

**HAYWOOD COUNTY COMMISSIONERS****REGULAR MEETING – JUNE 20, 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**

Commissioner Upton offered the invocation.

**Pisgah High School Girls Softball Team State Championship**

Commissioner Upton presented a resolution recognizing the Pisgah High School State championship girl's softball team. The Board expressed congratulations to the team.

Commissioner Sorrells made a motion that the resolution read by Mr. Upton be approved by the Board. Commissioner Ensley seconded and the motion carried unanimously.

**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.

Penny Wallace, of the Haywood Animal Welfare Association (HAWA), stated that HAWA was appointed as the County's official spay / neuter program. By doing so, the County is able to receive reimbursement from the North Carolina Spay / Neuter Program fund. To date, the reimbursements received total \$16,494.

Monroe Miller, Jr. stated that since 2006 home and property values have dropped by more than thirty percent. Mr. Miller alleges that David Francis, Tax Administrator, used incorrect numbers, making the revaluation inaccurate. Mr. Miller explained that property was overvalued by \$2 billion dollars. Mr. Miller suggested firing RS&M Appraisal Services, Inc., and advised the Commissioners to rescind or repeal the revaluation.

Jonnie Curé expressed her appreciation for posting the attachments for the Board meetings on the County website. Ms. Curé urged the County to lower its spending on legal fees. Ms. Curé stated that irregularities in the revaluation could possibly lead to additional legal fees on behalf of the County.

John Meinecke stated that he represented the Republican Party of Haywood County. Mr. Meinecke shared that almost half the people in Haywood County have received an increased revaluation of their homes. Mr. Meinecke shared that one Commissioner told a citizen that he did not have to live in Haywood County if he did not like the valuation of his property. Mr. Meinecke urged the Commissioners to hold the fiscal line and repeal any tax increase within the budget.

Horace Edwards read a foreclosure notice that his daughter received from the Haywood County Tax office. Mr. Edwards inquired as to who authorizes foreclosure notices and who are the attorneys referred to in the notices. Marty Stamey, County Manager, stated that the Tax Collector has the authority to send foreclosure notices. Vice-Chairman Kirkpatrick replied that there are three law firms that have been used for this purpose. They are Derrick Wenzel, Frank Queen, and Mark Pinkston. Mr. Edwards stated that he would pay another attorney to sue Haywood County and that the Board should be glad that he was 74 years old instead of 34 years old.

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

### **CONSTITUENT CONCERNS**

Vice-Chairman Kirkpatrick explained that the appeals process is for citizens who feel that their property was inaccurately revaluated. Citizens whose appraised values increased are the ones who take advantage of the appeals process. Vice-Chairman Kirkpatrick shared that if someone brings a lawsuit against the County, it is the responsibility of the Board to defend the County. Vice-Chairman Kirkpatrick expressed his appreciation to Ms. Wallace for the services of Haywood Animal Welfare Association (HAWA) Spay / Neuter program. HAWA actually saves the County money. Vice-Chairman Kirkpatrick shared his reason for making the statement regarding the fact that a citizen did not have to live in Haywood County if he did not like the valuation of his property. A citizen commented to Vice-Chairman Kirkpatrick that the schools in Haywood County were bad and stated that he could not stand to live in Haywood County. Vice-Chairman Kirkpatrick addressed Mr. Meinecke, "If you think the taxes here are bad, you should hear some of my clients who come in from other states, from other counties, about the taxes they have to pay. They laugh at the taxes that they pay here compared to what they pay in other places."

Commissioner Ensley explained that foreclosures were not used during the revaluation process, but only sales of properties. Commissioner Ensley stated that he spoke to some realtors about the revaluation and was advised that the neighborhood delineation used by Haywood County was very helpful to them.

Vice-Chairman Kirkpatrick suggested that Mr. Edwards' daughter meet with David Francis, Tax Administrator, about her foreclosure notice. Mr. Francis can often arrange a payment plan for paying delinquent taxes.

Chairman Swanger shared that Haywood County's budget for the past three years indicates reductions in discretionary spending. Chairman Swanger stated that the date of the last revaluation was January 1, 2006, which reflected values from 2004 and 2005.

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

The Board added under "New Business", "Change order for the Administrative Building at Haywood Community College".

### **CONSENT AGENDA**

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

- Approve May 31, special meeting and June 6, 2011 regular meeting minutes.
- Approve May 2011 Refunds, Releases, Amendments and Discoveries  
David Francis, Tax Administrator
- Budget Amendments – Julie Davis, Finance Director
  - Health Department – Adult Health Services - \$7,035 – additional funds collected

- o Youth Services grants - \$22,500 – JCPC grant funding
- o General Fund - \$430,000 – loan proceeds for Fairgrounds project, decrease fund balance appropriation
- o General Fund - \$334,000 – with prior year taxes collected and Register of Deeds revenues – Governing Body, Administration, Human Resources, Wellness Center, Register of Deeds, legal, Medical Examiner, Health Department

HAYWOOD COUNTY  
BUDGET ORDINANCE AMENDMENT  
FISCAL YEAR 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
AD HLTH SV				-
Special Pgm Materials	115151-523100	26,533	7,035	33,568
				-
				-
				-
				-
				-
				-
which will result in a net increase of \$		7,035	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
Healthy Haywood Fees	110070-451426	26,533	7,035	33,568
				-
				-
				-
				-

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

Adopted this the 20<sup>th</sup> day of June

Mark Swanga  
Chairman  
Haywood County Board of Commissioners

ATTEST  
[Signature]  
Clerk to the Board

Explanation: Additional funds collected for Healthy Haywood. Funds will be used to support the health of Haywood County citizens.
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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 Special Revenue Fund, the expenditures are to be charged as follows:

Department	Account Number	Current Budget	Increase (Decrease)	Amended Budget
JCPC Grant				-
Other Services-Empowering Youth	34 5830 539900 11JCP	-	22,500	22,500
		-		-

which will result in a net increase of \$ 22,500 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
Intergovernmental Revenue				-
Empowering Youth	34 0050 458360 11JCP	-	22,500	22,500
		-		-
		-	22,500	22,500

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

Adopted this 20<sup>th</sup> day of June, 2011.

ATTEST:

Clerk to the Board

Mark Swanger  
Chairman  
Haywood County Board of Commissioners

<b>Explanation:</b>
To appropriate funding from NC Dept of Juvenile Justice and Delinquency Prevention for coordination of JCPC subcommittee to link at risk youth to community services.

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
				-
				-
				-

which will result in a net increase (decrease) 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
<b>Other Financing Sources:</b>				
Fund Balance Appropriation	110110-499991	4,213,026	(430,000)	3,783,026
Sale of Capital Assets	110110-483820	25,000	80,000	105,000
Proceeds of l/Loan	110110-492910	-	350,000	350,000

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

Adopted this the 20<sup>th</sup> of June, 2011.

ATTEST:

Clerk to the Board

Mark Swanger  
Chairman  
Haywood County Board of Commissioners

<b>Explanation:</b>
To post the loan proceeds for the Fairgrounds project that will replenish the fund balance appropriation for the current fiscal year.

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
<b>GENERAL FUND:</b>				
Governing Body	114110-545500	10,275	20,000	30,275
Administration	114120-512800	30,000	18,000	48,000
Human Resources	114135-518301	315,511	24,000	339,511
Wellness Center	114137-523800/545400	7,500	2,500	10,000
Register of Deeds	114180-549953	10,500	4,500	15,000
Legal	114150-519210	170,000	250,000	420,000
Medical Examiner	114360-519300	32,000	15,000	47,000
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Health Department - General	115110-512100	1,374,290	1,630	1,375,920
Health Department - breast cancer/cerv. cancer	115159-519300	9,000	(1,630)	7,370
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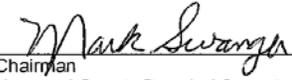
which will result in a net increase (decrease) of \$ 334,000 in the expenditures of the General Fund.

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
<b>Ad Valorem Taxes:</b>				
Ad Valorem Levy - 08	110010-410811	80,377	126,500	206,877
Ad Valorem Levy - 09	110010-410911	661,701	128,000	789,701
Interest on prior year taxes collected	110010-411018	20,000	75,000	95,000
<b>Other taxes:</b>				
R.O.D. - N.C. Dept. or Cultural Resources	110030-434400	10,500	4,500	15,000
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		334,000		

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

Adopted this the 20<sup>th</sup> of June 2011.

  
Chairman  
Haywood County Board of Commissioners

ATTEST:   
Clerk to the Board

Explanation:
To increase expenses per explanations by line-items, with revenues coming in over estimates in Gen. Fund:
For NCAACC Ins. Pool deductibles.
For grant admin. position not budgeted.
For retirement P/R recon. & ins for retirees.
Prof. liab. Ins. & medical supplies at Wellness clinic.
For state pass-through fees over estimates.
For courthouse litigation attorneys.
For autopsies over estimated numbers
To move expense to gen. salaries to reduce Co. Exp.

**ADMINISTRATION / AGENCY REPORT**

David Francis, Tax Administrator, presented an update on collections for 2010 taxes. The overall collection rate is 94.17%. Letters notifying citizens of the potential of foreclosures include possible actions that could result because of delinquent taxes. Mr. Francis stated that there were 215 sales from January 2011 through May 2011. The tax value was \$34.9 million. Sales prices are four percent above the tax value of properties.

During "Public Comment", Monroe Miller, Jr. advised that the numbers used for revaluation were incorrect. Mr. Francis addressed that comment by saying that the numbers were right and further stated that the numbers were so "good" that Mr. Miller did not appeal his tax revaluation. Chairman Swanger inquired if there was an audit regarding the revaluation numbers. Julie Davis, Finance Director, confirmed that there was an audit of the tax revaluation calculations as well as the calculations of the Comprehensive Annual Financial Report (CAFR).

**OLD BUSINESS**

**Fiscal Year 2011-2012 Budget Ordinance**

Marty Stamey, County Manager, presented the 2011-2012 budget ordinance. Mr. Stamey advised that \$80,086 was added for the repair of the baler. The revenue neutral tax rate is 062011

54.12 cents per \$100 of valuation. Mr. Stamey shared that the budget ordinance was posted on the website, [www.haywoodnc.net](http://www.haywoodnc.net). However, on page four of that budget ordinance, under section three, the actual total value of the property for the purpose of taxation is \$7,086,104,458, rather than the amount printed and posted on the website. Mr. Stamey confirmed that the Commissioners were presented with an amended copy of the budget ordinance. Mr. Stamey stated that the proposed budget is \$5 million less than the fiscal year 2008-2009 budget. Haywood County has cut spending in many areas including employees. More decreases in the budget would require a decrease in services. Mr. Stamey requested adoption of the budget ordinance.

Commissioner Upton made a motion to approve fiscal year 2011 and 2012 budget ordinance as amended on page four, which the Board members were furnished. Commissioner Sorrells seconded and the motion carried unanimously.

## **NEW BUSINESS**

### **Francis Farm Landfill – Landfill Gas Collection and Combustion System – Phase 2B Recommendation**

Jeff Bishop, Senior Projects Manager with McGill Associates stated that there was an open bid for Phase 2B at the Francis Farm Landfill for the landfill gas collection and combustion system. Mr. Bishop stated that the County received six competitive bids, ranging up to \$979,000. Payne, McGinn and Cummins, Inc. from Travelers Rest, South Carolina, submitted the lowest bid for \$684,264.50. Mr. Bishop explained that this project is funded through a grant from the North Carolina State Energy Office.

Commissioner Ensley made a motion that the low bid of \$684,264.50 submitted by Payne, McGinn and Cummins, Incorporated, be approved. Vice-Chairman Kirkpatrick seconded and the motion carried unanimously.

### **Change Order # 1 – Fairgrounds – Dale Burris, Facilities and Maintenance Director with Budget amendment**

Dale Burris, Facilities and Maintenance Director, presented a change order for the Haywood County Fairgrounds project, \$1,500. Approximately 300 square feet of additional concrete needed to be placed to add access from the arena area beyond the chain link fence. B. Allen Construction quoted a price of \$1,500 for this concrete.

Julie Davis, Finance Director, presented a budget amendment for \$1,500 to increase the contract. Ms. Davis explained that the Fairgrounds Board has agreed to contribute to \$1,500 to the County to cover this cost.

Vice-Chairman Kirkpatrick made a motion that change order number one, at the Fairgrounds, be approved as well as the accompanying budget amendment. Commissioner Ensley seconded and the motion carried unanimously.

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 - County building/repairs/construction projects, the expenditures are to be charge as follows:

Line Item	Account Number	Current Budget	Increase (Decrease)	Amended Budget
<b>County projects:</b>				
<b>Economic Development-Fairgrounds:</b>				
County Fairgrounds construction	484922-558000-11FG1	415,000	1,500	416,500
Misc. fees	494922-549900-11FG1	9,878		9,878
Misc. financing/fiscal costs	484922-549901-11FG1	5,122		5,122
Contingency	484922-599100-11FG1	-		-
		430,000		431,500

which will result in a net increase of \$ 1,500 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
Contribution from Fairgrounds Board	480100-448501-11FG1	-	1,500	1,500
			1,500	

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

Adopted this the 20<sup>th</sup> of June, 2011.

  
Chairman  
Haywood County Board of Commissioners

ATTEST:  
  
Clerk to the Board

<b>Explanation:</b> To appropriate the change order to complete the handicap access concrete slabs at the Fairgrounds.
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**Lake Junaluska Assembly Request for July 4<sup>th</sup> Fireworks Display**

Johnny Gance, Fire Marshal, presented a request from Lake Junaluska Assembly to have the annually July 4<sup>th</sup> fireworks display. Mr. Gance confirmed that a licensed and insured company would set off the fireworks.

Commissioner Sorrells made a motion that the assembly request for the July 4 fireworks display be approved. Commissioner Upton seconded and the motion carried unanimously.

**Recreation Advisory Board Appointment – Claire Stewart, Recreation Director  
Haywood Community College Board of Trustee Appointment**

Marty Stamey, County Manager, stated that recently Zeb Smathers was appointed to the Recreation Advisory Board. The term Mr. Smathers was appointed to was scheduled to expire August 31, 2011, leaving a vacancy again on the Recreation Advisory Board. Mr. Stamey presented a request from the Recreation Advisory Board to extend that term until August 31, 2014.

Commissioner Sorrells made a motion to approve the term of Zeb Smathers on the Recreation Advisory Board to a full term with the expiration date of August 31, 2014. Commissioner Ensley seconded and the motion carried unanimously.

**Haywood Community College Board of Trustees**

Marty Stamey, County Manager, stated that there is one vacancy on the Haywood Community College (HCC) Board of Trustees. This vacancy was advertised and two applications were received from Patsy Dowling and Monroe Miller, Jr. Interviews were conducted with both applicants. The Board voted by ballot. Mr. Stamey collected the ballots and announced that Patsy Dowling received five votes.

**Change order for the Administrative Building at Haywood Community College**

Steve Painter stated that he has been working on an interim bases at Haywood Community College (HCC) with the project management for the Administrative Services building. Mr. Painter requested approval of change order number one on the Administrative Services 062011

building, for \$20,168.33. The change order number one was approved by the North Carolina State Construction Office, the HCC Board of Trustees and endorsed by the architect in charge of the project.

Commissioner Upton made a motion that change order number one for the Administrative Services building for \$20,168.33 be approved. Vice-Chairman Kirkpatrick seconded and the motion carried unanimously.

Mr. Painter requested that funds from contingency be moved to a budgetary line item on the project for professional services. Julie Davis, Finance Director, explained that the proposed budget amendment includes the change order, to increase the contract for \$20,000 plus \$6,942 to increase professional services. All those funds must come from contingency to increase those line items. Mr. Painter clarified that the HCC Board of Trustees approved the change order, but not the additional amount for the engineering services and testing. Mr. Painter confirmed that he would return to the Board after the HCC Board of Trustees approves the additional amount for engineering services and testing.

**CLOSED SESSION**

Vice-Chairman Kirkpatrick made a motion to enter into closed session for the purpose of closed session minutes approval and / or release – 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 attorney / client privilege regarding the Fairgrounds, closed session minutes dated June 6, 2011, and to approve but not release attorney / client privilege closed session minutes dated June 6, 2011, approve but not release litigation closed session minutes on June 6, 2011, and approve but not release attorney / client privilege closed session minutes dated June 6, 2011. Commissioner Ensley seconded and the motion carried unanimously.

**ADJOURNMENT**

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

The time of adjournment was 7:33 p.m. The DVD is attached by reference to the minutes.

\_\_\_\_\_  
CLERK

\_\_\_\_\_  
CHAIRMAN