

# Haywood County "Toeprints"

July 15, 2010

Vol. #1 Issue #10 (Subject: **Commission Meetings of 6/28/10, 7/12/10, Health Board Meeting 7/13/10**)

[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.

## Commission Meeting, June 28<sup>th</sup>, 2010.

Public Comments - This was interesting. Several people chose to speak on the virtues of the new proposed HCC Creative Arts Building. A different tact, to build up support for the project, I guess. But - it's a done deal! One of the speakers pointed out that when the building is constructed, to insure that the electrical service capacity is adequate to start with, as rewiring an existing building to increase capacity is difficult and expensive.

**Kirkpatrick** (sporting a nice tan) indicated he will pass the request (obviously speaking for himself), the only questions have been on energy. He must have forgotten about Kevin Ensley, who has been questioning the overall cost of the building all along.

## Jonathan Creek Park Master Plan.

A \$6.8 Million plan was presented. The main purpose of the presentation was to lay the groundwork as a step to pursue taxpayer funded state grant money. **Upton** suggested they do the park piecemeal, as had been done in the past, say put in one baseball field. Not feasible - grading has to be done first, along with parking lots, rest rooms, etc., etc., etc., which ultimately raise the cost of the park significantly.

## Erosion and Sediment Control Expansion to Clyde.

Jurisdiction already present based on approval of resolution at the last board meeting. **Marc Pruett** well on his way to extending his coverage into Clyde.

## HCC Installment Loan Resolution and Public Hearing.

A resolution was passed to start the ball rolling for the intent to apply for a loan. However, some delays in restarting the Bid process may cause this date to be extended.

**Swanger** seemed perturbed that he had to read about the over design of the Creative Arts Building **Green Design** from an article in the Mountaineer [re: Course is charted for HCC facility; green model, 6/21/2010]. There are several levels of Green - **Silver** through **Platinum**. Evidently, **Silver** is the level required by Senate Bill SB668, while HCC chose the **Platinum** level [re: K. Ensley]. (As of 7/14/2010, HCC has not submitted detailed designs of the solar system to the commissioners.) There will be a Public Hearing at the August 16<sup>th</sup> Commission meeting to discuss the \$12M loan to HCC.

## Real Property Bids.

The minimum bids were not correctly posted on the county

website, so all bids are off. Will re-advertise the FISK Building and Former Haywood Mountain Home.

## SMN

Becky Johnson is now covering commission meetings again for the SMN.

## Commission Meeting, July 12, 2010.

Public Comment about Carmine Rocco of the Health Department and the "Rule". Chip addressed the comment - Rocco is doing less than other health departments around the state.

## Jonathan Creek Park Master Plan.

The board voted to approve the plan but not the funds.

## Tax Department Appointments.

David Francis recommended the board appoint Judy Hickman as Assistant Tax Assessor, and Charlene Miller as Deputy Tax Collector. Board approved. The appointment of Judy Hickman as Assistant Tax Assessor is an outstanding appointment!

## County Clerk.

David Cotton returned back to work, and was re-designated the County Clerk. Rebecca Morgan should have been designated as the County Clerk.

## Update - New Debt without Public Vote (7/14/2010).

The Haywood County Fairgrounds, at risk of eminent foreclosure at the beginning of the year, has reached an agreement with financial institutions - only interest is currently being paid.

FDA loan application for the purchase of the old WalMart Building - the application is in Washington... It has not been approved.

## Board of Health Meeting, 7/13/2010.

A Board of Health Meeting was held at 6pm. It was attended by about 50 - 65 people and two (2) Sheriff's Deputy's.

Board members are:

<b>Mark Swanger</b>	Commissioner
<b>Lynise Paschke</b>	Pharmacist, Chair
<b>Vicky Gribble</b>	Public Member, attorney
David McCracken	DVM
Kristel Causby	O.D.
Martha Cicchinelli	Public Member
Judy Covin	RN, Vice Chair
Robert Knoedler	P.E.
Eric Morrison	DDS
James Weaver	M.D.
Carmine Rocco	Director
<b>(Chip Killian)</b>	County Attorney

The health board is modifying an existing "rule" and adding a "Procedure" [see [www.haywoodtp.net](http://www.haywoodtp.net) ], because they feel they need to. This rule will govern the behavior of citizens of Haywood County, regarding solid waste. The health department already has authority over peoples behavior by virtue of the North Carolina General Statues (14, 15, 44, and 130 - [see [www.haywoodtp.net](http://www.haywoodtp.net) ], and the existing rule. Penalties under these statues range from Class 3 to Class 1 misdemeanor, depending on the offense. This board is composed of people who evidently have little experience in creating law, which the state of North Carolina allows them to do in this instance - being on a public health board. Their new "rule" would have turned every offense to a Class 1 misdemeanor. (This is one of the items that the board backed down on during the meeting, and Chip will rewrite that section of the rule, attempting to retain state penalties.)

There is history to this rule change, evidently emanating from the nuisance ordinance that failed a while ago, not the reason I received from Carmine Rocco. Carmine Rocco stated to me that the reason for this rule change is: "The Board wanted to explore the development of a policy and procedure to address public health risks related to solid waste issues. The policy statement further indicates the intent of the Board of Health related to the Board of Health rule, public health risks and solid waste as well as provides further guidance to the health department. The procedure is an internal department document providing steps staff will take to implement the Board of Health rule and policy, if approved."

There are four (4) people driving this thing [re: recording]

- **Mark Swanger** County Commissioner
- **Chip Killian** County Attorney
- **Lynise Paschke** Pharmacist, Chair of the meeting
- **Vicki Gribble** Public Member / attorney

There appears to be only one (1) person who is a voice of reason on the board -

- David McCracken DVM

All the other members appeared to be during the meeting (any number of nouns can describe them) lemmings - trained puppy dogs - zombies... Carmine Rocco hardly spoke during the entire meeting (probably by design).

In my view, as it stands now, this rule and procedure is an Abuse of Power. This falls along the same lines as **Marc Pruett** took with the Camerons, and these board members (the zombies) don't realize they are setting themselves up to be potentially named in future lawsuits when they step on the wrong toes of someone, like **Pruett** did with Cameron (trampling on his Due Process Rights).

As I've said to Beth Fleming (Mountaineer) and **Kirk Kirkpatrick**, "When someone is elected or appointed to a position of authority, they are expected to use that authority responsibly. Here's the thing - when someone takes advantage of that position and exercises an alleged abuse of power, it is time for people to speak out."

A considerable number of people spoke at the meeting during a Public Comment period. Some of the main comments:

- Denny King reiterated the problem with this rule translating everything in the state statues from Class 3 misdemeanor to a Class 1 misdemeanor. [The board finally succumbed and Chip wrote a paragraph that if the state has a lesser penalty than a Class 1 misdemeanor, the rule will defer to that].
- The board was alerted to the fact that they could be subjected to be individually named in a lawsuit, as the Erosion and Sediment Control Board members were about to be. [Editors note: **Swanger** had been sitting back as citizens spoke on various topics, and he would annoyingly shake his head from side to side in a "no" indication. He was doing that while Jonnie Cure was speaking about board members being potentially named in lawsuits, citing the Cameron lawsuit(s). He was called out on it, and finally had to acknowledge that was true. The second lawsuit was settled before it ever made it to court, so this fact never saw the light of day. It was going to be a slam-dunk. **Swanger** needs to perform a behavioral modification to limit his annoying head shaking while people are speaking].
- How can common people know what the laws are when the Board admitted they can't write laws to cover everything? It seemed that when a citizen asked what would happen in a particular instance, the board responded by seemingly making rules up on the fly - abuse of power? [re: recorder].
- It was asked multiple times - **Why are you doing this?** Got a different answer each time. Something is not right.

It seemed like **Paschke**, **Gribble**, and **Swanger** listened to what people were saying in one ear, and it came right out the other ear, i.e., they did not appear to be listening to anyone.

**Paschke** seemed **very defensive** throughout the whole meeting, (and apologized for exploding in a previous meeting [re: recorder]). Perhaps Rocco should consider replacing **Paschke** with someone with a more even temperament. By the way, two Sheriff's Deputies were called to be present during the entire meeting.

At the end of the meeting, they voted to move forward with the modifications to the rule and procedure (as if nothing had happened at this meeting), get the new documents out for review, and vote on this thing at the next board of health meeting, August 10<sup>th</sup>. Carmine Rocco indicated the revised rule and procedure should be passed out when completed.

It is my view that the "rule" and "Policy and Procedure" should be killed.

It would be a good idea to express **your view** at the next County Commission meeting.

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