

HAYWOOD COUNTY COMMISSIONERS**REGULAR MEETING – AUGUST 15, 2011****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, Commissioners Bill Upton, L. Kevin Ensley, and Michael T. Sorrells present. Staff members present were County Manager Marty Stamey, County Attorney Leon M. “Chip” Killian, III, Finance Director Julie Davis, Public Information Officer David Teague and Administrative Assistant Rebecca Morgan.

Vice-Chairman J.W. “Kirk” Kirkpatrick III arrived at 5:40 p.m.

PLEDGE OF ALLEGIANCE

Chairman Swanger led the pledge of allegiance.

INVOCATION

Commissioner Upton offered the invocation.

PUBLIC HEARING**Rural Operating Assistance Program (ROAP) Application for fiscal year 2012**

Ira Dove, Department of Social Services Director, explained that ROAP grant funds are provided by the North Carolina Department of Transportation to Haywood County. The funds are dispersed to Haywood County and to Mountain Projects, Inc. (MPI). Total funds that would be disbursed are \$188,922 and would be provided for the Work First program and to MPI.

Chairman Swanger opened the public hearing for the ROAP application for fiscal year 2012. Being no public comment Chairman Swanger closed the public hearing.

Haywood County Scattered Site Rehabilitation Project

David Teague, Grants Coordinator, explained that the public hearing was to close out the funding cycle for the scattered site rehabilitation grant. This program was coordinated with Mountain Projects, Inc. (MPI). Mr. Teague stated that Haywood County was approved for \$400,000 by the North Carolina Department of Commerce. Funds were released in May 2009. Mr. Teague shared that the grant enabled MPI to complete one replacement home in Canton and seven rehabilitation homes throughout Haywood County, at a cost of \$390,102.

Chairman Swanger opened the public hearing for the Haywood County Scattered Site Rehabilitation project. Being no public comment 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.

John Meinecke inquired as to when the final facts and figures would be available regarding KMD Construction, what plans does the Board have regarding excessive legal fees, why

does Haywood County not hire local contractors, and was KMD Construction involved during the meetings during construction and leading up to the termination.

Jonnie Curé made a statement regarding the renovation of the Historic Courthouse and the termination of KMD Construction.

Mary Ann Enloe, Chairman of the Haywood County Agriculture and Activities Board, invited the Board and all citizens to the County Fair. The fair begins at 5:00 p.m. Wednesday, August 24, with a ribbon cutting for the newly finished arena.

There being no other public comment, Chairman Swanger closed the public comment session.

CONSTITUENT CONCERNS

In response to some of the public comments, Chairman Swanger stated that the facts regarding KMD Construction were made available to the public. The ruling by the arbitration panel was posted on the website and presented to the media. Chairman Swanger advised that the Board would meet in closed session to discuss options available to the County.

Chairman Swanger explained that North Carolina general statutes require the County to award contracts for projects to the lowest qualified bidder(s).

In regards to legal fees, Chairman Swanger expressed that with a \$2.8 million lawsuit against Haywood County, attorneys are necessary to provide the best services on behalf of the County. Vice-Chairman Kirkpatrick commented that the County discussed extensively about the renovation of the Historic Courthouse. The Board's decision to terminate KMD Construction was a difficult decision to make, but the County made the best judgment with all the facts available at the time. Vice-Chairman Kirkpatrick stated that the County used its best efforts and gave KMD Construction every opportunity to correct problems with the renovation. Chairman Swanger stated that decisions were not made on a whim, but in an effort to protect the taxpayer's investment and to save tax dollars while renovating the Historic Courthouse.

Commissioner Ensley shared that closed session minutes are kept at every closed session meeting. Commissioner Upton stated that the Board wanted the renovation of the Historic Courthouse to be successful.

Commissioner Upton shared that he received an inquiry from a citizen regarding litter pick up after Haywood County loses its minimum-security facility. Commissioner Upton encouraged citizens to volunteer to pick up litter.

DISCUSSION / ADJUSTMENT / APPROVAL OF CONSENT AGENDA

Chairman Swanger shared that on the agenda, the items for "New Business" were incorrectly numbered. Chairman Swanger adjusted the numbering of those items.

CONSENT AGENDA

Vice-Chairman Kirkpatrick made a motion to approve the consent agenda as presented. Commissioner Sorrells seconded and the motion carried unanimously.

- Approve August 1, 2011 regular meeting minutes. There was one correction on page 320. The fiscal year 2011-12 should read fiscal year 2010-11.
- Approve July 2011 Refunds, Releases, Amendments and Discoveries
David Francis, Tax Administrator
- 2010 – 2011 Budget Amendments – Julie Davis, Finance Director
 - General Fund – \$23,050 – various department year–end adjustments

HAYWOOD COUNTY
BUDGET ORDINANCE AMENDMENT
FISCAL YEAR 2010-2011

PER: 12
JNL: _____

BE IT ORDAINED by the Board of Commissioners of Haywood County that the following amendment be made to the budget ordinance for the fiscal year ending June 30, 2011.

Section 1. To amend the Internal Service Fund, the expenditures are to be charged as follows:

Department	Account Number	Current Budget	Increase (Decrease)	Amended Budget
<i>I/S Fund: Health Ins.:</i>				
Health Ins. Claims	159600-518302	3,962,000	269,000	4,231,000

which will result in a net increase of \$ 269,000 in the expenditures of the General Fund.

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

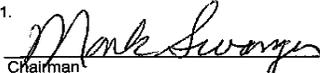
Revenue	Acct. No.	Current Budget	Increase (Decrease)	Amended Budget
<i>I/S Fund: Health Ins.:</i>				
<i>Intergovernmental Revenue:</i>				
COBRA Subsidy	150050-441350	-	7,000	7,000
<i>Sales & Services:</i>				
Haywood County rev.	150070-450000	4,280,000	(250,000)	4,030,000
HSA contributions-employer	150070-450001	-	69,000	69,000
Retiree payments	150070-450200	60,000	17,500	77,500
Dependent Ins. payment	150070-450201	390,000	61,000	451,000
<i>Other Financing Sources:</i>				
Transfer from W/Comp I/S Fund	150110-498116	-	300,000	300,000
Appropriation of fund balance I/S fund	150110-499991	-	64,500	64,500

The effect on the Workers Compensation Internal Service Fund will be as follows:

Department	Account Number	Current Budget	Increase (Decrease)	Amended Budget
<i>I/S Fund: Workers Comp. Ins.:</i>				
<i>Other financing uses:</i>				
Transfer to I/S fund - Health Ins.	168815-598015	-	300,000	300,000
<i>Revenue</i>				
<i>Acct. No.</i>				
<i>Current Budget</i>				
<i>Increase (Decrease)</i>				
<i>Amended Budget</i>				
<i>Other Financing Sources:</i>				
Appropriation of fund balance I/S fund	160110-499991	-	300,000	300,000

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

Adopted this 15th day of August, 2011.


Chairman
Haywood County Board of Commissioners

ATTEST: 
Clerk to the Board

Explanation:
To allocate the expected amount of health insurance claims and the county and dependent premiums expected to be transferred through June 30, 2011.
And to cover the overages with a transfer from the Internal Service Fund for Workers Comp.

HAYWOOD COUNTY
BUDGET ORDINANCE AMENDMENT
FISCAL YEAR 2010-2011

PER:
JNL: _____

BE IT ORDAINED by the Board of Commissioners of Haywood County that the following amendment be made to the budget ordinance for the fiscal year ending June 30, 2011

Section 1. To amend the Special Revenue Fund, the expenditures are to be charged as follows:

Department	Account Number	Current Budget	Increase (Decrease)	Amended Budget
<i>S/R Fund-Solid Waste Mgt.:</i>				
Professional Services - general engineering	244710-519403	70,000	(34,000)	36,000
Repair & Maintenance - landfill bldg. & grounds	244710-535100-47102	66,000	(44,300)	23,700
C/O - Baler	244710-555000-47104	66,760	(66,701)	59
Debt Service - Interest	249100-572000	163,427	1	163,428

which will result in a net increase of \$ (145,000) in the expenditures of the Special Revenue 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
<i>Sales & Services:</i>				
Tipping Fees	240070-447413	1,128,129	110,000	1,238,129
Recycling Fees	240070-447810	406,918	55,000	461,918
<i>Other financing sources:</i>				
Fund Balance Appropriation	240110-499991	560,078	(310,000)	250,078

(145,000)

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

Adopted this 15th day of August, 2011.


Chairman
Haywood County Board of Commissioners

ATTEST: 
Clerk to the Board

Explanation:
To reduce the fund balance appropriation for certain projects not able to be completed by June 30, 2011.
And adjust debt service interest rounding issue.

HAYWOOD COUNTY
BUDGET ORDINANCE AMENDMENT
FISCAL YEAR 2011-2012

PER: _____
JNL: _____

BE IT ORDAINED by the Board of Commissioners of Haywood County that the following amendment be made to the budget ordinance for the fiscal year ending June 30, 2012.

Section 1. To amend the General Fund, the expenditures are to be charged as follows:

Department	Account Number	Current Budget	Increase (Decrease)	Amended Budget
Public Safety Grants				
Salaries & Wages-Perm	11 4316 512100 11ARR		4,961	4,961
Benefits for Grant	11 4316 518101 11ARR		1,365	1,365
Professional Services-Other	11 4316 519900 11ARR		269,602	269,602
Office Supplies	11 4316 526000 11ARR		6,673	6,673
Travel	11 4316 531100 11ARR		0	-
Communications	11 4316 532000 11ARR		2,492	2,492
C/O-Other Equipment	11 4316 555000 11ARR		3,929	3,929

which will result in a net increase of \$ 289,022 in the expenditures of the General 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
Restricted Intergovernmental				
Int Gov Revenue-Non Fed	11 0050 443130 11ARR		289,022	289,022

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

Adopted this the 15th day of August, 2011.


Chairman
Haywood County Board of Commissioners

ATTEST: 
Clerk to the Board

Explanation: To reappropriate in FY 2012 the amount of the grant that was not utilized in the prior year 2011, for Community-Defined Solutions to Violence against Women.

HAYWOOD COUNTY
BUDGET ORDINANCE AMENDMENT
FISCAL YEAR 2012

PER: _____
JNL: _____

BE IT ORDAINED by the Board of Commissioners of Haywood County that the following amendment be made to the budget ordinance for the fiscal year ending June 30, 2012.

Section 1. To amend the General Fund, the expenditures are to be charged as follows:

Department	Account Number	Current Budget	Increase (Decrease)	Amended Budget
Health Dept.				
AD-SPC PGM MT	115151-523100	22,000	8,673	30,673

which will result in a net increase of \$ 8,673 in the expenditures of the General 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
Hlthy Haywood Fees	110070-451426	22,000	8,673	30,673

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

Adopted this the 15th day of August, 2011


Chairman
Haywood County Board of Commissioners

ATTEST: 
Clerk to the Board

Explanation: Carry-Over funds from FY'11 to be used for Start Up for the 2012 Fitness Challenge program

HAYWOOD COUNTY
BUDGET ORDINANCE AMENDMENT
FISCAL YEAR 2012

PER: _____
JNL: _____

BE IT ORDAINED by the Board of Commissioners of Haywood County that the following amendment be made to the budget ordinance for the fiscal year ending June 30, 2012.

Section 1. To amend the General Fund, the expenditures are to be charged as follows:

Department	Account Number	Current Budget	Increase (Decrease)	Amended Budget
Hlth Dept./Medicaid				-
Prof. Service Other	115111-519900	-	12,000	12,000
				-
				-
				-
				-
				-
which will result in a net increase of \$		12,000		

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
DEPTL SVC-THIRD	110050-451420	522,241	12,000	534,241
				-
				-
				-

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

Adopted this the 15th day of August, 2011 
Chairman
Haywood County Board of Commissioners

ATTEST: 
Clerk to the Board

Explanation: Funds to come from Medicaid Escrow.
\$6,000 to be used for contract VWC person to do Diabetes education. We will be able to start billing Medicaid, Medicare, and Insurance for services starting Jan, 2012.
\$6,000. to be used to contract with a Lab person to help with back-up and fill in as needed.

HAYWOOD COUNTY
BUDGET ORDINANCE AMENDMENT
FISCAL YEAR 2011-2012

PER: _____
JNL: _____

BE IT ORDAINED by the Board of Commissioners of Haywood County that the following amendment be made to the budget ordinance for the fiscal year ending June 30, 2012.

Section 1. To amend the General Fund, the expenditures are to be charged as follows:

Department	Account Number	Current Budget	Increase (Decrease)	Amended Budget
Social Services: Work First				
Day Care reimbursements to SWCDC	115372-539907-SWCDC	-	2,359,423	2,359,423
Administrative reimbursements to SWCD	115372-518303-SWCDC	-	90,425	90,425
				-

which will result in a net increase (decrease) of \$ 2,449,848 in the expenditures of the General 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
Restricted Intergovernmental revenue:				
State payments for day care	110050-453701-SWCDC	-	2,449,848	2,449,848
				-
				-
				-
			2,449,848	

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

Adopted this the 15th of August, 2011.


Chairman
Haywood County Board of Commissioners

ATTEST: 
Clerk to the Board

Explanation:
To set-up the child daycare payments to work first clients that have historically run through South Western Child Development Commission
Funds will pass through the county for fy2011-2012.

AGENCY / ADMINISTRATIVE REPORT**Emergency Services Update**

Jim Pressley, Emergency Medical Services Director, presented information regarding Haywood County's services provided during a four-alarm fire that occurred on July 28, at Biltmore Avenue in Asheville. Mr. Pressley shared that Jeffery Bowen, a firefighter with the Asheville Fire Department, died during that fire.

During the Asheville fire, the Center Pigeon Fire Department covered one of the Asheville City fire stations. On Friday, July 29, Marty Stamey, Haywood County Manager, contacted the Asheville City Manager's office, and offered Haywood County resources. On July 30, four Haywood County Incident Management Team members met and worked in conjunction with the staff in Asheville, to assist with the emergency planning, the security and response coordination with Bel Chere, an event that was being held in Asheville. On July 31, Haywood County Incident Management Team was requested to assist with memorial service activities. August 1, a visitation was held for fallen firefighter Jeffery Bowen and a memorial service was held on August 2. To allow Asheville City and Buncombe County firefighters to attend the visitation and funeral of Mr. Bowen, Haywood County Fire Departments assisted with the coverage of some fire stations.

Mr. Pressley announced that on September 10, at 6:00 p.m. at the Haywood County Fairgrounds, a dinner would be held honoring emergency services workers. The appreciation dinner is sponsored by the Haywood Board of County Commissioners. Mr. Pressley expressed his appreciation to the Board for the service.

The Clyde Fire Department is in the process of constructing a 9/11 Memorial honoring those who died during the attack on September 11, 2001. Mr. Pressley shared that a steel beam from one of the towers from the World Trade Center would be permanently displayed in front of the Clyde Fire Department. The Clyde Fire Department is selling engraved paver bricks as part of the construction of the Memorial. Anyone interested in making donations to pay for the bricks may do so by contacting the Clyde Fire Department, www.clydefd.com or telephoning 828-627-8842.

OLD BUSINESS**Library Board**

The Library Board has one vacancy. This vacancy was advertised and six applications were received from Colin Reeve, Lynda Self, Sandra Strahan, Lorna Sterling, Bob Kearney, and Arthur Swarthout. These applicants were interviewed by the Board. The Board voted by ballot. Marty Stamey, County Manager, collected the ballots and announced that Arthur Swarthout received five votes. Mr. Swarthout was appointed to the Library Board.

NEW BUSINESS**Recreation Advisory Board**

Marty Stamey, County Manager, stated that there is one vacancy on the Recreation Advisory Board. This vacancy was advertised. One application was received from Michael Kownacki.

Vice-Chairman Kirkpatrick made a motion to appoint Mr. Kownacki to the Recreation Advisory Board. Commissioner Sorrells seconded and the motion carried unanimously.

Landslide Hazard Mapping

Gordon Small explained that in September 2004, two hurricanes came through western North Carolina. Because of the floods, the legislature required landslide hazards be mapped in the nineteen western counties. The North Carolina Geological Survey formed a hazard mapping team that has mapped four counties over five years. The four counties are Watauga, Macon, Buncombe, and Henderson. Mr. Small announced that as of July 1, 2011, 081511

the mapping team is out of a job, but would like to continue the work. Haywood Waterways would try to raise money to continue the process. The amount needed is approximately \$600,050 to \$700,000. Mr. Small requested Haywood County to manage the contract and manage the data. Marty Stamey, County Manager, explained that he discussed this issue with Marc Pruett, Erosion Control Director, and Kris Boyd, Planning Director. They expressed support of continuing the landslide mapping. Chairman Swanger clarified that the request to the Board is that if funds were raised for mapping, Haywood County would manage the contract and manage the project.

Commissioner Upton made a motion that, subject to the availability of funding by Haywood Waterways, Haywood County would agree to manage the mapping contract and thereafter maintain the information derived from there. Commissioner Ensley seconded and the motion carried unanimously.

Dental Clinic Change Order

Dale Burris, Facilities and Maintenance Director, presented change order number three for the renovation project for the dental clinic. The renovation project is also for the Department of Social Services, Health Department, and Permitting offices. The total cost of the change order is \$74,347.

Julie Davis, Finance Director, presented a budget amendment to appropriate the change order that would cover the construction of the casework for the dental clinic. Funds would be transferred from the health escrow account.

Vice-Chairman Kirkpatrick made a motion to approve the dental clinic change order request number three as presented by Mr. Burris. Commissioner Sorrells seconded and the motion carried unanimously.

Commissioner Upton made a motion to approve the budget amendment. Commissioner Sorrells seconded and the motion carried unanimously.

HAYWOOD COUNTY
CAPITAL PROJECT ORDINANCE
FISCAL YEAR 2011-2012

PER: _____
JNL: _____

BE IT ORDAINED by the Board of Commissioners of Haywood County that the following amendment be made to the capital project ordinance for the fiscal year ending June 30, 2012.

Section 1. To amend the Capital Project Fund - County building/repairs/construction projects, the expenditures are to be charge as follows:

Line Item	Account Number	Current Budget	Increase (Decrease)	Amended Budget
<u>County projects:</u>				
DSS/Health/Permitting:				
C/O - Construction	455310-558002-11WAL	5,404,012	74,347	5,478,359

which will result in a net increase of \$ 74,347 in the expenditures 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
<u>Other financing Sources:</u>				
Transfer from the General Fund	450110-498111-11WAL	315,220	74,347	389,567
			<u>74,347</u>	

The effect on the General Fund is as follows:

Transfer to C/P fund - County projects	119840-598045	-	74,347	74,347
Third party payments	110050-451420	522,241	74,347	596,588

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

Adopted this the 15th of August 2011.


Chairman
Haywood County Board of Commissioners

ATTEST: 
Clerk to the Board

Explanation:
To appropriate the Change Order that will cover the construction of the casework for the dental clinic at the DSS/Health/Central Permitting building.
Funds to be transferred from the health escrow accounts.

Francis Farm Landfill Gas Collection and Combustion System – Phase 3B Recommendation

David Francis, Tax Administrator, presented a recommendation for KSD Enterprises, LLC, for the generator, the landfill gas collection and combustion system gas engine generator package. Stephen King, Solid Waste Director, explained that the motor is an 8.1 liter V-8 gm. Mr. King expressed that KSD Enterprises, LLC is capable of this project.

Vice-Chairman Kirkpatrick made a motion that the contract award be awarded to KSD Enterprises, LLC, for the phase 3B gas engine / generator. Commissioner Upton seconded and the motion carried unanimously.

Department of Social Services Vendor Contracts Over \$20,000

Ira Dove, Department of Social Services Director and Pat Hyatt, Business Officer, presented eight vendor contracts.

The contracts presented were:

- 1) Mountain Projects, Inc. (MPI) Heating and Cooling, \$202,395
- 2) HVO, Work First client training, \$103,680
- 3) ESC, Work First job search / placement, \$47,394
- 4) MPI Medical Transport, \$125,000
- 5) REACH, Domestic Violence, \$22,221
- 6) Carolina Transport, Medical Transit, \$60,750
- 7) Champion Cab, Medical Transport, \$115,500
- 8) Southwestern Child Development Commission, Inc., \$88,300
+ allocation for subsidy payments

County Attorney Killian confirmed that he reviewed the contracts.

Commissioner Upton made a motion that the vendor contracts as presented by Ira Dove be approved. Commissioner Ensley seconded and the motion carried unanimously.

Department of Corrections Prison

County Attorney Killian explained that the General Assembly passed the budget in June 2011. Closing Haywood County's Hazelwood prison unit is one provision in that budget. The County has an opportunity to acquire ownership of the Hazelwood Prison Camp property. That property is surrounded by other County property, including the Law Enforcement Center, County Jail, and the Satellite Jail. A letter to Colonel Alvin Keller, Jr., Secretary to the North Carolina Department of Correction was presented by County Attorney Killian expressing the interest of Haywood County in acquiring the property and the expected utilization of that property. The Department of Correction would present the letter to the State Property Office at the Department of Administration. Haywood County would be notified of any required procedures after the State Property Office reviewed the letter. Chairman Swanger clarified that the letter would express the County's interest in acquiring the property, but would not commit the County to anything at this time.

Vice-Chairman Kirkpatrick made a motion to authorize Mark Swanger or Marty Stamey, County Manager, to execute the letter dated August 15, 2011, to recognize our interest in pursuit of acquisition or lease of property for the Haywood County Correction use. Commissioner Sorrells seconded and the motion carried unanimously.

CLOSED SESSION

Commissioner Ensley made a motion to enter into Closed Session for the purpose of approval and / or release minutes – G.S. §143-318.11(a)(1), and attorney / client privilege – G.S. §143-318.11(a)(3). Commissioner Upton seconded and the motion carried unanimously.

The Board returned from closed session.

Vice-Chairman Kirkpatrick made a motion to approve and release the closed session minutes of July 18, 2011, attorney / client privilege, regarding the state prison in Hazelwood, and attorney / client privilege regarding the Francis Farm Landfill, and to approve but not release the closed session minutes dated July 18, 2011, attorney / client privilege and the closed session minutes regarding litigation. Commissioner Upton seconded and the motion carried unanimously.

ADJOURNMENT

Commissioner Sorrells made a motion to adjourn the regular Board meeting. Commissioner Ensley seconded and the motion carried unanimously.

The time of adjournment was 7:40 p.m. The DVD is attached by reference to the minutes.

CLERK

CHAIRMAN