

**HAYWOOD COUNTY COMMISSIONERS****REGULAR MEETING – MAY 2, 2011****CALL TO ORDER**

Chairman Mark S. Swanger convened the regular meeting of the Haywood County Board of Commissioners at 9:00 a.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.

**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.

Al Goodis stated that appraisers hired for revaluation of properties in Haywood County did not know what they were doing and that they were carpetbaggers. Mr. Goodis stated that many citizens have been hurt by their work. Mr. Goodis shared that he did not understand why the Board of County Commissioners could not overturn the revaluation. In 2007, Mr. Goodis was asking \$155,000 for his condominium, but he has been unable to sell it. Mr. Goodis stated that the “characters” came in and appraised his property at \$136,200. Mr. Goodis stated that Mayors for the Town of Canton and the Town of Maggie Valley could not pay their taxes.

Lewin Burkell shared his belief that every Tax Collector who met Jesus turned from their wicked ways. Mr. Burkell advised the Commissioners to ask the Lord for guidance and to listen for an answer. Vice-Chairman Kirkpatrick’s property decreased \$200,000, while Mr. Burkell’s property increased over \$200,000. Mr. Burkell shared that although he did not believe that the Board of Equalization and Review would help him, he had an appointment to meet with it.

Yvonne Mazet shared that she met with the Tax Administrator and the office of the appraiser and they lowered her property appraisal. Ms. Mazet expressed her appreciation for having a system that works, but she did not feel it was fair to require citizens to beg for lower taxes.

Chairman Swanger stated that the appeal process of Haywood County is described in law.

Jack Wadham shared that he met with the office of the appraiser and they lowered his property appraisal. Mr. Wadham stated that many citizens are unable to go to the property appraiser. Mr. Wadham stated that the appraiser confirmed that they use the blue book when revaluating vehicles. Mr. Wadham explained that there is a yellow book used to evaluate mobile homes, but the office of the appraiser does not use it. Mr. Wadham shared that adding as much as \$10,000 for septic tanks and / or roads does equal the same appraised value of the mobile home as indicated on his property reappraisal. Mr. Wadham urged the appraiser to order the yellow book and use it to evaluate mobile homes, as there

does not appear to be consistency with the process. Mr. Wadham expressed concern for citizens who are afraid to come before the appraiser to discuss their property value.

Eddie Cabe shared his experience with the Tax Administrator's office. Mr. Cabe described his home. It was built in 1919. Mr. Cabe stated that in 2000, he paid \$35,000 for the home and the land. The 2011 revaluation shows his home appraised at \$125,000, a 350% increase over ten years. Mr. Cabe shared that his 401K increased by 60%, and in 2008 his paycheck dropped by 40%. On April 13<sup>th</sup>, 2011, Mr. Cabe met with Tax Appraiser, Cal Messer. Mr. Messer stated that he was the only one who could talk to Mr. Cabe. Mr. Cabe told Mr. Messer the he thought some of the Commissioners would meet with them. Mr. Messer replied, "That's what you get for thinking". When asked if Mr. Messer read the response that Mr. Cabe sent by mail, Mr. Messer replied, "No, because it was an encyclopedia of information". Mr. Cabe clarified that the written response was four pages long. Mr. Cabe stated that Mr. Messer was unable to provide information on comparable homes in the area of Mr. Cabe's home, and was unable to explain the method used to revalue Mr. Cabe's home. After that meeting, Mr. Cabe telephoned the North Carolina Tax Commission and the Property Tax Division of the North Carolina Department of Revenue. Mr. Cabe learned that the County is required to supply a list of comparable homes used to determine the value of his property and this must show fair market value and uniformity. Mr. Cabe returned to the courthouse and requested tax cards used for his revaluation. Judy Ballard, Tax Assessor, presented him with three tax cards. The cards showed homes built in 2004 and 2007, and property valued less than \$6,000 per acre, whereas Mr. Cabe's property was valued at \$23,000 per acre. Mr. Cabe described the storage building he purchased in 1995 for \$600. His storage building needs a door and a new roof. The storage building was reappraised at \$1,500. On April 28<sup>th</sup>, Ms. Ballard presented him with a new tax card showing his storage building was valued at \$1,921, an increase of \$421 in three weeks. Mr. Cabe calculated that at this rate of increase, by the time his thirteen-year old daughter graduates from school, that storage building would be valued by the County at \$36,486.67. Mr. Cabe received new comparable tax cards in the mail. Mr. Cabe expressed that the employees are incompetent, and the process goes against the laws set forth by the State of North Carolina.

Horace Edwards presented a tax petition to repeal the Haywood County Tax Assessor's 2011 real property reappraisal. Mr. Edwards stated that some petitions were stolen and some citizens were afraid to sign the petition. Mr. Edwards shared that the reappraisals of the past were reasonable, but the recent reappraisals are very unreasonable. Mr. Edwards indicated that a member of the Board of County Commissioners is a local tax official. Therefore, Mr. Edwards expressed that the Commissioners have a responsibility to recognize that the activities that have taken place regarding reappraisal are preposterous and needs to be absolutely, totally changed for the citizens.

Debbie King stated that she was not opposed to paying her fair share of taxes to operate an efficient government that provides essential services for the people, but she is opposed to involuntary services, which would force a person to labor to pay a tax on property for a value that does not exist. Ms. King expressed her belief that this action violates the thirteen amendment to the U.S. Constitution, which deals with slavery and involuntary servitude. Ms. King explained that if property values are inflated some property owners might not be able to pay their taxes. Ms. King inquired if there were enough sales to get true market values for many of the neighborhoods. Ms. King asked if the residential, physical depreciation for manufactured housing used for the appraisal and were mobile home sites in rural areas appraised according to the approved schedule of values. Ms. King inquired if the appraisals were determined by chance or was this all in evidence that the values on approximately half of the properties increased in value.

Jonnie Cure´ stated that the burden of proof has been placed on the property owners regarding their property values. Ms. Cure´ expressed that the Board of County Commissioners pitted the uneducated and uninformed public up against the North Carolina Department of Revenue. Ms. Cure´ stated that the employees in the Tax Appraisers office are not real property appraisers but are certified and trained by the North Carolina Department of Revenue. Ms. Cure´ explained that the citizens of Haywood County have become lab rats of the North Carolina Department of Revenue and of the Board of County Commissioners. Ms. Cure´ stated that the citizens demand that the Board rescind the revaluation.

John Meinecke, Chairman of the Republican Party, read the resolution that he presented to the General Assembly hearing supporting redistricting.

Chairman Swanger requested that the resolution be placed on the agenda for the next regular Board meeting, May 16<sup>th</sup>, 2011.

David Francis, Tax Administrator, explained that reappraisal of mobile homes is based on the purchase price. According to the schedule of values adopted by the Board of County Commissioners, a new mobile home depreciation schedule starts at eighty-five percent and reduces down ten percent each year. Mr. Francis explained that the appeals process works with the help of individuals providing photographs of the property. Mr. Edwards' property decreased in value because the furnace did not work in his home. Mr. Francis stated that the appraisers had sixty hours of schooling prior to being certified by the North Carolina Department of Revenue and thirty hours of schooling every two years. Bank appraisers only use three comps. In order to improve the process of reappraisal, Mr. Francis invited citizens to discuss concerns regarding their homes. The process of appeal is set by statutes.

Commissioner Ensley stated that Haywood County is split in the House of Representatives and the Senate district. Commissioner Ensley expressed his support for the resolution read by Mr. Meinecke.

Commissioner Sorrells shared that the County is mandated by the State of North Carolina on many issues including the appeals process.

Commissioner Upton expressed that this was the best year to perform revaluations rather than waiting another year. Commissioner Upton shared that if the economy turns around and home sales increase significantly, properties would increase in value. Commissioner Upton shared that the appeals process is not perfect, but it works for citizens.

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

### **CONSTITUENT CONCERNS**

There were no constituent concerns.

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

Chairman Swanger adjusted the agenda by adding a Closed Session for the purpose of Attorney / Client Privilege - G.S. §143-318.11(a)(3).

### **CONSENT AGENDA**

Commissioner Ensley made a motion to approve the consent agenda, which consists of the approval of the April 18<sup>th</sup> regular meeting minutes. Commissioner Upton seconded and the motion carried unanimously.

- Approve April 18<sup>th</sup>, 2011 regular meeting minutes.

### **NEW BUSINESS**

#### **National Nurses Week Proclamation**

Jackie Edwards, Director of Women's Services for MedWest at Haywood Regional Medical Center, and Robin Burnette, Medical Med-Surg Nursing Director at Haywood Regional Medical Center, presented the National Nurses Week Proclamation.

Vice-Chairman Kirkpatrick made a motion to endorse the proclamation that designates May 6<sup>th</sup> through 12<sup>th</sup> as National Nurses Week. Commissioner Ensley seconded and the motion carried unanimously.

## Proclamation

**Whereas**, the nearly 3.1 million registered nurses in the United States, including nearly 500 nurses employed at the three hospitals within the MedWest Health System, comprise our nation's largest health care profession, and

**Whereas**, the depth and breadth of the registered nursing profession meets the different and emerging health care needs of the American population in a wide range of settings, and

**Whereas**, the American Nurses Association, as the voice for the registered nurses of this country, is working to chart a new course for a healthy nation that relies on increasing delivery of primary and preventive health care, and a renewed emphasis on primary and preventive health care will require the better utilization of all of our nation's registered nursing resources, and

**Whereas**, professional nursing has been demonstrated to be an indispensable component in the safety and quality of care of hospitalized patients, and

**Whereas**, the demand for registered nursing services will be greater than ever because of the aging of the American population, the continuing expansion of life-sustaining technology, and the explosive growth of home health care services, and more qualified registered nurses will be needed in the future to meet the increasingly complex needs of health care consumers in this community, and

**Now, let it be known** that the Haywood County Board of Commissioners do hereby ask all residents of this community to join them in honoring the nurses who care for all of us and show our appreciation for nurses not just during this week, but at every opportunity throughout the year.

This 2nd day of May 2011.

Mark S. Swanger, Chairman  
J.W. "Kirk" Kirkpatrick III, Vice Chairman  
L. Kevin Ensley  
Michael T. Sorrells  
Bill L. Upton

### **Request Approval of Haywood Community College (HCC) Change Order G-1 for Building 300 Renovation (Teaching and Learning Center)**

Michael Freeman, Padgett & Freeman Architects, PA, stated that the 300 Building renovation at HCC is completed and there is only one change order. Mr. Freeman explained that the change order consist of seven items, totaling over \$9,000.

Commissioner Upton made a motion that change order G-1 for the Building 300 renovation of Haywood Community College be approved. Commissioner Ensley seconded and the motion carried unanimously.

Julie Davis, Finance Director, presented a \$9,035 budget amendment.

Commissioner Ensley made a motion that the budget amendment as presented be approved. Commissioner Upton seconded and the motion carried unanimously.

HAYWOOD COUNTY  
CAPITAL PROJECT ORDINANCE  
FISCAL YEAR 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 - County building/repairs/construction projects, the expenditures are to be charge as follows:

Line Item	Account Number	Current Budget	Increase (Decrease)	Amended Budget
Haywood Community College projects:				
300 building:				
C/O - Buildings/structures	405925-558000-1HCC1	129,999	9,035	139,034
Project contingency	405925-599100-1HCC1	16,500	(9,035)	7,465

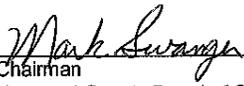
which will result in a net increase of \$ \_\_\_\_\_ in the expenditures of the Capital Project Fund.

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

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

Adopted this the 2nd day of May, 2011.

  
Chairman  
Haywood County Board of Commissioners

ATTEST:  
  
Clerk to the Board

<b>Explanation:</b>
To appropriate the amount of the requested change order from project contingency for Haywood Community College 300 building project.

**Methane Gas Collection and Combustion, Skid Mounted Landfill Gas Flare Package, Francis Farm Landfill**

Mark Cathey, Director of Solid Waste Services, McGill Associates, explained that the methane gas collection and combustion, skid mounted landfill gas flare package, for the Francis Farm Landfill is a continuation of a project from 2009. Phase 1 was completed in the fall of 2010. Mr. Cathey shared that Haywood County received a \$1 million grant from the North Carolina Department of Commerce, the Energy Division. Phase 2 includes the flare and the gas collection and combustion system, and is a portion of Phase 3 of this project. Mr. Cathey recommended award of the skid mounted landfill gas flare and blower package to Phillips Electric Company of Durham, North Carolina, doing business as Product Recovery Management for \$153,994. Chairman Swanger confirmed that Phillips Electric Company presented the lowest bid by approximately \$14,000.

Commissioner Ensley made a motion that the Phase 2 bid for the methane gas collection and combustion system as described be awarded to Phillips Electric Company of Durham, doing business as Product Recovery Management for \$153,994. Commissioner Upton seconded and the motion carried unanimously.

**Buyout Property Lease Requests Bryant and Ferguson**

Claire Carleton, Recreation Director, presented two new lease requests from Ronald and Jeannell Bryant; and Stuart and Cheryl Ferguson. The flood buyout properties would be used for personal gardens for \$1 per year. Ms. Carleton explained that the lease requests have not yet been approved by the Recreation Advisory Board.

Vice-Chairman Kirkpatrick made a motion that the property lease requests as presented be approved pending approval of the Recreation Advisory Board. Commissioner Sorrells seconded and the motion carried unanimously.

**Request approval of 2010-2011 fiscal year audit contract with Dixon Hughes Goodman**

Julie Davis, Finance Director, presented the audit contract for fiscal year ending June 30<sup>th</sup>, 2011 fiscal year. Ms. Davis explained that on April 1<sup>st</sup>, 2011, Dixon Hughes merged with Goodman Company to become Dixon Hughes Goodman.

Commissioner Upton made a motion to approve the fiscal year audit contract with Dixon Hughes Goodman Accounting firm for fiscal year 2010-11. Commissioner Ensley seconded and the motion carried unanimously.

**Resolution Supporting Letter Carriers 17<sup>th</sup> Annual Food Drive**

Marty Stamey, County Manager, presented a resolution supporting the letter carriers 17<sup>th</sup> annual food drive. Citizens are asked to leave donations of food at their mailboxes on Saturday, May 14<sup>th</sup>, 2011. Announcements would be placed on the Haywood County website by David Teague, Public Information Officer. Commissioner Ensley stated that volunteers are needed at Haywood Christian Ministries, on May 14<sup>th</sup>, from noon until 6:00 p.m. to unload and separate the food items.

Commissioner Ensley made a motion that the resolution supporting the letter carriers seventeenth annual food drive be approved as presented. Commissioner Sorrells seconded and the motion carried unanimously.

**RESOLUTION SUPPORTING LETTER CARRIERS 17<sup>TH</sup>  
ANNUAL FOOD DRIVE**

**WITNESSETH:**

**WHEREAS**, some of the 30 million people in our country who face hunger daily live in our County; and

**WHEREAS**, the Haywood Christian Ministry, the Salvation Army, the Community Kitchen and the Open Door seek to provide food for those in need; and

**WHEREAS**, our local mail carriers make an annual effort to gather food for these agencies.

**NOW THEREFORE BE IT RESOLVED** that the Haywood Board of County Commissioners, at its May 2<sup>nd</sup>, 2011 regular meeting, unanimously voted to adopt this resolution calling upon its citizens to support the local association of letter carriers in the 17<sup>th</sup> annual food drive on Saturday, May 14<sup>th</sup>, 2011, by placing food at their mail boxes or taking it to their post office.

**Adopted** this 2<sup>nd</sup> day of May, 2011

BY: Mark Swanger  
Mark S. Swanger, Chairman

ATTEST: Marty Stamey  
Marty Stamey, County Manager

**"A Day of Prayer in Haywood County" Proclamation**

Chairman Swanger explained that each year the Board of Commissioner's has approved a proclamation designating the first Thursday in May as a day of prayer in Haywood County. This year that date is May 5<sup>th</sup>, 2011. Chairman Swanger presented the proclamation.

Commissioner Sorrells made a motion that the proclamation designating Thursday, May 5<sup>th</sup>, 2011, as a day of prayer in Haywood County be approved. Commissioner Upton seconded and the motion carried unanimously.

**PROCLAMATION****"A DAY OF PRAYER IN HAYWOOD COUNTY - THURSDAY, MAY 5, 2011"**

**WHEREAS**, Civic prayer and national days of prayer have a long and venerable history in our constitutional republic, dating back to the First Continental Congress in 1775; and

**WHEREAS**, The Declaration of Independence, our first statement as Americans of national purpose and identity, made "the Laws of Nature and Nature's God" the foundation of our United States of America and asserted that people have inalienable rights that are God-given; and

**WHEREAS**, The Supreme Court has affirmed the right of state legislatures to open their sessions with prayer and the Supreme Court and the U.S. Congress themselves begin each day with prayer; and

**WHEREAS**, In 1988, legislation setting aside the first Thursday in May in each year as a National Day of Prayer was passed unanimously by both Houses of Congress and signed by President Ronald Reagan; and

**WHEREAS**, The National Day of Prayer is an opportunity for Americans of all faiths to join in united prayer to acknowledge our dependence on God, to give thanks for blessings received, to request healing for wounds endured, and to ask God to guide our leaders and bring wholeness to the United States and her citizens; and

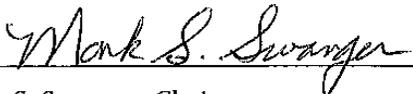
**WHEREAS**, It is fitting and proper to give thanks to God by observing a day of prayer in Haywood County when all may acknowledge our blessings and express gratitude for them, while recognizing the need for strengthening religious and moral values in our State and nation;

**NOW, THEREFORE, I, Mark Swanger**, Chairman, Haywood County Commissioners, hereby proclaim the first Thursday in May 2011, to be designated as

**"A DAY OF PRAYER IN HAYWOOD COUNTY"**

and encourage the citizens of Haywood County to observe the day in ways appropriate to its importance and significance.

Proclaimed this the 2nd day of May, 2011.



Mark S. Swanger, Chairman  
Haywood County Commissioners

**CLOSED SESSION**

Commissioner Ensley made a motion that the Board go into closed session for Attorney / Client Privilege - G.S. §143-318.11(a)(3). Commissioner Upton seconded and the motion carried unanimously.

**Return from Closed Session**

The Board returned from closed session.

**ADJOURNMENT**

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

The time of adjournment was 10:50 a.m. The DVD is attached by reference to the minutes.

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CLERK

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CHAIRMAN