

HAYWOOD COUNTY COMMISSIONERS

REGULAR MEETING – July 16, 2012

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 Executive Assistant/Deputy Clerk Amie Owens.

PLEDGE OF ALLEGIANCE

Chairman Swanger led the pledge of allegiance.

INVOCATION

Commissioner Upton offered the invocation.

PUBLIC COMMENT S

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

No constituent concerns were noted.

DISCUSSION / ADJUSTMENT / APPROVAL OF CONSENT AGENDA

There were no adjustments to the agenda.

CONSENT AGENDA

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

- Approval of June 18, 2012 regular meeting minutes
- Approval of June 28, 2012 special meeting minutes
- June 2012 Refunds, Releases, Amendments and Discoveries

As an aside, David Francis, Tax Administrator reminded members that Folkmoot begins this week and invited Commissioners to participate in the opening gala and the parade of nations.

- Julie Davis, Finance Director presented the annual Forest Service contract and noted that this is a cost sharing arrangement with the State funding 60% and County 40% and this amount was included in the FY 2012-2013 budget.
- Ms. Davis explained the following budget amendment
 - DSS - \$1,962,982 – the majority of this amendment is for pass through funds for Southwestern Child Development Center childcare subsidy, with the remainder as administrative costs for the day care program and crisis intervention program.
- Carmine Rocco, Health Director presented two contracts and two contract amendments for approval. The County Attorney reviewed the contracts and amendments, with no concerns noted.
 - NC Alliance for Public Health Agencies for medical and dental services and WIC Nutritionist - \$101,419
 - Agreement with Haywood County Schools for school nurses - \$100,575
 - Amendment #1 to AccessCare/Health Check agreement to extend the contract term through June 30, 2013 and Amendment #2 to AccessCare/Health Check agreement to include salary of \$42,289
 - Amendment #1 to AccessCare and Local Health Department agreement to extend the contract term through June 30, 2013

Chairman Swanger explained that there had been a large number of contracts presented for review at the last two meetings. He noted that this is a common occurrence as contracts are renewed or amended at the beginning of the fiscal year.

STATE OF NORTH CAROLINA

Department of

Agriculture & Consumer Services

	<u>\$ 241,515.00</u>	
Total Cooperative Appropriation		
	<u>\$ 144,909.00</u>	60%
State		
	<u>\$ 96,606.00</u>	40%
County		

AGREEMENT FOR THE PROTECTION, DEVELOPMENT AND IMPROVEMENT
OF FOREST LAND IN **HAYWOOD COUNTY**, NORTH CAROLINA

THIS AGREEMENT, made under authority of "An act to authorize Counties to cooperate with State in Forest Protection, Reforestation and promotion of Forest Management," (Section 106-906 of the general Statutes of North Carolina - 1943), and also under authority of another Section of the General Statutes, namely Section 106-898, by the North Carolina Department of Agriculture & Consumer Services (hereinafter Called the Department), party of the first part, and the Board of Commissioners of **HAYWOOD COUNTY** in the State of North Carolina (hereinafter called the Board), party of the second part, witnesseth:

That WHEREAS the said Board, recognizing the need for active forest protection, development, reforestation, management and improvement in HAYWOOD COUNTY, has accepted the offer of the Department for cooperation in accomplishing this object:

Now THEREFORE, in consideration of the mutual covenants hereinafter set forth, the said parties contract and agree to maintain a legally appointed and equipped Forest Ranger organization in said county at the joint cost of the State and County, insofar as the joint funds will permit, as follows:

Part I. THE DEPARTMENT AGREES:

1. To select, employ and appoint, after consultation with the Board, a County Forester or County Forest Ranger for the purposes of controlling forest fires in said County; for detecting and extinguishing fires that break out; for investigating the origin of forest, woodland and field fires; for enforcing State forest fire laws; for taking such preventative measures, educational and otherwise, as shall seem necessary to prevent forest fires; for developing and improving the forests through reforestation promotion and practice of Forest Management practices; and for protection from insects and diseases.
2. To furnish to each Forester or Forest Ranger so employed a badge of office, stationery and report forms, instructional posters for use in the County, leaflets for distributing to landowners and others; to purchase necessary equipment, communication systems, and other Forestry improvements deemed necessary insofar as the joint funds will permit.
3. To pay the Forester or Forest Ranger for all official services rendered, at a fair rate of pay. Rates of pay are to be established by the Department in accord with existing State salary schedules.
4. To direct supervise, instruct, and inspect, through its agents, the work and conduct of the Forester or Forest Ranger, to discipline and, when necessary, discharge such Forester or Forest Ranger.
5. To submit to the Board of Commissioners monthly (or at other mutually satisfactory intervals) an itemized statement of all monies to be paid by the County and those paid by the Department for proper conduct of the work within said County.
6. To make available annually from State, Federal, and other funds allotted to it, the sum of **One hundred forty-four thousand nine hundred nine dollars (\$144,909.00)**, as its share of an annual budget of **\$241,515.00** for carrying the work in said County.

Part II. THE BOARD AGREES:

1. To pay to the Department **40%** of the total cost of the Forester or Forest Ranger salaries and expenses and of other proper expenditures made in connection with the over-all Forestry program in said County, upon receipt and consequent approval of the periodic statements submitted by the Department.
2. To appropriate annually the sum of **Ninety-six thousand six hundred six dollars (\$96,606.00)** which sum shall be available for expenditure under the terms of this Agreement, and shall represent the County's share of the annual budget.

Part III. IT IS EXPRESSLY AGREED AND UNDERSTOOD BY BOTH PARTIES:

1. That this Agreement becomes effective **July 1, 2012**.
2. That the annual appropriations as set forth above may be revised by mutual agreement between the Department and the Board, based on the amount of annual appropriation desirable for the proper conduct of the Forestry work, such revision to become effective at the beginning of a given Fiscal Year. Any unused balance of County funds remaining at the end of a Fiscal Year shall revert to said County unless otherwise mutually agreed upon by both parties.
3. That the Board reimburse the Department as provided in Part II, Item 1, by forwarding a county voucher drawn in favor of the Department for the amount of the County's share of expenditures as set forth in the Department's periodic statement to the Board. That such payments be made by the Board within thirty days following receipt of the Department's billing.
4. That title to all improvements and equipment purchased and/or constructed in connection with this agreement will rest with the Department; such materials or their equivalent will remain in the County as long as this agreement is in effect, or as long as they are needed by the Department for the proper conduct of the work therein.
5. That the Forester or Forest Ranger periodically or at the request of the Board, shall present to the Board statements of the work being done within the County, so that said Board may be fully informed at the times regarding the Forestry finances and activities within the County.

IN WITNESS WHEREOF, the said parties do hereunto affix their names and seals upon the date herein below specified.

For the Board of County Commissioners of HAYWOOD COUNTY.

Date 7/14/12 Mark Swartz Chairman

Provisions for the payment of the monies to fall due under this Agreement have been made by appropriation duly made or by bonds or notes duly authorized, as required by the "County Fiscal Control Act."

Date 7/14/12 [Signature] County Finance Officer

For the North Carolina Department of Agriculture & Consumer Services

Date _____ Signature

N. David Smith, Chief Deputy Commissioner

HAYWOOD COUNTY
BUDGET ORDINANCE AMENDMENT
FISCAL YEAR 2012-2013

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, 2013.

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

Department	Account Number	Current Budget	Increase (Decrease)	Amended Budget
Social Services:				
Work First:				
Subsidized Child Care Program	115372-539907-SWCDC	-	1,932,464	1,932,464
Day Care program - Administrative cost	115372-518303	50,000	30,000	80,000
Public Assistance:				
Misc. Charges - Crisis Intervention Program	115340-549910-LIEAP	148,863	518	149,381

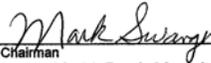
which will result in a net increase (decrease) of \$ 1,962,982 in the expenditures of the General Fund.

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 Revenue:				
State payments for SWCDC	110050-453701-SWCDC	-	1,932,464	1,932,464
Administrative Reimbursements	110050-453400	4,548,691	30,000	4,578,691
Administrative Reimbursements	110050-453400	4,578,691	518	4,579,209
			1,962,982	

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

Adopted this the 16th of July, 2012.


Chairman
Haywood County Board of Commissioners

ATTEST:

Clerk to the Board

Explanation:
To appropriate the amount estimated to be available for the county to use in the Work First program for subsidized child care. The funds for this program were temporarily passed through the county in the 11-12 FY and may be passed through in the 12-13 FY.
And to increase the LIEAF program to the actual amount to be received.

NEW BUSINESS

Request approval of Funding Plan for Home and Community Care Block Grant

Chairman Swanger recognized Patsy Dowling, Executive Director, Mountain Projects, Inc. Ms. Dowling explained that Mountain Projects and Haywood County DSS are co-lead administrators of the Home and Community Care Block Grant (HCCBG). The HCCBG Committee recommended approval of the funding plan of \$491,736. Ms. Dowling noted that these are state funds that are allocated to Haywood County from the Southwestern Commission Area Agency on Aging.

Commissioner Upton motioned to approve the Home and Community Care Block Grant funding plan as presented. Vice-Chairman Kirkpatrick seconded; the motion carried unanimously.

Request approval of change order #1 for Francis Farm Landfill

Mr. Francis presented information on behalf of Mark Cathey, PE, who was unable to attend. He explained that in 2011 Payne, McGinn & Cummins (PMC) was awarded the contract to connect the wells for methane collection; this project has been completed. Mr. Francis added that the flare is connected to the generator and has been operating for approximately 3 weeks, and is generating electricity. He noted that he and County Manager Stamey met with representatives of PMC and McGill Associates for the final contract review. At this

time, a savings of \$9,753.94 was reported; resulting in a total cost for the project of \$674,510.56. Mr. Francis reminded the board that funds for this project were from a grant.

Commissioner Ensley asked if this project was a requirement of NC Department of Environment and Natural Resources (NC DENR). Mr. Francis answered that this was not a requirement of NC DENR; however, this project assisted with meeting the requirements set forth by NC DENR.

Commissioner Sorrells asked if the dollars saved would be returned to the entity awarding the grant, or would the County be able to keep and utilize the funds. Mr. Francis explained that the funds could be used for other aspects of the Francis Farm Landfill project.

Commissioner Upton questioned if the water quality in the locations surrounding the landfill was acceptable. Mr. Francis explained that the groundwater testing within the required perimeter were within acceptable limits.

Commissioner Ensley motioned to approve the Francis Farm Landfill change order #1, a deduction of \$9,753.94 as presented. Vice-Chairman Kirkpatrick seconded; the motion carried unanimously.

CHANGE ORDER Number One (1)

PROJECT: Francis Farm Landfill, Landfill Gas Collection & Combustion System, Phase 2B, Haywood County, North Carolina OWNER: Haywood County (Name, Address) 215 N. Main Street Waynesville, North Carolina 28786 CONTRACTOR: Payne, McGinn & Cummins, Inc. 2017 N. Highway 25 Travelers Rest, South Carolina 29690 CONTRACT FOR: Landfill Gas Collection System Installation	DATE OF ISSUANCE: July 2, 2012 OWNER'S PROJECT NO.: <u>4390014893</u> ENGINEER: McGill Associates, P.A. 55 Broad Street Asheville, NC 28801 ENGINEER'S PROJECT NO.: <u>09.00721</u>
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You are directed to make the following changes in the Contract Documents.

Description: Adjust Bid Quantities for various Bid Items as shown on the attached summary titled "Final Quantity/Cost Adjustment, Payne, McGinn & Cummins, Inc., Francis Farm Landfill, Landfill Gas Collection and Combustion System, Phase 2B".

Purpose of Change Order: Adjust the final Bid Quantities to match the Final As-Built Quantities for the Phase 2B of the Landfill Gas Collection and Combustion System at the Francis Farm Landfill

Attachments (List documents supporting change): Final Quantity/Cost Adjustment, Payne, McGinn & Cummins, Inc., Francis Farm Landfill, Landfill Gas Collection and Combustion System, Phase 2B, Haywood County, North Carolina

CHANGE IN CONTRACT PRICE: Original Contract Price \$ 684,264.50 Previous Change Order No. <u>N/A</u> to No. <u>N/A</u> \$ N/A Contract Price Prior to This Change Order \$ 684,264.50 Net Decrease of This Change Order (\$ 9,753.94) Contract Price With All Approved Change Orders \$ 674,510.56	CHANGE IN CONTRACT TIME: Original Contract Time 180 Consecutive Calendar Days Net Change From Previous Change Orders 0 Calendar Days Contract Time Prior to This Change Order 180 Consecutive Calendar Days Net Increase (Decrease) of This Change Order 0 Calendar Days Contract Time With All Approved Change Orders 180 Consecutive Calendar Days
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RECOMMENDED: BY:  Engineer William K. Sperry, PE	APPROVED: BY:  Owner Haywood County, North Carolina	APPROVED: BY:  Contractor Payne, McGinn & Cummins, Inc. Robert M. McGinn, President
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EJCDC No. 1910-9-B (1983 Edition)
 Prepared by the Engineers' Joint Contract Documents Committee and endorsed by The Associated General Contractors of America.

Request approval of Scrap Tire Service Agreement

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Chairman Swanger recognized Stephen King, Solid Waste Director. Mr. King explained that a request for proposal (RFP) for the hauling of scrap tires; scrap tires are banned from landfills and must be collected and processed in accordance with North Carolina general statutes. Three companies responded, with Northeast Georgia Tire Recycling presenting the lowest bid at \$110.00 per ton for passenger and truck tires and \$200.00 per ton for off-road tires. Mr. King noted that with this change, the anticipated annual savings is approximately \$32,000. Mr. King requested approval of the low bid contract; County Attorney Killian added that the request would be to award the contract subject to the proper negotiation of the contract.

Commissioner Sorrells commented that the scrap tire program has been beneficial for tire vendors in the county by providing storage until tires can be recycled. He added that there is a potential for additional savings if tire volumes reach higher than this past year. Mr. King confirmed and noted that in 2012, 935 tons of tires were processed, 2011 over 1,000 tons and in 2010 over 1,100 tons.

Commissioner Ensley motioned to award the scrap tire service contract to the low bidder, Northeast Georgia Tire Recycling. Commissioner Upton seconded; the motion carried unanimously.

Request approval of Property Tax Commission Appeal for parcel 8629-28-5920

Mr. Francis noted that at the Board of E&R review, members were informed of the purchase through foreclosure of a doublewide trailer with no additional information noted at that time. The property owner appealed the valuation.

The Tax Assessor, Judy Ballard, revisited the property (8629-28-5920) in preparation for the appeal. The following discoveries were made including a falling embankment, bullet holes in the property and other various problems with the property. The property owner was approached following the discovery of the new evidence; the recommended value was offered at \$52,000 for the tax year 2011. The property owner accepted.

Commissioner Upton motioned to approve the change in property value for parcel 8629-28-5920 is adjusted to \$52,000 for tax year 2011. Commissioner Ensley seconded, the motion carried unanimously.

Request approval of Grant Agreement for Library Science and Technology Act Grant

Chairman Swanger recognized Sharon Woodrow, Library Director. Ms. Woodrow explained that she is seeking approval of the grant agreement to purchase and install Radio Frequency Identification (RFID) equipment in the Waynesville branch library.

Vice-Chairman Kirkpatrick motioned to approve the grant agreement as presented. Commissioner Ensley seconded; the motion carried unanimously.

**GRANT AGREEMENT
LSTA PROJECT TECHNOLOGY GRANT**

This is an agreement by and between **Haywood County Public Library**, hereinafter referred to as "the Library," and the State Library of North Carolina, Department of Cultural Resources, hereinafter referred to as the "State Library."

The State Library has agreed to fund this grant with federal Library Services and Technology Act (LSTA) funds in the amount of **\$99,966** to be disbursed through North Carolina Accounting System accounting fund 46011495410145. The Catalog of Federal Domestic Assistance (CFDA) number for this grant is **45.310**. This agreement is in effect upon signing by all parties, but no earlier than July 1, 2012, and will terminate on June 30, 2013, unless amended by mutual consent.

Institution and/or Library Name: Haywood County Public Library
Mailing Address: 1074 South Haywood St.
City, State, ZIP: Waynesville, NC 28786
Contact person name/title: Sharon Woodrow, Director
Contact person telephone: 828-356-2504
Contact person email: swoodrow@haywoodnc.net
DUNS Number: 070420232
Federal Employer Identification Number: 50-1001534
Library fiscal year ending date: June 30, 2013

**IN CONSIDERATION OF RECEIVING THE ABOVE REFERENCED GRANT FUNDING,
THE LIBRARY HEREBY AGREES TO:**

1. Accept and administer an LSTA grant from the State Library in the amount of **\$99,966** for costs associated with the project represented in the Library's application, grant award letter, and any amendments thereto.
2. Abide by all Grant Provisions as certified in the grant application, including any certifications submitted with this grant agreement (Certification Regarding Debarment and Suspension; Lobbying; Federal Debt Status; Nondiscrimination).
3. Regularly inform the State Library on the progress of the project.
4. Encumber and expend project (grant and matching) funds
 - only upon or after the effective date of this grant agreement and before its termination.
 - in accordance with the project budget as submitted with the project application, or as modified in the grant award letter, or as amended and approved by the State Library; and
 - in accordance with all applicable local, state and federal laws and regulations.
5. Expend project funds in a manner that ensures free and open competition.

2012-2013 LSTA Project Technology Grant Agreement page 1 of 5

6. Submit grant reimbursement requests with appropriate documentation of eligible project expenditures, at least quarterly, on or before October 15, January 15, April 15, and July 15.
7. On or before **April 15, 2013**, request a minimum of seventy-five percent (75%) of the grant amount and provide an estimate of remaining grant expenses to be reimbursed after June 30.
8. Complete all project expenditures by **June 30, 2013**, or by the termination date of this agreement as amended by mutual consent.
9. On or before **July 15, 2013**, submit a final request for reimbursement.
10. If eligible, the Library and all subgrantees shall: (a) ask the North Carolina Department of Revenue for a refund of all sales and use taxes paid by them in the performance of this Contract, pursuant to N.C.G.S. 105-164.14; and (b) exclude all refundable sales and use taxes from all reportable expenditures before the expenses are entered in their reimbursement reports.
11. Label all equipment with a cost of \$1,000 or more as purchased with LSTA funds and list this equipment on the Annual Equipment Tracking Survey as requested by the State Library for five years following purchase. Items costing \$5,000 or more shall be listed until no longer needed for the project or at the end of useful life. If fair market value at the time of surplus or disposal exceeds \$5,000, disposal will be cleared with the State Library.
12. Request prior written approval from the State Library for any equipment with a unit price above \$5,000.
13. Acknowledge the Institute of Museum and Library Services in all related publications and activities in conjunction with the use of the grant funds, with a credit acknowledgement as follows: "This publication/activity/program/etc was supported by grant funds from the Institute of Museum and Library Services under the provisions of the federal Library Services and Technology Act as administered by the State Library of North Carolina, a division of the Department of Cultural Resources." Submit a copy of any publications or materials produced under the grant to the State Library.
14. Provide library services resulting from the grant to all members of the community served, in compliance with all Federal statutes relating to non-discrimination on the basis of race, color, national origin, sex, handicap, or age.
15. Request prior written approval from the State Library for any subcontracting or assignment to any subgrantee or assignee. Neither the Library nor any subgrantee or assignee is relieved of the duties and responsibilities of this agreement. Subgrantees and assignees agree to abide by the terms of this agreement and must provide all information necessary for the Library to comply with the terms of this agreement.
16. Revert any unexpended funds to the State Library upon termination of this agreement.
17. Submit a final report to the State Library by **September 30, 2013**, providing a summary of project expenditures and appropriate narrative and evaluative elements, assessing the extent of performance goals achieved.
18. Certify upon completion of the grant that grant funds were received, used, and expended for the purposes for which they were granted.
19. Maintain adequate financial records to ensure complete reporting, and retain programmatic, financial, and audit records relating to the grant for a minimum of five years from the due date of the final grant

2012-2013 LSTA Project Technology Grant Agreement page 2 of 5

071612

report or until all audit exceptions have been resolved, whichever is longer. Provide access upon request to the Department of Cultural Resources, Office of the State Auditor, Institute of Museum and Library Services and the Comptroller General or their designees, to all records and documents related to the award, including audit work papers in possession of any auditor of the Library.

20. Ensure that grant funds are audited in compliance with state and federal audit requirements for local governments and public authorities, institutions of higher education, and non-profit organizations, and, as applicable, according to the standards of the federal Single Audit Act of 1984 as amended 1996 and 2003, and Circular A-133 "Audits of States, Local Governments, and Non-Profit Organizations" as supplied by the Executive Office of the President, Office of Management and Budget, Washington, DC.
21. Comply with the requirements of North Carolina General Statute 143C-6-23: "State grant funds: administration; oversight and reporting requirements" and the corresponding rules of North Carolina Administrative Code, Title 9, Subchapter 03M, "Uniform Administration of State Grants," including submission of required financial reports within six months (or nine months for \$500,000 threshold) of the end of the Library's fiscal year(s) in which grant funds are received.
22. File with the State Library a copy of the Library's **policy addressing conflicts of interest** that may arise involving the Library's management employees and members of its board of directors, commissions, or other governing body. The policy shall address situations in which any of these individuals may directly or indirectly benefit, except as the Library's employees or members of its board, commissions, or other governing body, from the Library's disbursing of grant funds and local matching funds and shall include actions to be taken by the Library or the individual, or both, to avoid conflicts of interest and the appearance of impropriety. (N.C.G.S. 143C-6-23(b)). The policy shall be filed before the State Library may disburse the grant funds, unless the Library is covered by the provisions of N.C.G.S. 160A-479.11 and 14-234.
23. File with the State Library the Library's sworn written statement completed by the Library's board of directors or other governing body stating that, pursuant to N.C.G.S. 143C-6-23(c), the Library does not have any **overdue tax debts**, as defined by N.C.G.S. 105-243.1, at the federal, State, or local level. The policy shall be filed before the State Library may disburse the grant funds, unless the Library is covered by the provisions of G.S. 160A-479.11 and 14-234.

THE STATE LIBRARY AGREES TO:

1. Award LSTA grant funds to the Library in the amount and under the terms and conditions stated above, subject to the availability of funds.
2. Pay LSTA grant funds upon receipt of approvable reimbursement requests submitted quarterly by the Library. Pay by June 30, 2013, all approved requests received on or before April 15, 2013, and by August 31, 2013, all approved requests received by July 15, 2013.
3. Assist the Library as appropriate and necessary with the implementation of this project. Provide monitoring and oversight through a combination of periodic emails, calls, visits, and review of reimbursement requests and reports.
4. Report on this project to the federal funding agency, the Institute of Museum and Library Services, and to the North Carolina Office of the State Auditor and the Office of State Budget and Management in accordance with all applicable federal and state requirements.

THIS AGREEMENT may be amended, if necessary, upon the mutual acceptance of a written amendment to this agreement signed and dated by the Library and the State Library. Such amendment(s) shall state any and/or all change(s) to be made. This agreement may be terminated by mutual consent with 60 days' prior written notice or as otherwise provided by law.

The LSTA Grant application included the required CIPA certification form; the library is CIPA compliant.

Returning signed agreements constitutes accepting the grant award; awards not accepted by September 30, 2012 may be withdrawn.

[Please sign in blue ink]

x Sharon Woodrow Date 7-2-12
Signature, Library Director
(Printed Name) Sharon Woodrow

x Mark Swann Date 7-16-12
Signature, Local Government or Institutional Representative
(Printed Name / Title)

x _____ Date _____
Signature, Cal Shepard, State Librarian

Mail this form with **original signatures in blue ink** to:
LSTA Grant Agreements; Library Development Section, State Library of North Carolina;
4640 Mail Service Center; Raleigh, NC 27699-4640.

Request to establish a procedure for disposal of personal property valued at less than \$30,000

Chairman Swanger recognized Donna Corpening, Purchasing Manager. Ms. Corpening referenced NC G.S. 153A-176 and 160A-266, which authorizes Counties to adopt procedures for the disposal of personal property, valued at less than \$30,000, and provides that the County may conduct electronic auctions of this property by establishing an electronic auction procedure. She explained that by establishing a threshold for the County for surplus personal property will:

- a. benefit the County by reducing storage requirements for surplus personal property,
- b. increase efficiency by disposing of surplus personal property valued at less than \$30,000 in a more timely manner, and
- c. save employees' and commissioners' time in dealing with surplus property issues by utilizing an annual report of surplus personal property.

Ms. Corpening added that procedures have been developed in accordance with state statutes to ensure that specific criteria are met before property valued at \$30,000 or less is disposed of including:

- a. Value of less than \$30,000,
- b. Property is no longer necessary to conduct County business, and
- c. That the interests of the County are best served by disposing of the property.

Ms. Corpening provided an example of the items that would be considered under this new procedure and resolution. She respectfully asked the Board to authorize the procedures for disposal of surplus personal property valued at less than \$30,000.

Commissioner Ensley motioned to approve the procedure for disposal of personal property valued at less than \$30,000, as consistent with the resolution. Commissioner Upton seconded; the motion carried unanimously.

BOARD OF COMMISSIONERS:
MARK S. SWANGER, CHAIRMAN
J.W. "KID" KIRKPATRICK, III, VICE CHAIRMAN
L. KEVIN ENSLEY
BILL L. UPTON
MICHAEL T. SORRELLS



COUNTY MANAGER
MARY STAMBY
LESLIE M. KELLAN, III
COUNTY ATTORNEY

**RESOLUTION OF THE COUNTY OF HAYWOOD
PRESCRIBING PROCEDURES FOR
DISPOSAL OF SURPLUS PERSONAL PROPERTY
VALUED AT LESS THAN \$30,000**

WHEREAS, Haywood County from time to time has personal property which is no longer needed or required;

WHEREAS, North Carolina General Statutes 153A-176 and 160A-266 authorize the County to adopt procedures for the disposal or exchange of personal property valued at less than \$30,000 for any one item or group of items; and

WHEREAS, North Carolina General Statute 160A-270 provides that the County may conduct electronic auctions of the County's personal property by authorizing the establishment of an electronic auction procedure or by authorizing the use of public electronic auction services; and

WHEREAS, The Board of County Commissioners of Haywood County desires to adopt procedures for the disposal of surplus personal property valued at less than \$30,000 for any one item or group of items by electronic means;

NOW, THEREFORE, BE IT RESOLVED:

Section 1. **Property That Can Be Disposed of Under this Resolution.** The Haywood County Purchasing Manager is hereby authorized to declare surplus and dispose of any personal property owned by Haywood County when, in his or her judgment, each of the following three criteria are met:

- a. the items or group of items to be disposed of has a fair market value of less than thirty thousand dollars (\$30,000);
- b. the property is no longer necessary for the conduct of County business; and,
- c. sound property management principles and financial considerations indicate that the interests of the County would be best served by disposing of the property.

Personal property that, in the judgment of the Purchasing Manager, relates to the Finance Office internal procedures regarding capital assets and surplus property and meets the above three criteria is referred to in this Resolution as "Surplus Property."

Section 2. **Method of Disposition.** The Purchasing Manager is specifically authorized to dispose of Surplus Property by electronic means, to establish procedures for such, and is further authorized to use electronic auction services to dispose of Surplus Property.

DISPOSAL OF SURPLUS PERSONAL PROPERTY
VALUED AT LESS THAN \$30,000 (continued)

Section 3. **Terms of Disposition.** The Surplus Property shall be sold to the party who tenders the highest offer at or above the minimum set bid, and the Purchasing Manager is hereby authorized to execute and deliver any applicable title documents necessary or appropriate to consummate such sale. If no offers are received within a reasonable time, the Purchasing Manager may retain the property for Haywood County, obtain any reasonably available salvage value, or cause it to be disposed of as waste material. No Surplus Property may be donated or exchanged except by resolution of The Board of County Commissioners.

Section 4. **Records and Reports.** The County's Purchasing Manager shall keep a record of all property sold under the authority of this Resolution and that record shall describe the property sold, to whom it was sold, and the amount of money received for each sale. This record shall be reported to the Board of Commissioners on an annual basis, summarizing sales from the preceding July 1 through June 30.

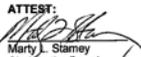
Section 5. **Delegation.** The Purchasing Manager is authorized to delegate any or all of the authority granted or responsibilities assigned under this Resolution to the County Manager or Finance Director.

Section 6. This Resolution is adopted pursuant to the provisions of North Carolina General Statutes 153A-176, 160A-266 and 160A-270.

Section 7. This Resolution shall become effective upon adoption.

ADOPTED this 16th day of July, 2012.


Mark S. Swanger, Chairman
Haywood County Board of Commissioners

ATTEST:

Marty J. Stamey
Clerk to the Board

Request approval of Haywood Community College proposed change orders for Creative Arts Building

Chairman Swanger recognized Bill Dechant, Director of Campus Development, Haywood Community College. Mr. Dechant presented four (4) proposed change orders for consideration by the board. All proposed change orders were approved by the HCC board, but not by the State Construction office.

- Proposed change order 34 - \$5,971 – mechanical and electrical modifications that were made due to a coordination issue between architect and electrical and mechanical contractors.
- Proposed change order 35 - \$14,075 – unsuitable soil used as back fill. The requirement is for crushed stone as a filler rather than soil. Soil had to be excavated and crushed stone added. Mr. Dechant explained that the details surrounding the type of backfill required was not known until the design was complete.
- Proposed change order 38 - \$3,307 – duct and grille work revisions. The ductwork had to be modified to fit above a particular doorframe. Mr. Dechant noted that it was a coordination issue between the architect and the trade engineers.
- Proposed change order 45 - \$6,284 – material and labor needed for electrical modifications in machine room 7126. This was due to requirements from State Construction to revise some of the existing equipment to meet UL listings. Those pieces of equipment not meeting these standards must be replaced.

Commissioner Upton motioned to approve proposed change orders 34, 35, 38 and 45, contingent upon approval by the State Construction office. Vice-Chairman Kirkpatrick seconded; the motion carried unanimously.

Commissioner Sorrells asked how much is left in contingency for this project. Ms. Davis explained that no budget amendments would be done until the State Construction office

approves the change orders and the amount of these change orders would not hurt the contingency.

Report regarding Parking Lot Survey Discrepancies

Chairman Swanger explained that previously change orders were presented that dealt with inaccuracies in previous survey that necessitated a second survey and subsequent changes to accommodate for grade discrepancies. The board requested that Mr. Dechant meet with the engineers and provide a report related to causal information and possible reimbursement for this change order.

Mr. Dechant explained that the civil engineer and designers were approached to review original and second surveys. It was determined that there was no fault in the survey, only that there should have been additional detail noted. Two letters, one from the civil engineer and one from the designer, were received and both noted that additional spot elevations should have been recorded and reported. An excerpt from the designer's letter is below:

"The additional survey was performed primarily due to a need for denser spot elevations in the parking area. Originally, we were provided sparse information for the pavement area we were attempting to save. As the slopes and thus existing pavement elevations are critical in this area, we had a definite need for additional spot elevations."

Mr. Dechant reported that the original survey was not found to be at fault with incorrect information, but rather was lacking in information.

Commissioner Ensley clarified that there had been approximately \$20,000 in change orders related to this survey discrepancy. Mr. Dechant confirmed.

Chairman Swanger expressed appreciation to Mr. Dechant for providing this requested update/report.

Request for reappointment to Clyde Board of Zoning Adjustment

Chairman Swanger recognized Marty Stamey, County Manager. Mr. Stamey received a letter from the Clyde Mayor requesting reappointment of Robert Smart to the Clyde Board of Zoning Adjustment with a term effective date of July 1, 2012, terminating on June 30, 2015.

Commissioner Ensley motioned to approve the reappointment of Carl Jackson to the Clyde Board of Zoning Adjustment. Commissioner Upton seconded; the motion carried unanimously.

Vice-Chairman Kirkpatrick asked Mr. Stamey to report about the Hazelwood Prison Facility. Mr. Stamey explained that with the assistance initially of Representative Ray Rapp and consequently with Representative Phil Haire. Representative Haire contacted Mr. Stamey and put this action in motion before the legislature recessed; the Governor approved S951. The County will take ownership of the 2.24-acre property effective January 1, 2013 for \$1.00. Mr. Stamey explained that there will be some items removed from the facility such as external storage buildings, and he will work with Donnie Watkins regarding access. Mr.

Stamey noted that the board would determine what the property would be used for in the future.

Chairman Swanger extended thanks to Representatives Ray Rapp and Phil Haire and Vice-Chairman Kirkpatrick for their assistance with this action. Vice-Chairman Kirkpatrick noted that Representative Haire, in his last act as a representative, contacted the County to get this added to the senate bill for the benefit of the County. Commissioner Sorrells also thanked Representative Haire for his foresight to move on this. Chairman Swanger noted that additional use planning would be discussed in future meetings.

Commissioner Ensley commented that the Jones Cove Convenience Center was open, and is operating on the regular schedule. Mr. Stamey added that the modifications to the Materials Recovery Facility (MRF) transfer station have been completed. Commissioner Ensley thanked Mr. Stamey for intervening and getting the Jones Cove site back open with minimal disruption.

Chairman Swanger noted that the transfer function ceased on July 1, with towns having to take waste directly to the White Oak Landfill (WOLF). He added that he had spoken with the Waynesville Town Manager and she was pleased with how the process is working. Commissioner Sorrells added that improvements have been made to the area and it is in good working order.

ADJOURNMENT

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

The time of adjournment was 6:19 p.m. The DVD is attached by reference to the minutes.

CLERK

CHAIRMAN