Waste Department, just as there seemed to have been about the purchasing of the old Walmart building. Naturally, all of the commissioners took offense, saying nothing was secret. In an attempt to sooth feelings, **Kirkpatrick** announced a token attempt to include public input on this matter (a day late and a dollar short). Following the special Public Hearing open to the public for comment on the Fiscal Year 2010-2011 Proposed Budget, as part of that meeting, or immediately thereafter that meeting, there will be another meeting (either another Public Hearing or Work Session) that will address citizens concerns regarding Privatization of the Solid Waste Department. If it is a Public Hearing, everyone can speak. If it is a Work Session, **Kirkpatrick’s** history of allowing public comment has not been so stellar [re: **Marc Pruett’s** Erosion and Sediment Control Department Work Session - where no public input was allowed].

### Budget Approval Schedule.

- June 1, 2010, 5:30pm, - Public Hearing for Proposed Budget and follow on meeting - Solid Waste.
- June 4, 2010, 2:00pm, Budget Work Session.
- June 7, 2010, 9:00am, Budget Approval.

### Did you know?

Recycling is projected to bring in a revenue of \$332,918, but will cost the county \$449,123 to process the materials. That’s **\$116,205 in the Red** you are subsidizing, taken out of your Landfill Fee next year [re: May 5<sup>th</sup>, Budget Work Session, [www.haywoodtp.net](http://www.haywoodtp.net) ].

### Did you know?

**Marc Pruett’s** Erosion and Sediment Control Department is projected to cost \$187,703 this year, but is projected to bring in only \$25,000 in fee revenue - **\$162,703 in the Red** which you are subsidizing out of your property tax [re: Preliminary Budget, May 5<sup>th</sup>, 2010].

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