

HAYWOOD COUNTY COMMISSIONERS

REGULAR MEETING – December 19, 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, Vice-Chairman J.W. “Kirk” Kirkpatrick III, Commissioners L. Kevin Ensley, Michael T. Sorrells and Bill Upton, present. Staff members present were County Manager Marty Stamey, County Attorney Leon M. “Chip” Killian, III, Finance Director Julie Davis, and Public Information Officer David Teague.

PLEDGE OF ALLEGIANCE

Chairman Swanger led the pledge of allegiance.

INVOCATION

Bill Upton offered the invocation.

PUBLIC HEARING FOR THE EXPENDITURE OF SECONDARY ROAD CONSTRUCTION FUNDS FOR HAYWOOD COUNTY

Conrad Burrell, NC Department of Transportation Board Member for Division 14, consisting of the ten western counties, presented the annual program for the expenditure of Secondary Road Construction Funds for Haywood County. Mr. Burrell stated that the purpose of this meeting was to share the secondary road program, which includes improvements for both paved and unpaved secondary roads for the next three fiscal years, to listen to comments, and answer any questions. Mr. Burrell introduced Joel Setzer, NC Department of Transportation Division Engineer. Mr. Setzer commented that the partnership with Haywood County through MPO and RPO relationships has helped with planning and getting projects on the ground. Mr. Setzer stated that DOT likes to take this opportunity to talk about any transportation issues, present the program, and then take questions and comments. Mr. Jonathan Woodard, P.E., District Engineer, presented the actual program list of projects that are to be completed with these funds. Mr. Woodard stated that there is currently a balance from prior-year projects, but the current estimated cost to complete all of those projects is greater than the amount of prior-year funds available; therefore, the proposed program for the next three fiscal years is to provide additional funds to complete these projects, as well as fund some minor safety improvements within Haywood County.

The presentation continued with numerous questions from the BOCC. Commissioner Ensley commented that in Haywood County and most of the western counties, erosion is a big problem; paved roads would help, and because of the impact on our streams, hopes the General Assembly or DOT will look at that. Mr. Woodard stated that in attempting to pave secondary roads, one problem is getting the right-of-way from property owners after the funding is available. Chairman Swanger closed the Public Hearing and the matter will be considered on January 9, 2012, the next regularly scheduled meeting.

CALL TO PUBLIC HEARING FOR REVISED FLOOD HAZARD DEVELOPMENT ORDINANCE, NEW FLOOD MAPS AND FLOOD INSURANCE STUDY

Kris Boyd, Planning Director, took a moment to thank Joel Setzer and the Division 14 staff for their information and support through RPO and MPO.

Mr. Boyd submitted a request to set a Public Hearing on January 23, 2012 at 5:30 p.m. for consideration of the new flood maps, the revised Flood Ordinance, and the Flood Insurance Study. He stated that the process has taken several years, but Haywood County was notified on October 3, 2011 by FEMA that all appeals and protests had been resolved, and we were to proceed with adoption of the new flood maps and revised ordinance. The requirement is to have these maps, the ordinance, and flood insurance study adopted and effective prior to April 3, 2012. Mr. Boyd is requesting the public hearing be set and soon thereafter consideration of adoption. Chairman Swanger stated, without objection, the public hearing will be set for January 23, 2012 at 5:30 p.m. on this subject in the Historic Courtroom of the Haywood County Courthouse. Mr. Boyd added that the new flood maps can be viewed in his office, and the revised draft ordinance is available for review in the Planning Office, the County Manager's Office, and on the Haywood County website.

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. No one addressed the board.

Chairman Swanger closed the public comment session.

CONSTITUENT CONCERNS

Commissioner Upton commented that when he was "ringing the bell", people were more generous and in the Christmas spirit of giving, which was appreciated. Commissioner Sorrells stated that the school system has been up for re-accreditation. He was asked to be one of the stakeholders and be involved in a meeting last week; they received a great report, and Haywood County Schools is re-accredited.

DISCUSSION / ADJUSTMENT / APPROVAL OF CONSENT AGENDA

Chairman Swanger had one adjustment. Item 6 was removed until a later date pending research on the permissible uses under the Conservation Easement Agreements that affect flood buy-out properties.

CONSENT AGENDA

Commissioner Upton made a motion that the consent agenda as presented be approved. Vice-Chairman Kirkpatrick seconded, and the motion carried unanimously.

- Approve December 5, 2011 regular meeting minutes
- Approve November 2011 Refunds, Releases, Amendments and Discoveries

David Francis, Tax Administrator wished everyone a Merry Christmas and presented the releases and refunds for November 2011. Mr. Francis stated there was nothing unusual to report except a double listing that was corrected.

- Budget Amendments:
 - Animal Control - \$32,000 – grant for spay/neuter program from NC Spay/Neuter funds:

Julie Davis, Finance Director, presented the budget amendment for the Animal Control Department that is funding from the Department of Agriculture for the Haywood County spay/neuter program.

- Health Department - \$275,963 – consolidation of Medicaid into General Health programs for reporting:

Julie Davis, Finance Director, stated that this is a consolidation of two departments; the Health Department and Medicaid are being rolled-up into General Health. This is simply for reporting purposes as to how they allocate the salaries and benefits when they report their programs. The \$275,963 is the amount that has not yet been spent out of the Health Department/Medicaid budget.

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
Animal Control				
Other Contracts- HAWA	11 4380 589900 1HAWA	-	32,000	32,000

which will result in a net increase of \$ 32,000 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
Restricted Intergovernmental				
Int Gov Revenue-Non Fed	11 0050 448331 1HAWA	-	32,000	32,000

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

Adopted this the 19th day of December, 2011.


 Chairman
 Haywood County Board of Commissioners

ATTEST: 
 Clerk to the Board

Explanation: To appropriate funding from Dept of Agriculture for Haywood County spay/neuter program to be conducted by Haywood Animal Welfare Assco. Inc. (HAWA) money received by the county and distributed to HAWA for the program. 2 year funding.

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
General Health	115110.*****			-
	see attached	2,237,665	275,963	2,513,628
Medicaid	115111.*****			-
	see attached	536,296	(275,963)	260,333
				-
				-
				-
				-
				-

which will result in a net increase of \$ _____ 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
				-
				-
				-
				-
				-

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

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 Chairman
 Haywood County Board of Commissioners

ATTEST:


 Clerk to the Board

Explanation:
Due to CCNC contracts and changes with the Medicaid programs, it is necessary to combine the General Health and the Medicaid budgets.
Medicaid and CCNC funds will still be used to support employee salary, fringe, and operating expenses. Most all Health Department employees work in different programs and have blended pots of funds from which they are paid.
Combining the Medicaid into the General Health will allow better accounting and reporting to the state.

NEW BUSINESS

Francis Farm Landfill – Phase 3B Landfill Gas Collection and Combustion System recommendation for the utility interconnection switchgear

Mark Cathey, PE, Senior Project Manager, McGill Associates, P.A. presented the status of the next step in the project at the Francis Farm Landfill, which is the collection and combustion system. A project summary was presented that went into detail as to the status of the project and associated contracts. The portion requiring approval by the Board pertains to the engine/generator system and the need to acquire the IEEE-1547 compliant utility interconnection switchgear; this is basically the electrical requirements for connecting to a utility so it protects the utility and protects the generation equipment. This interconnection equipment will tie to Haywood EMC.

Commissioner Upton made a motion to approve to modify the KSD Enterprises LLC's scope-of-work, such that they are not providing the interconnection equipment as originally specified in their bid documents and award the contract to PowerSecure for the interconnection installation and programming. Commissioner Sorrells seconded, and the motion carried unanimously.

Clarification of County Commission Minutes dates March 3, 2008 regarding the makeup of the Haywood County Tourism Development Authority (TDA) 1% Zip Code Subcommittees

Lynn Collins, TDA Executive Director, stated that the makeup of the 3-person 1% subcommittees (collecting less the \$100,000) was misstated in the meeting on March 3, 2008.

Chairman Swanger commented that the minutes were correct in what was stated, but the person who made the presentation, misstated. County Manager Stamey recommended just clarifying what the backup information was, because the minutes are correct in what was stated by the former director, and what the actual Board approved in 2008 was correct. Ms. Collins just wants clarification for backup as to what her TDA Board said; in that, you have to reside outside the city limits. What was approved in 2008, the proposal in the attachment dated 2/22/08, is what was approved and voted on by the previous board, and it is correct. For clarification, the correct wording is: *For any municipality collecting less than \$100,000, they would have a three-person subcommittee, with one member residing within the zip code but outside of the municipality, and two members would reside inside the zip code and municipality.*

Appointment of TDA Board Members and 1% Zip Code Subcommittees

Chairman Swanger asked County Manager Stamey if the appointments were advertised and if the incumbents, Jennifer Duerr and Samuel Carver, were the only two applicants. County Manager Stamey stated that this was so. There were no questions concerning either applicant.

Commissioner Sorrells made a motion that Jennifer Duerr be appointed to represent accommodations of fewer than 20 units and Sammy Carver be appointed to represent accommodations of more than 20 units. Vice-Chairman Kirkpatrick seconded, and the motion carried unanimously.

On the matter of subcommittee appointments, Chairman Swanger stated that the appointment of subcommittees by this Board is not something that is done for any other Board. Generally, the governance of the Board that the BOCC represents appoints its own subcommittees. Lynn Collins stated that in 2007 when the new legislation was passed going from 3% to 4%, the resolution was passed by the BOCC for the Commissioners to appoint the 1% Zip Code Subcommittees, and she hopes that the Board will continue to make those appointments. With no objections, Chairman Swanger stated that the BOCC will confirm the subcommittee appointments for the towns of Canton, Clyde, Waynesville, Maggie, and the Lake Junaluska Assembly.

Commissioner Sorrells made a motion that those individuals reflected be appointed. Commission Upton seconded, and the motion carried unanimously.

Commissioner Upton made a motion that Al Matthews, Town of Canton and Ken Stahl, Town of Waynesville be appointed to the TDA Board. Commission Sorrells seconded, and the motion carried unanimously.

Resolution – Mutual Assistance with other Law Enforcement Agencies

Sheriff Bobby Suttles requested approval of the Resolution, based on NC General Statute 160A-288, adopting a policy for mutual assistance with other law enforcement agencies. He has had this reciprocal policy in place and the agreement signed with approximately 16 agencies, municipalities and surrounding counties. This resolution is needed for future references.

Vice-Chairman Kirkpatrick made a motion that the Resolution adopting a policy for mutual assistance with law enforcement agencies be approved as presented. Commissioner Ensley seconded, and the motion carried unanimously.

**RESOLUTION ADOPTING A POLICY FOR MUTUAL ASSISTANCE WITH
OTHER LAW ENFORCEMENT AGENCIES**

WHEREAS, pursuant to North Carolina General Statutes 160A-288, the governing body of a county may adopt appropriate guidelines for the purpose of mutual assistance with other municipal and county law enforcement agencies; and

WHEREAS, pursuant to said laws, the law enforcement assistance to be rendered authorizes lending officers to work temporarily with officers of the requesting agencies, including in an undercover capacity, and lending equipment and supplies; and

WHEREAS, it is deemed to be in the best interests of the citizens of Haywood County to adopt a reasonable policy and guidelines whereby reciprocal law enforcement assistance can be both rendered to and obtained from other governmental jurisdictions; and

WHEREAS, such reciprocal assistance is necessary for effective law enforcement for the protection of the citizens of Haywood County;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS THAT:

1. The Sheriff is hereby authorized to enter into mutual assistance arrangements with other municipal and county law enforcement agencies, provided that the head of the requesting law enforcement agency makes such a request in writing.
 2. The Sheriff is hereby authorized to permit officers of the Haywood County Sheriff's Office to work temporarily with officers of the requesting agency, including in an undercover capacity, and the Sheriff may lend such equipment and supplies to requesting agencies as he deems advisable.
 3. All such requests and authorizations shall be in accordance with North Carolina General Statute 160A-288, as applicable.
 4. While working with a requesting agency, an officer shall have the same jurisdiction, powers, rights, privileges and immunities (including those relating to the defense of civil actions and payment of judgments) as the officers of the requesting agency in addition to those the officer normally possesses.
 5. While on duty with the requesting agency, an officer shall be subject to the lawful operational commands of the officer's superior officers in the requesting agency, but the officer shall for personnel and administrative
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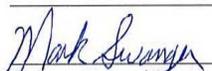
purposes, remain under the control of the officer's own agency, including for purposes of pay. An officer shall furthermore be entitled to worker's compensation and the same benefits to the extent as though he were functioning within the normal scope of the officer's duties.

6. The Sheriff is hereby authorized to enter into mutual assistance agreements with other law enforcement agencies in accordance with such reasonable arrangements, terms and conditions as may be agreed upon between the respective heads of the law enforcement agencies.

Vice Chairman Kirkpatrick moved for the adoption of the foregoing resolution.

Commissioner Ensley seconded the motion and, upon vote, the same was adopted.

This the 19th day of December, 2011.


Chairman, Haywood County
Board of Commissioners

Request to hire custodians for new DSS/Health/Building & Environmental Services Facility

Dale Burris, Facilities and Maintenance Director, requested approval of hiring three (3) new custodial positions at the new Paragon Parkway facility. Due to the size of the facility, Mr. Burris feels three custodians is minimal, but they would be able to maintain the standards needed for cleaning the building with the equipment on site. County Manager Stamey stated that having our own staff compared to outsourcing the cleaning will save the county approximately \$32,000 per year. In addition, the current "roaming custodians" will have the availability to clean other county buildings and save an additional \$41,250 annually. This is a net savings of over \$73,000 in the year.

Vice-Chairman Kirkpatrick made a motion that approval be granted to hire three (3) custodians for the new Paragon Parkway facility as presented. Commissioner Ensley seconded, and the motion carried unanimously.

Haywood County Library – E-Rate funding for Library expenditures – Budget Amendment - \$27,879 – Library temporary salaries, equipment

Sharon Woodrow, Library Director, requested the E-Rate funding to be added to the Haywood County Public Library’s budget in the amount of \$27,879. Ms. Woodrow stated that E-Rate is reflected as a discount on your telephone bill. A program was set up for schools and libraries, if they apply and go through the process of filling out forms, to get E-Rate money back. This is a Federal Program that is not budgeted; so, it has to be applied for yearly.

Commissioner Sorrells made a motion that the Budget Amendment in the amount of \$27,879 be approved to reflect acceptance of E-Rate funding for library expenditures. Commissioner Upton seconded, and the motion carried unanimously.

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 line item	Account Number	Current Budget	Increase (Decrease)	Amended Budget
Library:				-
Sal & Wages - Temporary	116110-512800	43,475	15,000	58,475
Non-expendable office supplies	116110-526900	1,100	4,979	6,079
C/O - furniture	116110-551000	-	4,200	4,200
C/O - data processing equipment	116110-552000	5,805	3,700	9,505
				-

which will result in a net increase (decrease) of \$ 27,879 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
Intergovernmental:				-
NC E-rate	110050-461290-00040	-	27,879	27,879
				-
				-
			27,879	

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

Adopted this the 19th of December, 2011.


Chairman
Haywood County Board of Commissioners

ATTEST:

Clerk to the Board

Explanation:
To appropriate the additional funding received through the E-rate program.
Request to use this for PFT wages, furniture and technology equipment.

CLOSED SESSION

Vice-Chairman Kirkpatrick made a motion to enter into Closed Session for Attorney/Client Privilege as provided in G.S. §143-318.11(a)(3). Commissioner Upton seconded, and the motion carried unanimously.

RESOLUTION

Motion by Upton and second by Erstley:

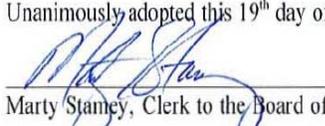
To authorize the Chairman and Clerk to the Board of County Commissioners to execute the Purchase and Sale Agreement between Haywood County and Smoky Mountain Health Center ("Smoky") and the Assignment of said Agreement to Foothills Services, Inc. ("Foothills") for the sale of the 1.79 acre tract of land including two buildings, created by a recent subdivision of the property, for \$459,635 cash, subject to the following:

1. Execution by Smoky of an Indemnity and Hold Harmless Agreement prepared by the County Attorney; and
2. Resolution of approval by Foothills.

Subject to the above, the Chairman and Clerk are authorized to close the transaction on or about Wednesday December 28, 2011.

The Resolution adopted on October 3, 2011 to sell subject property to Smoky, is hereby rescinded.

Unanimously adopted this 19th day of December 2011.


Marty Stamey, Clerk to the Board of Commissioners

ADJOURNMENT

Commissioner Upton made a motion to adjourn the regular Board meeting. Vice-Chairman Kirkpatrick seconded, and the motion carried unanimously.

The time of adjournment was 7:20 p.m. The DVD is attached by reference to the minutes.

CLERK

CHAIRMAN