

HAYWOOD COUNTY COMMISSIONERS
REGULAR MEETING – OCTOBER 17, 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, 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.

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

Mothers Against Drunk Driving (MADD) “Booze It and Lose It” Kickoff

Ellen Pitt, with MADD, presented an invitation to the 2011 Halloween “Booze It and Lose It” kickoff to be held Friday, October 28, 2011, at 11:00 a.m. at the Haywood County Justice Center; the campaign runs throughout the weekend. Ms. Pitt explained the purpose of “Booze It and Lose It” is to send out the strong message to drive safe, sober and buckled up for the Halloween weekend.

CONSTITUENT CONCERNS

Marty Stamey, County Manager, reported on a fire at the Haywood County Materials Recovery Facility (MRF). Multiple fire departments were on the scene, as well as Emergency Medical Services and employees of some county departments. One employee was taken to the emergency room due to smoke inhalation, but was released from the hospital. Mr. Stamey thanked and commended the fire fighters.

DISCUSSION / ADJUSTMENT / APPROVAL OF CONSENT AGENDA

No Discussion.

CONSENT AGENDA

Commissioner Sorrells made a motion that the consent agenda be approved as presented. Commissioner Upton seconded and the motion carried unanimously.

- Approve October 3, 2011 regular meeting minutes

- Approve September 2011 Refunds, Releases, Amendments and Discoveries David Francis, Tax Administrator
- Budget Amendments – Julie Davis, Finance Director
 - Community Development Grant – \$45,650 – Building Reuse & Restoration Fund Rural Economic Development Center - 50/50 Grant for renovation of a building to be used by LifeSpan Creative Campus in Waynesville with LifeSpan matching the grant
 - Community Development - \$88,000 - Rural Economic Development Center – 50/50 Grant for renovation of Haywood Regional Medical Emergency Center - Psychiatric Evaluation Area with Medical Center matching the grant
- Approval of the Current Year Debt Service Payment for the School Astro turf Project from Lottery Proceeds – \$293,944 – Application already approved by the School Board to take the current year debt service amount from lottery proceeds for the Astro turf Project for Pisgah and Tuscola High Schools - 4th year of a 5-year commitment

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
Community Development				
Aid to Other Gov't	11 4930 563000 12LIF		45,650	45,650

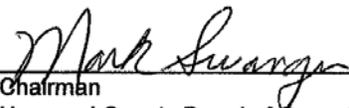
which will result in a net increase of \$ 45,650 in the expenditures of the General Fund.

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 Revenue-Non Federal	11 0050 449360 12LIF		45,650	45,650

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

Adopted this the 17th day of October, 2011.


Chairman
Haywood County Board of Commissioners

ATTEST 
Clerk to the Board

Explanation: To appropriate funding from Rural Economic Development Center, Inc. for the renovation of a 4920sq ft building to be used by LifeSpan Creative Campus in Waynesville.
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HAYWOOD COUNTY
BUDGET ORDINANCE AMENDMENT
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JNL: _____

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Department	Account Number	Current Budget	Increase (Decrease)	Amended Budget
Community Development				
Aid to Other Gov't	11 4930 563000 12RCG		88,000	88,000
			-	

which will result in a net increase of \$ 88,000 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 Revenue-Non Federal	11 0050 449360 12RCG	-	88,000	88,000

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

Adopted this the 17th day of October, 2011.


Chairman
Haywood County Board of Commissioners

ATTEST: 
Clerk to the Board

Explanation: To appropriate funding from Rural Economic Development Center, Inc. for the renovation of a portion of Haywood County Medical Center's existing emergency area for use as a Psychiatric Evaluation Area.

AGENCY / ADMINISTRATIVE REPORT

Tourism Development Authority (TDA) Year End Report

Lynn Collins, Haywood County TDA Director, gave a PowerPoint presentation showing the 2010 and 2011 TDA budget year. Ms. Collins explained that the Haywood County TDA is funded through a four-percent occupancy tax placed on all short-term rentals of 90 days or less in Haywood County. Ms. Collins shared that the TDA has recently launched a site for Haywood County for smart phone and tablet users. Ms. Collins stated that the TDA website per-day page views have increased 140% over the past year. She ended her presentation stating that the tax relief for Haywood County households is \$461.40 each year as a result of tourism; so, one of the fastest and easiest ways to generate tax revenue is to increase tourism.

OLD BUSINESS

Resolution – Smoky Mountain Center Purchase of Property

County Attorney, Chip Killian, presented a resolution, which was provided by the attorney representing Smoky Mountain Center. As required by statute, all 15 counties within the Local Management Entity (LME) area must approve the purchase of property from a county. Smoky Mountain Center made an offer to purchase property located in Waynesville, and owned by Haywood County. County Attorney Killian confirmed that Haywood County published a 10-day notice of property sale. The proposed resolution is part of the process

for sale of the property. Formal approval of the contract of the offer to purchase the property is the next step in the process. A plat was submitted to the Town of Waynesville for its approval. County Attorney Killian explained that if the proposed resolution is approved, the Board could conditionally authorize going forward with the closing, subject to receiving notification that the 15 counties approve the sale and subject approval by the Town of Waynesville.

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

Commissioner Upton made a motion that the Chairman and County Manager be authorized to close on the sale of the Smoky Mental Health property to Smoky Mountain Health, Developmental Disabilities and Substance Abuse Services, pursuant to the offer received on September 19, 2011, and the resolution of the County on October 3, 2011, subject to approval by the County Attorney of closing documents, approval of the 15 counties who comprise the LME and approval by the Town of Waynesville of the subdivision of the property to create the 1.79 acre parcel which is to be sold. Commissioner Sorrells seconded, and the motion carried unanimously.



Resolution

Purchase of County Owned Property

WHEREAS, the Smoky Mountain Center for Mental Health, Developmental Disabilities and Substance Abuse Services ("Center") is an area authority organized under North Carolina General Statute §122C-147(c), and as such serves as the Local Management Entity for the area consisting of fifteen counties; and

WHEREAS, the Center intends to purchase certain real property in Haywood County, North Carolina, to use in the normal course of its business; and

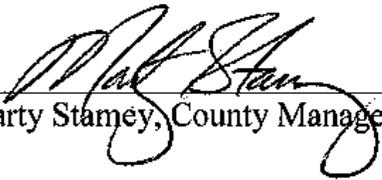
WHEREAS, pursuant to G.S. §122C-147(c) each county in the fifteen county area must approve the purchase of real property by an area authority by resolution of the County Commission; and

WHEREAS, the property is described as lot #2 on a plat entitled Haywood County prepared by Owens Surveying, PLS, dated 08/26/11, Project No. 11-01-104.

NOW THEREFORE BE IT RESOLVED THAT THIS Board, upon motion and a second, and after discussion in open session, hereby approves the purchase of the property by the Center, this seventeenth day of October, 2011.


 Mark S. Swanger, Chairman
 Haywood County Board of Commissioners

ATTEST:


 Marty Stamey, County Manager / Clerk to the Board

NEW BUSINESS

Appoint County Representative to French Broad Metropolitan Planning Organization (MPO) Bike Plan Steering Committee

Kris Boyd, Planning Director, stated that the French Broad MPO, housed in the Land O' Sky Regional Council, Region B, has decided to undertake a regional bike plan study for seven counties including Buncombe, Haywood, Henderson, Jackson, Madison, Swain and Transylvania. The French Broad MPO is requesting an appointment from each county or town and two at-large members to represent each North Carolina Department of Transportation Division. Mr. Boyd stated that after discussing the appointment with Marty Stamey, County Manager, and Claire Carleton, Recreation Director, they concluded that the best candidate for this appointment is Ms. Carleton. Ms. Carleton has been involved with the current Haywood County bike plan.

Commissioner Ensley made a motion that Claire Carleton be appointed as the County representative. Vice-Chairman Kirkpatrick seconded, and the motion carried unanimously.

MCNC Lease for Dark Fiber Use

Kristy Lanning, Director of Technology and Communications, presented a 60-month lease agreement with MCNC for dark fiber that will complete the path to the property located on Paragon Parkway from the Hi Technology Center and to Tuscola School Road. County Attorney Killian confirmed that he had reviewed the proposed lease agreement.

Commissioner Ensley made a motion that the dark fiber lease agreement with MCNC and Haywood County be approved. Vice-Chairman Kirkpatrick seconded, and the motion carried unanimously.

Julie Davis, Finance Director, presented a budget amendment for \$3,056 from General Fund contingency for this project.

Commissioner Sorrells made a motion that the budget amendment as presented be approved. 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	Account Number	Current Budget	Increase (Decrease)	Amended Budget
Information Technology:				
Data processing supplies	114200-529100	7,000	1,500	8,500
Rent of Equipment	114200-543900	-	1,566	-
Contingency	119910-599999	470,277	(3,056)	467,221

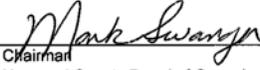
which will result in a net increase (decrease) of \$ _____ in the expenditures of the General Fund.

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

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

Adopted this the 17th of October, 2011.


Chairman
Haywood County Board of Commissioners

ATTEST:

Clerk to the Board

Explanation:
To appropriate the amount due for the dark fiber per the lease agreement for the remaining 8 months of this fiscal year.

Architect Request for Qualifications for former Bargains Building at 63 Elmwood Way

Dale Burris, Facilities and Maintenance Director, presented a request for qualifications for architectural services for the renovation of the former Bargains building located at 63 Elmwood Way. Mr. Burris stated that the facility is in dire need of a roof, but the County needs additional space for the wellness center, the Board of Elections, an adult daycare program, warehouse storage space and miscellaneous office spaces. Mr. Burris suggested posting the request for qualifications for architectural services on the County website, with a deadline for receiving information of November 3, 2011. Chairman Swanger inquired if the Board preferred to interview architects or to delegate staff to conduct the interviews. After discussion, the Board agreed that Marty Stamey, County Manager, would facilitate interviewing architects and make a recommendation to the Board for consideration.

Commissioner Ensley made a motion that the RFQ as presented be approved for dissemination. Commissioner Upton seconded and the motion carried unanimously.

Request approval to waive competitive bidding under G.S. §143-129(g) for new ambulance purchases

Julie Davis, Finance Director, explained that competitive bidding is required for the purchase of equipment costing \$90,000 or more. Ms. Davis advised that there is an exception to this rule in G.S. §143-129(g) which allows waiving bidding for a previously bid contract when the seller is willing to furnish this at the same price as previously quoted. Ms. Davis stated that Haywood County formally bid an ambulance and entered into a contract for an ambulance last October. The seller is now willing to honor that same price. The statutes require the County to give notice of waiving the competitive bidding statutes. Notice was given September 14, 2011. Ms. Davis requested waiving the competitive bidding requirements and allow the purchase of two ambulances from Southeastern Specialty Vehicles at the same price, \$120,300, that the County paid almost a year ago. County Attorney Killian confirmed that he consulted with Ms. Davis and Marty Stamey, County Manager, and believes the proposed action is proper according to the statute.

Commissioner Upton made a motion that the request to approve the waiver of competitive bidding under General Statute §143-129(g) be approved. Vice-Chairman Kirkpatrick seconded, and the motion carried unanimously.

Blue Ridge National Heritage Area (BRNHA) Partnership Contractor Selection

Angie Chandler, Executive Director of BRNHA, explained that in January 2011, the Haywood County Board of Commissioners approved a resolution allowing BRNHA to go into partnership by endorsing the BRNHA trails program and allowing Haywood County to serve as the fiscal agent for the project to implement a federal highway administration grant to design, construct and install more than 80 signs in WNC. Ms. Chandler presented a contract for consideration for Signage Coordination Services between Haywood County, BRNHA, Inc. and the independent contractor Melinda Massey Young. County Attorney Killian confirmed that he had reviewed the contract.

Vice-Chairman Kirkpatrick made a motion that the contract for Signage Coordination Services between Haywood County and the Blue Ridge National Heritage Area Inc. and Melinda Massey Young be approved. Commissioner Upton seconded, and the motion carried unanimously.

Cancellation of Deeds of Trust for Hurricane Recovery Act (HRA) and Crisis Housing Assistance Funds (CHAF) recipients

David Teague, Grants Coordinator, explained that because of the 2004 floods, several Haywood County families received relocation housing assistance from programs funded through the Hurricane

Recovery Act (HRA) or the Crisis Housing Assistance Funds (CHAF). In most cases, the assistance was provided in the form of 0% deferred, forgiven loans with a 5-year pro-rated recapture period. The intent was for the loan amount to be forgiven (reduced) by 20% per year. Each loan was secured with a Promissory Note and Deed of Trust recorded in the Register of Deeds Office, and Haywood County was the secured creditor. This year and next year mark the fifth years for about twenty of these loans. Mr. Teague requested permission for the County Manager to sign the satisfactions as they come due by review by County Attorney Killian.

Commissioner Ensley made a motion that the County Manager be authorized to deal with the cancellation of Deeds of Trusts for Hurricane Recovery and Crisis Housing recipients. Vice-Chairman Kirkpatrick seconded, and the motion carried unanimously.

Resolution – North Carolina Department of Transportation Corridor K

Marty Stamey, County Manager, presented a resolution requesting the North Carolina Department of Transportation to complete Corridor K in Graham County. Mr. Stamey explained that this connection would promote economic development in western North Carolina, specifically Graham County. The construction design is one having the least impact on the environment and includes a large bridge and a tunnel.

Commissioner Ensley made a motion that the resolution requesting that the North Carolina Department of Transportation complete the Corridor K project be approved. Commissioner Upton seconded, and the motion carried unanimously.



Requesting that the

North Carolina Department of Transportation Complete

Corridor K

WHEREAS, the Graham County Board of Commissioners has reviewed the North Carolina Department of Transportation (NCDOT) recommended alternative for the B and C portions of A-9 or Corridor K, connecting the existing four-lane on NC 28 and ending at Wolf Creek Grocery to US 129 near Robbinsville, North Carolina; and

WHEREAS, the Graham County Board of Commissioners is in agreement that the recommended alternative for the B and C portions of A-9, or Corridor K, will encourage sustainable economic development, including industrial commercial and tourism development; and

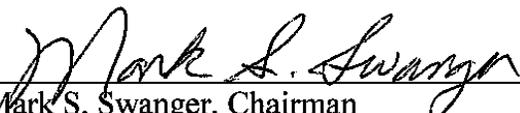
WHEREAS, the Graham County Board of Commissioners agrees the growth of Graham County relies upon easier access made possible by the completion of Corridor K; and

WHEREAS, the Graham County Board of Commissioners has examined the alternatives for the B and C section of the Corridor K project to include the options of improving existing NC 28 and NC 143 to Robbinsville, North Carolina; and

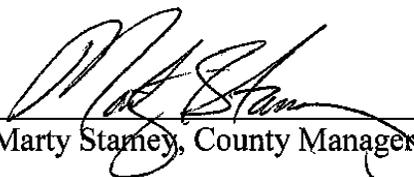
WHEREAS, the Graham County Board of Commissioners understands that Corridor K will connect a previously isolated portion of Western North Carolina to the global economy;

NOW THEREFORE BE IT RESOLVED THAT THIS Board supports the request by the Graham County Board of Commissioners that the NCDOT proceed with the right-of-way and construction of the B and C portions of A-9 or Corridor K, using the NCDOT's recommended alternative, "YX." Further, the Haywood County Board of Commissioners hereby respectfully requests that the NCDOT begin planning environmental studies on Portion A of the A-9, or Corridor K project immediately so that this highway can be completed a the earliest possible date.

Approved and adopted, this seventeenth day of October, 2011.


 Mark S. Swanger, Chairman
 Haywood County Board of Commissioners

ATTEST:


 Marty Stamey, County Manager / Clerk to the Board

Clyde Planning Board Member

Marty Stamey, County Manager, explained that Robin Henson resigned from the Clyde Planning Board. Mr. Stamey stated that the Town of Clyde Board of Aldermen recommend appointing Ryan Jacobson to the Clyde Planning Board. The term will expire on December 31, 2012.

Vice-Chairman Kirkpatrick made a motion regarding the appointment to the Clyde Planning Board of Ryan Michael Jacobson. Commissioner Ensley seconded and the motion carried unanimously.

CLOSED SESSION

Vice-Chairman Kirkpatrick made a motion to enter into Closed Session for the purpose of economic development – G.S. §143-318.11(a)(4). Commissioner Upton seconded, and the motion carried unanimously.

The Board returned from closed session.

ADJOURNMENT

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

The time of adjournment was 6:47 p.m. The DVD is attached by reference to the minutes.

CLERK

CHAIRMAN