

**HAYWOOD COUNTY COMMISSIONERS****REGULAR MEETING – JANUARY 24, 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 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.

**PLEDGE OF ALLEGIANCE**

Chairman Swanger led the pledge of allegiance.

**INVOCATION**

Vice-Chairman Kirkpatrick offered the invocation.

**CALL TO PUBLIC HEARING****Mountain Project, Inc. (MPI) and Haywood Public Transit Application for Funding**

Susan Anderson, Transit Director, requested a public hearing be held for grant application funding from the North Carolina Department of Transportation for fiscal year 2012, for MPI and Haywood Public Transit. The Board agreed to hold a public hearing at 5:30 p.m. on February 21<sup>st</sup> for the Haywood Public Transit.

**PUBLIC COMMENTS**

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.

Terry Ramey shared that his dog was tied up, but broke loose when a Haywood County Sheriff’s Deputy entered Mr. Ramey’s yard. Nearby were Chihuahuas that came into his yard and began barking at the deputy. The deputy reported being attacked by a pack of dogs and bitten by Mr. Ramey’s dog. Mr. Ramey’s dog was taken and kept at the Animal Shelter for ten days. Mr. Ramey provided proof to Animal Services that the dog’s rabies vaccinations were up to date. However, Mr. Ramey was charged \$125. Mr. Ramey inquired as to the reason his dog was taken to the animal shelter even though the deputy was unable to identify which dog bit him.

Monroe Miller encouraged the Board to waive Mr. Ramey’s \$125 fee. Mr. Miller explained that a settlement was made for \$25,000 between Shawn Leatherwood and the Haywood County Fairgrounds Board, but the original amount owed to Mr. Leatherwood was \$41,915.05, a difference of \$16,915.05. Mr. Miller urged the Board to dip into the general fund and pay Mr. Leatherwood the difference.

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

**CONSTITUENT CONCERNS**

Chairman Swanger inquired if there were any constituent concerns. Vice-Chairman Kirkpatrick expressed that the Board acts as guardians for the taxpayers and their money. Vice-Chairman Kirkpatrick stated that if the Board dipped into the general fund in order to pay a private individual a fee there would likely be many complaints.

Commissioner Upton shared that Mrs. McArthur telephoned and wrote him concerning chaining dogs outside during cold temperatures. Commissioner Upton encouraged citizens to consider other options for their pets during inclement weather.

**ADMINISTRATIVE/AGENCY REPORT****Introduction of Aaron Mabry, Director of Facilities and Marketing**

Mary Ann Enloe, Chairman of the Fairgrounds Board, shared the process the Fairgrounds Board followed in order to hire Aaron Mabry, Director of Facilities and Marketing. Mr. Mabry gave a power PointPresentation explaining the goals for the fairgrounds. Mr. Mabry urged citizens to volunteer with upcoming events.

**DISCUSSION / ADJUSTMENT / APPROVAL OF CONSENT AGENDA**

There were no adjustments to the agenda.

**CONSENT AGENDA**

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

- Approve January 12<sup>th</sup>, 2011 Regular Meeting Minutes
- Budget Amendments – Julie Davis, Finance Director
  - DSS – Public Assistance – \$12,130 – Crisis Intervention program - Balance account to additional allocated CIP Funds per authorization dated 12/15/10.
  - Library – \$27,880 – E-Rate funding requested by library director - To appropriate the E-Rate funding received this fiscal year.
  - Governing Body – \$10,542 transfer from balance in vehicle insurance budget to property / liability Insurance - To move the balance in the vehicle insurance line items to cover the insurance for the building at the adaptive renovation project.
  - Capital Project fund – \$95,000 – ADM approved project - To appropriate an additional amount from ADM fund approved by the Board of County Commissioners and the school board for the North Canton Elementary roofing project that was originally approved last fiscal year. Additional funds are necessary to complete the project. This additional cost was approved by BOCC October 4<sup>th</sup>, 2010.
  - Employment Security Commission – \$112,165 – from non-departmental and contingency - To allocate the NC Unemployment Insurance cost to the relative departments.
  - Capital Project fund – Adaptive Renovation project – \$6,194,191– including balance of USDA Installment Loan - To appropriate the renovation portion of the adaptive reuse project for DSS / Health / Permitting Departments at the former Wal-Mart building.
- Approve December 2010 Refunds, Releases, Amendments and Discoveries – David Francis, Tax Administrator

HAYWOOD COUNTY  
BUDGET ORDINANCE AMENDMENT  
FISCAL YEAR 2010-11

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 General Fund, the expenditures are to be charged as follows:

Department	Account Number	Current Budget	Increase (Decrease)	Amended Budget
Public Assistance	Crisis Interv - Fuel			
#115340-549910	#115340-549910	129,948	12,130	142,078
		-	-	-

which will result in a net increase of \$ 12,130 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	Admin Reimb			
#110050-453400	#110050-453400	4,659,260	12,130	4,671,390

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

Adopted this the 24<sup>th</sup> day of January, 2011

Mark Swanger  
Chairman  
Haywood County Board of Commissioners

ATTEST: [Signature]  
Clerk to the Board

Explanation:
Balance account to additional allocated CIP Funds
Per Authorization dated 12/15/2010
copy attached

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 Capital Project Fund, the expenditures are to be charged as follows:

Department account name	Account Number	Current Budget	Increase (Decrease)	Amended Budget
Library:				
Professional Services - other	116110-519900	2,400	2,000	4,400
Non-expendable office supplies	116110-526900	100	1,000	1,100
Repairs & maintenance - equipment	116110-535200	1,000	1,500	2,500
Site licenses	116110-542001	38,900	1,500	40,400
C/O - data processing equipment	116110-552000	-	16,580	16,580
C/O - buildings	116110-558000	-	5,300	5,300

which will result in a net increase of \$ 27,880 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
Intergovernmental Revenue				
Library - E Rate funding	110050-461260-00040	-	27,880	27,880

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

Adopted this the 27<sup>th</sup> day of January, 2011.

Mark Swanger  
Chairman  
Haywood County Board of Commissioners

ATTEST: [Signature]  
Clerk to the Board

Explanation:
To appropriate the E-Rate funding received this fiscal year.
Please see attached list for projects and costs.

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 General Fund, the expenditures are to be charged as follows:

Department	Account Number	Current Budget	Increase (Decrease)	Amended Budget
Fund 11- Vehicle Insurance				
Vehicle Insurance	11 **** 545200	80,600	(10,542)	70,058
Governing Body				
Property & Liability Insurance	11 4110 545400	141,321	10,542	151,863

which will result in a net increase of \$ \_\_\_\_\_ in the expenditures of the General Fund.

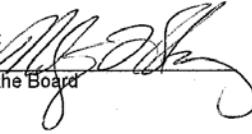
To provide the additional revenue for the above, the following revenues will be increased as the money has been received:

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.

Adopted this 24<sup>th</sup> day of January, 2011.

  
Chairman  
Haywood County Board of Commissioners

ATTEST:   
Clerk to the Board

Explanation:  
To move the balance in the vehicle insurance line items to cover the insurance for the building at the adaptive renovation project.

HAYWOOD COUNTY  
CAPITAL PROJECT 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 capital project ordinance for the fiscal year ending June 30, 2010.

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

Line Item	Account Number	Current Budget	Increase (Decrease)	Amended Budget
C/P - School - ADM/Lottery Fund				
N. Canton Elem. School roofing proj.:				
Repair and maintenance	495910-535100-0ADM1	116,550	95,000	211,550

which will result in a net increase of \$ 95,000 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
Intergovernmental Revenue:				
ADM-Lottery Fund	490050-459365-0ADM1	333,105	71,250	404,355
Transfer from General Fund	490110-498111-0ADM1	31,500	23,750	55,250

The effect on the General Fund is as follows:

Other financing sources (uses)				
Transfer to C/P Fund 49	119840-598049	111,035	23,750	134,785
Public Schools C/O - ADM match	115912-563102	23,965	(23,750)	215

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

Adopted this the 24<sup>th</sup> day of January, 2011.

  
Chairman  
Haywood County Board of Commissioners

ATTEST:   
Clerk to the Board

Explanation:  
To appropriate an additional amount from ADM fund approved by the Board of County Commissioners and the school board for the N. Canton Elementary roofing project that was originally approved last fiscal year. Additional funds are necessary to complete the project. This additional cost was approved by BOCC October 4, 2010.

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 General Fund, the expenditures are to be charged as follows:

Department	Account Number	Current Budget	Increase (Decrease)	Amended Budget
Human Resources -Unemplm Comp	11 4135 518500	-	1,517	1,517
Revaluation-Unemplm Comp Contrib	11 4145 518500	-	3,332	3,332
EOC-Unemployment Comp Contrib	11 4311 518500	-	19,338	19,338
Detention-Unemployment Comp Contrib	114320 518500	10,200	726	10,926
EMS-Unemployment Comp Contrib	11 4370 518500	-	10,193	10,193
Animal Ctrl-Unemployment Comp Contrib	11 4380 518500	3,419	(3,148)	271
Health-Employment Comp Contribution	11 5110 518500	-	6,750	6,750
Envrn Health-Unemployment Comp Contrib	11 5181 518500	-	10,322	10,322
DSS-Unemployment Comp Contrib	11 5310 518500	7,500	6,852	14,352
CAP-Unemployment Comp Contrib	11 5402 518500 06CAP	500	5,532	6,032
Library-Unemployment Comp Contrib	11 6110 518500	-	6,014	6,014
				89,047
Non Dept Unemployment Comp Contrib	11 8000 518500	45,000	(45,000)	-
Contingency	119910 599100	214,600	(22,428)	192,172

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.

Adopted this the 24<sup>th</sup> day of Jan., 2011.

Mark Swarger  
Chairman  
Haywood County Board of Commissioners

ATTEST  
[Signature]  
Clerk to the Board

Explanation:  
To allocate the NC Unemployment Insurance cost to the relative departments.

HAYWOOD COUNTY  
CAPITAL PROJECT 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 capital project ordinance for the fiscal year ending June 30, 2011.

Section 1. To amend the Capital Project Fund - Master Facilities , the expenditures are to be charged as follows:

Line Item	Account Number	Current Budget	Increase (Decrease)	Amended Budget
<b>C/P Fund - Master Facilities:</b>				
<b>Adaptive Reuse - DSS/Health/Permitting:</b>				
Professional Services - Architect	455310-519906-11WAL	-	319,000	319,000
C/O - Furniture/fxtures/comp.	455310-551000-11WAL	-	477,179	477,179
C/O - Bldg. renovations	455310-558002-11WAL	-	5,398,012	5,398,012

which will result in a net increase of \$ 6,194,191 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
Proceeds of Loan Payable	450110-492910-11WAL	6,615,029	5,884,971	12,500,000
Transfer from General Fund - Health dept.	450110-498111-11WAL	-	6,220	6,220
Transfer from General Fund - MOW fund bal.	450110-498111-11WAL	-	303,000	303,000
			6,194,191	12,809,220

The effect on the General Fund is as follows:

<b>General Fund:</b>				
<b>EXPENDITURE:</b>				
Transfer to C/P Fund - County buildings	119840-598045	-	6,220	6,220
Transfer to C/P Fund - County buildings	119840-598045	6,220	303,000	309,220
<b>REVENUE:</b>				
Dental Clinic Revenue	110070-451130	48,000	6,220	54,220
Appropriation of fund balance (reserved for MOW)	110110-499991	3,480,026	303,000	3,783,026

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

Adopted this the 24<sup>th</sup> day of January, 2011.

Mark Swarger  
Chairman  
Haywood County Board of Commissioners

ATTEST  
[Signature]  
Clerk to the Board

Explanation:  
To appropriate the renovation portion of the adaptive reuse project for DSS/Health/Permitting departments at the old Wal-Mart building.

**OLD BUSINESS****Emergency Management Grant Vehicle Bids**

Greg Shuping, Emergency Management Director, explained that bid specifications were sent and advertised to area vendors for the purchase of two heavy-duty trucks for Emergency Management Services. Received were three bids from two vendors. Mr. Shuping presented a request to award the bid to Ken Wilson Ford \$86,140.60, the lowest responsible and responsive bidder.

Commissioner Upton made a motion that the low bidder, Ken Wilson Ford, for \$86,140.60, for two heavy-duty trucks be approved. Commissioner Ensley seconded and the motion carried unanimously.

**NEW BUSINESS****Rural Hope Grant**

Mark Clasby, Executive Director of the Economic Development Commission (EDC), explained that the North Carolina Rural Center provides grants to stimulate economic development and job creation under their Rural Hope Grants Program by assisting in construction and expansion of health care facilities. Haywood Regional Medical Center (HRMC) serves psychiatric patients in psychiatric crises. HRMC wishes to expand their facilities by constructing a specific area next to the Emergency Department to care for these patients that will create eleven new jobs. Local Government must apply on behalf of a non-profit healthcare organization in order to receive the grant. Mr. Clasby requested approval of the grant.

Commissioner Upton made a motion to approve the Economic Development Commission applying for the Rural Hope grant for \$88,000 for the Haywood Regional Medical Center psychiatric evaluation area. Commissioner Sorrells seconded and the motion carried unanimously.

**FLS Incentive Agreement**

Mark Clasby, Executive Director Economic Development Commission (EDC), shared that in April 2009, the Board of County Commissioners, upon recommendation from the EDC, approved an Incentive Program for Renewable Energy Projects to encourage development of clean renewable energy sources. FLS Energy has built a 550 KW solar energy project on the Evergreen Packaging Landfill in Canton. Mr. Clasby requested approval of the Incentive Agreement for FLS Energy.

Vice-Chairman Kirkpatrick made a motion that the Incentive Agreement be approved and that Chairman Swanger be authorized to sign on behalf of the Board. Commissioner Upton seconded and the motion carried unanimously.

**Request to Auction Weapons**

John-Michael McCormick, Haywood Community College (HCC) Wildlife Club President and Chris Graves, Wildlife Club Co-Advisor, presented a request to auction five firearms at the annual Wild Game dinner fundraiser at the County Fairgrounds. The guns would have locks and be secure at all times during the event that will be held February 25<sup>th</sup>, 2011.

Commissioner Ensley made a motion that weapons be allowed to be auctioned at the Haywood County Fairgrounds by the HCC Wildlife Club as presented. Vice-Chairman Kirkpatrick seconded and the motion carried unanimously.

**Haywood County Bicycle Plan Grant**

Tony Sexton, Project Specialist, and George Ivey, Bethel Rural Preservation Project Coordinator, stated that a total of \$51,000 is being made available for use in obtaining a countywide Bicycle Master Plan. Approving the grant would require the County to administer the funds, but the County is not required to put up any funds of its own. The

French Broad Regional Transportation Planning Funds is providing \$40,000. The Community Foundation of WNC / Next Step Funds are providing \$8,000. The Haywood Advancement Foundation is assisting local organizations for \$3,000. A letter of support for the project from the Haywood County Recreation Advisory Board was presented to the Board for review as well as the Next Step Fund acceptance agreement, which must be signed and returned prior to January 31<sup>st</sup>, 2011. It is anticipated that a grant agreement from NCDOT will be forthcoming.

Commissioner Sorrells made a motion to approve the administration of this grant as presented. Vice-Chairman Kirkpatrick seconded and the motion carried unanimously.

#### **Award of Greenhouse Gas to Energy Project**

David Francis, Tax Administrator, explained that the County was awarded one million dollars to remove methane gas from the Francis Farm Landfill by the North Carolina Department of Commerce Energy Division. The grant was for a three-phase project. The County has completed Phase I with exterior vents. Phase II and Phase III are estimated at \$1,123,410. The County would pay the \$123,410 to complete the project. However, there are no matching grant requirements. Jeff Bishop, Senior Project Manager with McGill Associates, explained that the project was broken into three phases. The first stage was to install twenty-one passive vents in the top of the landfill. The second and third phases would include connecting a blower / flare station and horizontal collectors to those vents, and adding a vacuum to draw the gas to a central location so that the gas could be burnt, or relocate the gas to a power generation facility where it could be burnt to generate power or heat.

Commissioner Sorrells made a motion authorizing Chairman Swanger to sign the grant agreement form. Commissioner Ensley seconded and the motion carried unanimously.

#### **Fairgrounds Board**

The Board voted by ballots for the new member to the Fairgrounds Board. The ballots were collected and counted by Marty Stamey, County Manager. Mr. Stamey announced that there were five votes for Dorothy Morrow. Chairman Swanger confirmed that Ms. Morrow would be appointed to the Fairgrounds Board.

#### **Workforce Recommendations**

Marty Stamey, County Manager, presented the recommendation for work-force adjustments for fiscal year (FY) 2010-11. Mr. Stamey shared that there are four positions that are currently frozen by the County. It was recommended that the County reduce an additional five positions. The projected reduction in FY 2011-12 budget for these positions would be approximately \$450,000.

Commissioner Upton made a motion to approve a reduction in force as presented by the County Manager and to give the County Manager the flexibility to identify in conjunction with department heads affected employees and the best date to make this reduction in force. Commissioner Ensley seconded and the motion carried unanimously.

#### **CLOSED SESSION**

Vice-Chairman Kirkpatrick made a motion to move into closed session for the purposes of approval and / or release of Closed Session Minutes – G.S. §143-318.11(a)(1). Commissioner Sorrells seconded and the motion carried unanimously.

#### **Return from Closed Session**

The Board returned from closed session.

Vice-Chairman Kirkpatrick made a motion that closed session minutes from January 12<sup>th</sup>, 2011, regarding Personnel be approved and released. Commissioner Upton seconded and the motion carried unanimously.

**ADJOURNMENT**

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

The time of adjournment was 6:55 p.m. The DVD is attached by reference to the minutes.

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CLERK

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CHAIRMAN