

HAYWOOD COUNTY COMMISSIONERS

REGULAR MEETING – June 18, 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 was one adjustment to the agenda; a closed session was added for attorney-client privilege.

CONSENT AGENDA

Commissioner Upton made a motion that the consent agenda as presented be approved. Commissioner Ensley 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	Account Number	Current Budget	Increase (Decrease)	Amended Budget
Interfund transfers				-
Transfer to Debt Service Fund	119830-598030	2,207,533	100,000	2,307,533
				-
				-

which will result in a net increase (decrease) of \$ 100,000 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
Sales Tax article 29	110020-423100	4,227,571	100,000	4,327,571
				-

The effect on the Spec. Rev/Gen. fund (consolidated) is as follows:

Transfer from General Fund	300110-498111	2,207,533	100,000	2,307,533
Appropriation of fund balance	300110-499991	623,787	(100,000)	523,787

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

Adopted this the 18th of June 2012.

Mark Swartz
Chairman
Haywood County Board of Commissioners

ATTEST:

[Signature]
Clerk to the Board

Explanation:
This Debt service fund is used only for accounting and reconciling purposes, to segregate the debt service and the sales tax that has been dedicated to cover these projects from the other general fund expenses in the county budget. Current year sales tax revenue should be sufficient to cover this transfer.

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	Account Number	Current Budget	Increase (Decrease)	Amended Budget
Wellness clinic	114137-512100	27,426	8,500	35,926
Sheriff's office	114310-512100	2,194,591	75,000	2,269,591
School resource officers	114315-512100-99002	800,948	15,000	1,15,948
EMS salaries-Temporary/parttime	114370-512900	148,000	35,000	183,000
Medical examiner	114360-519300	35,000	15,000	50,000
Mass Transit	114200-599900	310,000	20,000	330,000
Environmental protection - Epsilon Control	114730-512100	104,962	2,500	107,462
Home & Community Care Block Grant (HCCBG)	115550-569913	312,353	35,000	347,353
Mental Health	115200-563000	18,000	5,000	23,000
Public Schools - operating ABC revenues	115911-569925	25,000	17,000	42,000
Contingency	119910-599100	26,179	(26,179)	-

which will result in a net increase (decrease) of \$ 201,821 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				-
Mass Transit	110950-445300	175,000	20,000	195,000
HCCBG	110950-495200	495,158	30,000	465,158
EMS Medicaid Cost Report	110950-443701	300,000	107,821	407,821
ABC revenues - Mental Health	110950-483800	18,000	5,000	23,000
Schools	110950-483700	60,000	34,000	94,000
				201,821

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

Adopted this the 18th of June 2012.

Mark Swartz
Chairman
Haywood County Board of Commissioners

ATTEST:

[Signature]
Clerk to the Board

Explanation:
To cover potential underbudgeted line items that may occur through June 2012 in the General Fund.

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 Internal Service Fund, the expenditures are to be charged as follows:

Department	Account Number	Current Budget	Increase (Decrease)	Amended Budget
Insurance claims	159600-518302	4,208,500	350,000	4,558,500
				-
				-
				-
				-

which will result in a net increase of \$ 350,000 in the expenditures of the Internal Service 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
Sales & Services - ER - Hay. Co.	150070-450001	4,550,000	100,000	4,650,000
Sales & Serv. HSA ER - Hay. Co.	150070-450001	-	250,000	250,000
				-

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

Adopted this the 18th day of June, 2012.


Chairman
Haywood County Board of Commissioners

ATTEST: 
Clerk to the Board

Explanation:
To cover claims through June 30 that will be accrued back when paid in July for June.

- DSS Contracts Greater than \$20,000 – Ira Dove, DSS Director provided information regarding the various contracts requiring board approval for the upcoming fiscal year. He explained the various programs affected by these contracts and noted federal, state and county funding percentages when applicable. The contracts and amounts are listed below:
 - Champion Cab, Work First Transportation - \$45,000
 - Mountain Projects, Emergency Heating - \$477,661
 - Elizabeth Parks, Maple Leaf Nurse - \$31,250
 - Champion Cab, Medicaid Transportation - \$110,000
 - Elite Transportation, Medicaid Transportation - \$50,000
 - Haywood Vocational Opportunities, Work First Employment - \$103,680
 - Southwestern Child Care - Daycare - \$80,000
 - Mountain Projects, Medicaid Transportation -\$180,000
 - Stephen Sawvell, Child Support Investigator - \$20,000
 - Premier Cab, Medicaid Transportation - \$100,000
 - Carolina Transport, Medicaid Transportation - \$80,000

OLD BUSINESS

061812

Request approval of Fiscal Year 2012-2013 Budget Ordinance

Chairman Swanger recognized Marty Stamey, County Manager. Mr. Stamey presented the fiscal year 2012-2013 budget ordinance and noted that the General Fund amount is \$66,596,839, which remained unchanged from the budget presentation. He explained that the one percent (1%) 401(k) amounts were dispersed across the various departments, which accounts for the slight difference between the proposed budget and the budget ordinance.

Mr. Stamey respectfully requested approval of the budget ordinance.

Vice-Chairman Kirkpatrick motioned to approve the Fiscal Year 2012-2013 budget ordinance as presented. Commissioner Ensley seconded; the motion carried unanimously.

Chairman Swanger complimented Mr. Stamey, Ms. Davis and their staff for the ease in which the budget process progressed and for a well-thought out and thorough budget.

<small>BOARD OF COMMISSIONERS: MARK S. SWANGER, CHAIRMAN J.W. "KIRK" KIRKPATRICK, III, VICE CHAIRMAN L. KEVIN ENSLEY BILL L. UFFON MICHAEL T. SCHRELLS</small>		<small>COUNTY MANAGER MARTY STAMEY LEON M. KILLIAN, III COUNTY ATTORNEY</small>
<p>HAYWOOD COUNTY BUDGET ORDINANCE FY 2012-2013</p>		
<p>BE IT ORDAINED by the Commissioners of Haywood County, North Carolina, THAT:</p>		
<p>Section 1. The following amounts are hereby appropriated for the operation of the County government and its activities for the fiscal year beginning July 1, 2012, and ending June 30, 2013, in accordance with the chart of accounts heretofore established for this County:</p>		
A. GENERAL FUND		
General Government	\$ 4,697,452	
Central Services	2,964,813	
Public Safety	12,825,874	
Transportation & Environmental Protection	462,287	
Economic & Physical Development	2,072,001	
Human Services	16,367,957	
Education	16,895,510	
Culture & Recreation	1,555,831	
Transfers, Debt Service & Budgetary	8,755,114	
TOTAL	<u>\$66,596,839</u>	
B. SPECIAL REVENUE FUND - EMERGENCY TELEPHONE SYSTEM		
	\$ <u>535,756</u>	
C. SPECIAL REVENUE FUND - SOLID WASTE		
	\$ <u>5,565,687</u>	
D. SPECIAL REVENUE FUND - ROAD MAINTENANCE		
	\$ <u>175,410</u>	
E. SPECIAL REVENUE FUND - FIRE DISTRICTS		
	\$ <u>3,552,051</u>	
<hr/> <small>215 NORTH MAIN STREET • WAYNEVILLE, NORTH CAROLINA 28786 PHONE: 828.452.6625 • FAX: 828.452.6715</small>		

F.	SPECIAL REVENUE FUND - JUNALUSKA SANITARY DISTRICT	<u>\$ 183,694</u>
G.	DEBT SERVICE FUND	<u>\$ 2,966,070</u>
H.	INTERNAL SERVICE FUNDS	<u>\$ 5,567,266</u>

Section 2. It is established that the following revenues will be available for the fiscal year beginning July 1, 2012, and ending June 30, 2013:

A.	GENERAL FUND:	
	Ad Valorem Taxes	\$38,623,170
	Local Option Sales Taxes	11,002,040
	Other Taxes & Licenses	2,367,000
	Unrestricted Intergovernmental Revenue	190,000
	Restricted Intergovernmental Revenue	10,396,137
	Permits & Fees	345,500
	Sales & Services	3,458,792
	Investment Earnings	50,000
	Miscellaneous	154,200
	Other Financing Sources	<u>10,000</u>
	TOTAL	<u>\$65,596,839</u>
B.	SPECIAL REVENUE FUND - EMERGENCY TELEPHONE SYSTEM	
	Sales and Services and interest	<u>\$ 535,756</u>
C.	SPECIAL REVENUE FUND - SOLID WASTE	
	Availability and Use Fees	\$ 3,449,887
	Other Fees/grants	190,800
	Sales and Services	1,700,000
	Fund Balance Appropriated	<u>225,000</u>
	TOTAL	<u>\$ 5,565,687</u>

D.	SPECIAL REVENUE FUND - ROAD MAINTENANCE	
	Ad Valorem Taxes	<u>\$ 175,410</u>
E.	SPECIAL REVENUE FUND - FIRE DISTRICTS	
	Ad Valorem Taxes	<u>\$ 3,552,051</u>
F.	SPECIAL REVENUE FUND - JUNALUSKA SANITARY DISTRICT	
	Ad Valorem Taxes	<u>\$ 183,694</u>
G.	DEBT SERVICE FUND	
	Transfer from General Fund:	
	Article 39 sales taxes	\$ 2,258,800
	Town of Waynesville Contribution	227,047
	Fund Balance Appropriated	<u>480,223</u>
	TOTAL	<u>\$ 2,966,070</u>
H.	INTERNAL SERVICE FUNDS	
	Financial Plans:	
	Health Insurance Fund:	
	Haywood County & Dependent Revenue	\$ 5,067,266
	Workers' Compensation Fund:	
	Haywood County Revenue	<u>500,000</u>
	TOTAL	<u>\$ 5,567,266</u>

Section 3. There is hereby levied a tax at the rate of 54.13 cents per one hundred dollars (\$100) valuation of property listed for taxes as of January 1, 2012, for the purpose of raising the revenue listed as "Ad Valorem Taxes" in the General Fund in Section 2.A of this ordinance. This rate of tax is based on an estimated total valuation of property for the purpose of taxation of \$7,134,606,018 and an unaudited estimated collection rate of 96.80% on property excluding motor vehicles, and 85.44% on motor vehicles for fiscal year 2011-2012.

Section 4. The Budget Officer is hereby authorized to transfer appropriations within a fund, as contained herein, under the following conditions:

- A. He may transfer amounts between objects of expenditure within a department or functional area without a report being requested.
- B. He may not transfer amounts between functional areas of the same fund.
- C. He may accomplish interfund transfers established in the Budget Ordinance without additional approval of the Board of County Commissioners.
- D. He may not transfer any amounts from any contingency appropriation or from fund balance within any fund without approval of the Board of County Commissioners.

Section 5. The County Manager or his designee is hereby authorized to execute the necessary agreements within funds included in the Budget Ordinance for the following purposes:

- A. Form grant agreements between public and non-profit agencies;
- B. Leases of normal and routine business equipment;
- C. Consultant, professional, or maintenance service agreements up to an anticipated contract amount of \$20,000 and with terms within the budget year;
- D. Purchase of apparatus, supplies, and materials where formal bids are not required by law;
- E. Construction or repair work where formal bids are not required by law.

Section 6. There is hereby levied the following tax rates per one hundred dollars (\$100) valuation of property listed for taxes as of January 1, 2012, within the following Special Tax Districts:

West Canton Fire District	\$.100
North Canton Fire District	.065
Center Pigeon Fire District	.075
Lake Junaluska Fire District	.070
Crabtree-Ironduff Fire District	.065
Cruso Fire District	.095
Saunook Fire District	.040
Maggie Valley Fire District	.060
Clyde Fire District	.090
Jonathan Creek Fire District	.070
Fines Creek Fire District	.090
Lake Logan-Cecil Fire District	.100
Waynesville Fire District	.060

There is appropriated to these Fire Districts revenues generated from the proceeds of this tax and any other revenues otherwise accruing to these Fire Districts for use in such manner and for such expenditures as is permitted by law.

Section 7. There is appropriated to the Junaluska Sanitary District revenues generated from the proceeds of the \$0.06 tax rate per one hundred dollars (\$100) levied by the Sanitary District and any other revenues otherwise accruing to the Sanitary District for use in such manner and for such expenditures as is permitted by law.

Section 8. There is hereby levied the following tax rates per one hundred dollars (\$100) valuation of property listed for taxes as of January 1, 2012, within the following Special Tax Districts:

Maggie Valley Country Club Road Service District	\$.140
Forest Park Road Service District	.080
Oak Park Road Service District	.100
Wildcat Run Road Service District	.150
Walker in the Hills Road Service District	.095
Upper Chestnut Grove Road Service District	.160
Norman Road Service District	.150
Tuscola Park Road Service District	.110
Fox Run Road Service District	.150

There is appropriated to these Road Service Districts revenues generated from the proceeds of this tax and any other revenues otherwise accruing to these Road Service Districts for use in such manner and for such expenditures as is permitted by law.

Section 9. Copies of the Budget Ordinance shall be furnished to the Budget Officer, the Finance Director, and the Tax Assessor for direction in the carrying out of their duties.

ADOPTED this 18th day of June, 2012
Haywood County Board of Commissioners


Mark S. Swanger, Chairman

ATTEST:


Marty L. Stamey, County Manager/Clerk to the Board

NEW BUSINESS

Request for Haywood County to provide Erosion Control Services and Slope Ordinance Enforcement in Maggie Valley

Chairman Swanger recognized Mayor Ron Desimone and Tim Barth, Town Manager from the Town of Maggie Valley. Mr. Desimone explained that currently there are no erosion or slope control functions currently performed by Maggie Valley. He added that the County already performs building inspections for Maggie Valley. Mr. Desimone requested that the County provide erosion control services and slope ordinance enforcement in Maggie Valley.

Chairman Swanger added that a letter was received from the Maggie Valley Town Board indicating that they voted unanimously to ask the County to enter into a contract to provide the Town with erosion control and slope ordinance enforcement. Commissioner Ensley added, as a member of the Engineering Review Board, that due to the mountainous terrain the majority of slope failures have occurred in this area. Commissioner Ensley commended the Town taking steps to have monitoring in place to protect citizens.

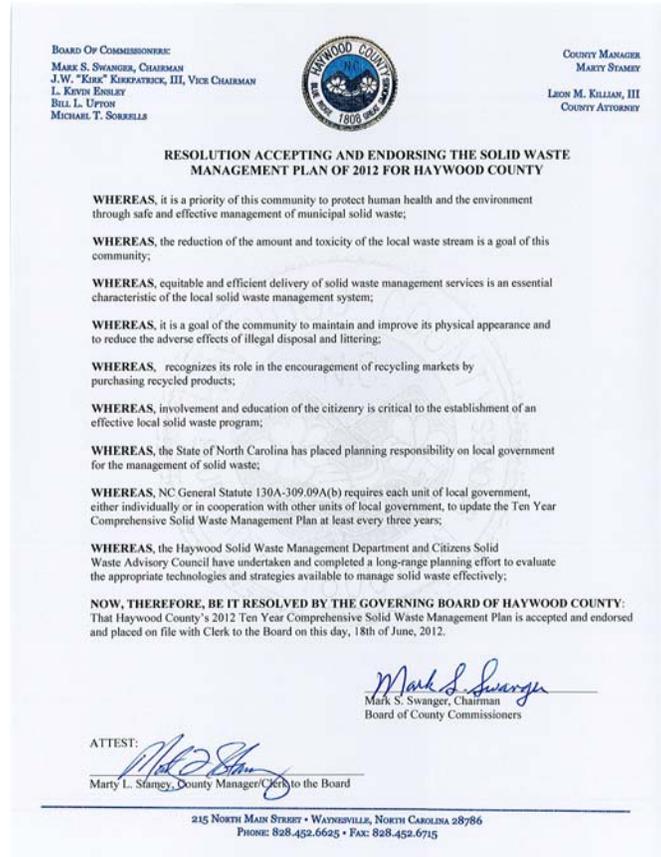
Chairman Swanger explained that since the board appeared to be in consensus, the next steps would be to have the County Attorney draft a Memorandum of Understanding (MOU) between the County and Town of Maggie Valley. Once signed, the MOU would be forwarded to the State Sedimentation Control Commission for approval at their August 23 meeting. Chairman Swanger tasked County Attorney Killian with drafting the MOU. No action requiring a vote was required.

Request Approval of Ten-Year Solid Waste Management Plan – Three-Year Update

Chairman Swanger recognized Stephen King, Solid Waste Director. Mr. King explained that a ten-year solid waste management plan is required by statute. He noted that information contained in the plan serves as a reference for the public and other agencies. The plan addresses handling of banned items, recycling, household hazardous waste, projections for waste disposal including population and disposal sites as well as the
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financial impact of solid waste management. Mr. King requested approval of the Ten-Year Solid Waste Management Plan, noting that following adoption it would be forwarded to the State Solid Waste Section Programs and Planning Board for review.

Commissioner Ensley motioned to approve the Ten-Year Solid Waste Management Plan, Three-Year Update, as presented. Commissioner Upton seconded; the motion carried unanimously.



Request Approval of Solid Waste Fee Structure for Fiscal Year 2012-2013

Mr. King explained that there were no increases within the fee structure. He noted three specific changes to the fees including:

- The cost of carpet and padding that meets recycling criteria is reduced from \$55.00 per ton to \$27.50 per ton
- Tires still on the rim will carry no fee; this is a reduction from \$2.00 per tire
- Countertops, block, concrete with no rebar or other items that can be used as road bed will be accepted at no charge

Chairman Swanger clarified that the household fees remained the same, there were no increases in any area and there were two reductions in fees. Mr. King confirmed.

Commissioner Ensley inquired to which facility do citizens need to take carpet for recycling. Mr. King answered that carpet should be taken to the Materials Recovery Facility in Clyde.

Commissioner Sorrells motioned to approve the Solid Waste Fee Structure as presented. Commissioner Ensley seconded; the motion carried unanimously.



Haywood County Solid Waste
278 Recycle Road
Clyde, NC 28721
Telephone: (828) 627-8042
FAX: (828) 627-8137

Stephen King
Solid Waste Director

**Solid Waste
Fee Structure
Fiscal Year 2012-2013**

Appliances	No Charge
Blocks-Bricks-Concrete, Uncontaminated Dirt, Asphalt, Stumps.....	\$55.00 per ton
C&D Material, Painted/Treated Wood, Sheet Rock, Shingles, Flooring.....	
Carpet and Padding meeting recycling criteria.....	\$27.50 per ton
Carpet not meeting recycling criteria, Toilets, Doors, all things attached to structure.....	\$55.00 per ton
Clean Wood, Brush, Leaves, Pallets	\$55.00 per ton
Commercial	\$55.00 per ton
Dead Animals - Animal Shelter and Veterinarians	\$38.00 per ton
Dead Animals	\$55.00 per ton
with a minimum charge of	\$ 5.00 with no max
Household Fee	\$92.00 per household
Industrial	\$55.00 per ton
Passenger Tires	No Charge
Passenger Tires on the Rim	No Charge
Residential Household Bagged Garbage, Furniture, mattresses (Trash) ...	No Charge
Scrap Metal, including furniture with metal and sleeper sofas.....	No Charge
Split Rim Tires	\$10.00 per tire
Items that can be used in place of road bed may be accepted at no charge as needed (Inorganic material only). Prior inspection of material and approval of material must be determined by Santeek's Operations Manager and/or the Solid Waste Director prior to delivery.	

Request Approval of New Buyout Property Lease Request

Chairman Swanger recognized Claire Carleton, Recreation Director. Ms. Carleton presented a new buyout property lease agreement for approval. The parcel in Canton is .1 (one-tenth) acre and will be used for a personal garden and for vehicle parking.

Vice Chairman Kirkpatrick made a motion to approve the new buyout property lease agreement for parcel 8657-92-0742 as presented. Commissioner Upton seconded, the motion carried unanimously.

Request Approval of Juvenile Crime Prevention Council (JCPC) Funding Plan for Fiscal Year 2012-2013

Chairman Swanger recognized David Teague, JCPC Chairman. Mr. Teague began by presenting statistics related to Juvenile Crime in Haywood County and the State, highlighting the fact that the rate of juvenile crimes is decreasing. He explained that four (4) programs were chosen for funding including:

- o Hawthorne Heights – a temporary shelter for youth

- Compass – interpersonal skills building program with an outdoor/wilderness component
- Project Challenge – restitution/community service program
- Aspire – structured day program for court involved or at-risk youth providing mental health, substance abuse and academic assistance

Mr. Teague explained that the State would be funding \$149,039 with the County providing a 20% match of \$28,607. Mr. Teague requested approval of the funding plan that was approved by the JCPC.

Commissioner Upton motioned to approve the JCPC funding plan for fiscal year 2012-2013 as presented. Commissioner Ensley seconded; the motion carried unanimously.

Request Approval of JCPC Certification Form for Fiscal Year 2012-2013

Mr. Teague explained that annually, the JCPC must certify that they are meeting the standards outlined by the Department of Juvenile Justice for various program activities. He highlighted that the standards are being met; however, there are some membership vacancies, which has been the case in previous years and does not prevent JCPC from receiving funds. The JCPC is considering various meeting options and are actively seeking individuals to fill vacancies.

Commissioner Ensley motioned to approve the JCPC certification form as presented. Vice-Chairman Kirkpatrick seconded; the motion carried unanimously.


 NC Department of Public Safety, Division of Juvenile Justice
 Juvenile Crime Prevention Council Certification

Fiscal Year: 2012 -2013

County: Haywood Date: June 11, 2012

CERTIFICATION STANDARDS

STANDARD #1 - Membership

A. Have the members of the Juvenile Crime Prevention Council been appointed by county commissioners? Yes

B. Is the membership list attached? Yes

C. Are members appointed for two year terms and are those terms staggered? Yes

D. Is membership reflective of social-economic and racial diversity of the community? Yes

E. Does the membership of the Juvenile Crime Prevention Council reflect the required positions as provided by N.C.G.S. §143B-846? No

If not, which positions are vacant and why?
 Positions 4, 10, 12, 13 and 15 are vacant. We are continuing efforts to fill these positions.

STANDARD #2 - Organization

A. Does the JCPC have written Bylaws? Yes

B. Bylaws are attached or on file (Select one.) Yes

C. Bylaws contain Conflict of Interest section per JCPC policy and procedure. Yes

D. Does the JCPC have written policies and procedures for funding and review? Yes

E. These policies and procedures attached or on file. (Select one.) Yes

F. Does the JCPC have officers and are they elected annually? Yes

JCPC has: Chair; Vice-Chair; Secretary; Treasurer.

STANDARD #3 - Meetings

A. JCPC meetings are considered open and public notice of meetings is provided. Yes

B. Is a quorum defined as the majority of membership and required to be present in order to conduct business at JCPC meetings? Yes

C. Does the JCPC meet bi-monthly at a minimum? Yes

D. Are minutes taken at all official meetings? Yes

E. Are minutes distributed prior to or during subsequent meetings? Yes

STANDARD #4 - Planning

A. Does the JCPC conduct an annual planning process which includes a needs assessment, monitoring of programs and funding allocation process? Yes

B. Is this Annual Plan presented to the Board of County Commissioners and to the Division of Juvenile Justice? Yes

C. Is the Funding Plan approved by the full council and submitted to Commissioners for their approval? Yes

Form JCPC/OP 002 Juvenile Crime Prevention Council Certification
 Form structure last revised April 2012
 NC Department of Public Safety, Division of Juvenile Justice

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Juvenile Crime Prevention Council Certification (cont'd)

STANDARD #5 - Public Awareness

- A. Does the JCPC communicate the availability of funds to all public and private non-profit agencies which serve children or their families and to other interested community members? (☐ RFP, distribution list, and article attached) Yes _____
- B. Does the JCPC complete an annual needs assessment and make that information available to agencies which serve children or their families, and to interested community members? Yes _____

STANDARD #6 - No Overdue Tax Debt

- A. As recipient of the county DJJ allocation, does the County certify that it has no overdue tax debts, as defined by N.C.G.S. §105-243 (1), at the Federal, State, or local level? Yes _____

Briefly outline the plan for correcting any areas of standards non-compliance.

Having complied with the Standards as documented herein, the Juvenile Crime Prevention Council may use up to \$15,500 of its annual Juvenile Crime Prevention fund allocation to cover administrative and related costs of the council. Attach Line Item Budget Information and Budget Narrative sheets detailing the expenditure budget. The JCPC Certification must be received by June 30, 2012.

**JCPC Administrative Funds
SOURCES OF REVENUE**

DJJ _____ 1530
 Local _____
 Other _____
 Total _____ 1530

[Signature] 6/11/12
 JCPC Chairperson Date

[Signature] 6/18/12
 Chairman, Board of County Commissioners Date

Chief Deputy Secretary or Designee, Division of Juvenile Justice Date

Juvenile Crime Prevention Council Certification (cont'd)

Haywood County FY 2012-13

Instructions: N.C.G.S. § 141B-846 specifies suggested members be appointed by county commissioners to serve on local Juvenile Crime Prevention Councils. In certain categories, a designee may be appointed to serve. Please indicate the person appointed to serve in each category and his/her title. Indicate appointed members who are designees for named positions. Indicate race and gender for all appointments.

Specified Members (G.S. 147-33.61)	Name	Title	Designee	Race	Gender
1) School Superintendent or designee	Dr. Anne Garrett	Superintendent	<input type="checkbox"/>	C	F
2) Chief of Police	Tyler Howell	Juvenile Officer	<input checked="" type="checkbox"/>	C	M
3) Local Sheriff or designee	Heidi Warren	Youth Resource	<input checked="" type="checkbox"/>	C	F
4) District Attorney or designee	vacant		<input type="checkbox"/>		
5) Chief Court Counselor or designee	Dianne Fitzgerald	Chief Court Counselor	<input checked="" type="checkbox"/>	C	F
6) Director, AMHDD/SA, or designee	Dianne Conger	Smoky Mtn. Mental Health	<input checked="" type="checkbox"/>	C	F
7) Director DSS or designee	Gayla Jones	DSS	<input checked="" type="checkbox"/>	C	M
8) County Manager or designee	David Tenge	Public Information Officer	<input checked="" type="checkbox"/>	C	M
9) Substance Abuse Professional	Dr. Heather Ulrich	Haywood Psychological Services	<input checked="" type="checkbox"/>	C	F
10) Member of Faith Community	vacant		<input type="checkbox"/>	C	M
11) County Commissioner	Bill Upton	Commissioner	<input checked="" type="checkbox"/>		
12) Two Persons under age 18 (State Youth Council Representative, if available)	vacant		<input type="checkbox"/>		
13) Juvenile Defense Attorney	vacant		<input type="checkbox"/>		
14) Chief District Judge or designee	Brad Renegar	Guardian Ad Litem	<input checked="" type="checkbox"/>	C	M
15) Member of Business Community	vacant		<input type="checkbox"/>		
16) Local Health Director or designee	Carmine Rocco	Director	<input type="checkbox"/>	C	M
17) Rep. United Way/other non-profit	Celesa Willett	Ex. Director, United Way	<input checked="" type="checkbox"/>	C	F
18) Representative/Parks and Rec.	Claire Carleton	Director, Haywood Recreation & Parks	<input checked="" type="checkbox"/>	C	F
19) County Commissioner appointee			<input type="checkbox"/>		
20) County Commissioner appointee			<input type="checkbox"/>		
21) County Commissioner appointee			<input type="checkbox"/>		
22) County Commissioner appointee			<input type="checkbox"/>		

061812

Resolution Declaring Firearms Surplus and Authorizing the Trade of Surplus for Other Firearms

Chairman Swanger recognized Sheriff Bobby Suttles. Mr. Suttles explained that firearms as with other assets require replacement with up-to-date equipment due to wear and safety considerations. Mr. Suttles introduced Detective Scott Robinson, Firearms Instructor for the Haywood County Sheriff's Department, who expressed the rationale behind the change from the current firearms to new Glock firearms. Mr. Robinson noted that this change in firearms was at no charge to the County.

Commissioner Ensley asked if the value of the current firearms was equivocal to the new weapons. Mr. Robinson confirmed and indicated that due to the pricing agreement with Glock, the trade value was higher.

Chairman Swanger commented that the County Attorney did make a recommendation related to the verbiage in the last paragraph of the resolution that would not affect the intent or the approval. Mr. Killian confirmed.

Vice-Chairman Kirkpatrick motioned to approve the Resolution declaring the current duty firearms as surplus and authorizing the trade of those firearms for new firearms as presented. Commissioner Ensley seconded; the motion carried unanimously.

BOARD OF COMMISSIONERS:
MARK S. SWANGER, CHAIRMAN
J.W. "BOB" KIRKPATRICK, III, VICE CHAIRMAN
L. KEVIN ENSLEY
BILL L. UFFTON
MICHAEL T. SORRELLA



COUNTY MANAGER
MARTY STAMEY
LEON M. KILLIAN, III
COUNTY ATTORNEY

**RESOLUTION
DECLARING FIREARMS SURPLUS
AND AUTHORIZING THE TRADE OF SURPLUS FIREARMS
FOR OTHER FIREARMS**

WHEREAS, N.C.G.S. 160A-265 authorizes the Board of Commissioners of Haywood County to dispose of surplus property; and N.C.G.S. 143-129.7 allows bidders to purchase as trade-in, property owned by the county; and N.C.G.S. 20-187.2(b) allows officers the option to purchase duty weapons at a predetermined price, upon securing a permit as required by N.C.G.S. 14-402(a), and

WHEREAS, Haywood County has in its possession 63 used duty weapons, which include:

44 SIG SAUER P266 stainless, silver slide model E26R
16 SIG SAUER P239 compact model P239
3 SIG SAUER stainless, all black finish

which have, previously, been used in service by employees in the Haywood County Sheriff's Office, and are no longer of use by the county,

NOW, THEREFORE, BE IT RESOLVED, by the Haywood County Board of Commissioners, meeting in general session on Monday, June 18, 2012, that:

44 SIG SAUER P266 stainless, silver slide model E26R
16 SIG SAUER P239 compact model P239
3 SIG SAUER stainless, all black finish

be declared surplus in order to be traded for new Glock firearms from an authorized Glock Dealer at the state contract price.

AND, BE IT FURTHER RESOLVED THAT, the sworn officers may purchase the same firearms from an authorized Glock dealer at the state contract price, upon securing permit as required by N.C.G.S. 14-402 (a).

ADOPTED this 18th day of June, 2012.

Mark S. Swanger, Chairman, Haywood County
Board of Commissioners

ATTEST:

Marty L. Stamey, County Manager/Clerk to the Board

Renewal of “cost per copy” contract

Chairman Swanger recognized Donna Corpening, Purchasing Manager. Ms. Corpening presented a recommendation to approve the copier contract with Toshiba Business Solutions (TBS). She noted that as a service contract, no formal bidding process was required. Ms. Corpening provided information on current copiers and capabilities, as well as comparison information on three companies Ricoh, Office Depot and TBS. Based on cost per copy, service and copier capabilities and potential savings, TBS was the choice for this service contract. TBS included a retroactive date of April 1, 2012 for the contract with savings reflected over the next five years of \$133,730.

Chairman Swanger asked Mr. Stamey and Ms. Davis if they concurred with this choice; both affirmed and agreed with Ms. Corpening that the contract with TBS would be the most beneficial for the County.

Commissioner Ensley motioned to approve the copier contract with Toshiba Business Solutions. Commissioner Upton seconded; the motion carried unanimously.

Toshiba Business Solutions A CMGroup Program
Copy Management Agreement

CUSTOMER INFORMATION

Full Legal Name of Customer: Haywood County Government		Street Address: 215 N Main Street		
City: Waynesville	State: North Carolina	Zip: 28786	Telephone: 828-452-6629	Fax: 828-452-6725
Billing Address (if different from above):				
Locations and Equipment Items: SEE ATTACHMENT "A"				

TERM SCHEDULE

Program Beginning Date April 1, 2012	Program Completion Date – Fiscal Year Ending June 30, 2017
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COST PER COPY SCHEDULE

Black and White Cost Per Copy: \$0.0172	Color Cost Per Copy: \$0.069
This CPC amount includes all equipment, accessories, service and supplies (excludes paper, fax supplies, sorter staples and NC sales tax)	

INVOICE SCHEDULE

Months Invoiced	Payments due by	Invoices include all copies made during	Program Copies Black and White	Program Copies Color
July 1, 2012	August 1, 2012	April 2012 through June 2012	\$50,000	25,000
October 1, 2012	November 1, 2012	July 2012 through September 2012	\$50,000	25,000
January 1, 2013	February 1, 2013	October 2012 through December 2012	\$50,000	25,000
April 1, 2013	May 1, 2013	January 2013 through March 2013	\$50,000	25,000
		All subsequent quarters	\$50,000	25,000

TERMS AND CONDITIONS

- COPY MANAGEMENT PROGRAM:** This shall provide to customer the equipment and accessories described on Attachment "A" (the "Equipment"). The copy charges and program copy charges set by this agreement include payment for the use of the equipment, maintenance (during normal business hours), routine inspection, adjustment, parts replacement, drums and cleaning materials required for the proper operation. Paper, sorter staples and fax supplies may not be included in the cost per copy as specified within the cost per copy schedule above. Toshiba Business Solutions guarantees year satisfaction on the performance of the Toshiba copiers we provide for you. We guarantee that the equipment we provide for you will always perform at or above Toshiba's specifications and standards. If for any reason we cannot fulfill this guarantee on a Toshiba copier we provide for you, Toshiba Business Solutions will replace it with another Toshiba copier that meets or exceeds the specifications of the equipment being replaced. If either party shall fail to meet or fulfill the terms and provisions of this agreement, the party claiming such failure shall give written notice of the breach claimed to the other party. If within thirty (30) days from receipt of such notice, such failure has not been corrected, the claiming party may then terminate this agreement thirty (30) days after giving written notice of termination to the breaching party.
- COPY MANAGEMENT PROGRAM BILLING:** For each invoice period during which customer participates in the copy management program, TBS shall invoice customer for copy charges, determined by multiplying the actual number of copies made by Customer during such invoice period using the equipment by the applicable cost per copy described in the cost per copy schedule above. The program copy charges for an annual period shall be the dollar amount determined by the number of invoice periods within a 12 month period multiplied by the applicable cost per copy. The annual period shall be the period that begins on the program beginning date (or the day following the preceding annual period, as applicable) and ends on the next anniversary of the program beginning date (or, if earlier, on the program completion date or other date of termination of this agreement). Customer shall pay, no later than the due date shown in the invoice schedule above, the monthly invoices submitted to customer by TBS. Any payment not made within 10 days after such due date may be assessed a late charge of 5% of the delinquent amount.
- CUSTOMER'S REPRESENTATIONS AND AGREEMENTS:** Customer represents and warrants that: (1) it has, in accordance with all legal requirements, fully budgeted and appropriated sufficient funds for the current budget year to pay copy charges and meet all other obligations under this agreement and such funds have not been expended for other purposes; (2) no action, proceeding or investigation is pending or threatened in any court or other tribunal or before any public body, which in any way would restrict or prohibit customer's performance of its obligations under this agreement or its ability to pay copy charges or other payments hereunder, nor is there any basis for any such action, proceeding or investigation; (3) the equipment will be operated by customer and will be used for essential state government purposes during the term of this agreement; and (4) customer has not previously terminated any agreement for non-appropriation, except as described in a letter attached hereto.
- SIGNATURE:** The person signing this agreement on behalf of customer personally represents and warrants that he/she is fully familiar with the applicable legal and regulatory provisions pertaining to this agreement and has full authorization to sign this agreement. Such signer further warrants the governing body of customer has taken the necessary steps, including any legal bid requirements, under applicable law to approve this copy management program, the approval and execution of this agreement have complied with all applicable open meeting laws, and the authorization of the governing body of customer for the execution and delivery of this agreement remains in full force and effect.

ACCEPTANCE:

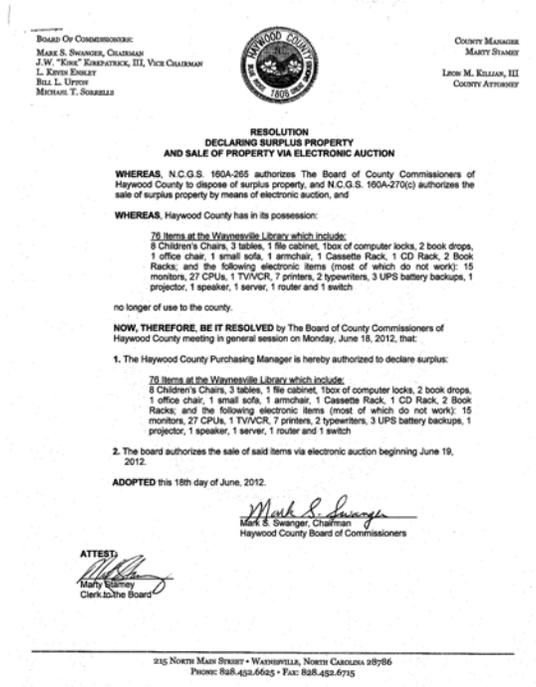
TOSHIBA BUSINESS SOLUTIONS By: _____ Title: _____ Date: _____

HAYWOOD COUNTY GOVERNMENT By: *Mark S. Swanger* Title: *Chairman, Board of County Commissioners* Date: *June 18, 2012*

Resolution Declaring Surplus Property from Waynesville Library to be sold by electronic auction

Ms. Corpening explained that due to an accumulation of items at the Waynesville Library, the request is to declare the items surplus and sell them via electronic auction. She catalogued the items noting that most items were not in working order or were obsolete.

Commissioner Ensley motioned to approve the Resolution declaring surplus property from the Waynesville Library as presented. Commissioner Upton seconded; the motion carried unanimously.



Two Requests Related to Library Services

Chairman Swanger recognized Sharon Woodrow, Library Director. Ms. Woodrow presented two requests related to library services including approval of the Library Science and Technology Act (LSTA) Grant Agreement and a contract with Equinox, Inc. to provide necessary software upgrades. Ms. Woodrow explained that the LSTA grant was \$42,500 that would be used to upgrade the current library cataloging system.

Commissioner Ensley motioned to approve that Haywood County accept the \$42,500 LSTA grant as presented. Commissioner Sorrells seconded; the motion carried unanimously.

Ms. Woodrow continued by explaining that Equinox, Inc. was the third party who would assist in the software migration including staff training.

Commissioner Upton motioned to approve the contract with Equinox, Inc. as presented. Commissioner Ensley seconded; the motion carried unanimously.

Vice-Chairman Kirkpatrick inquired if the removal of the surplus items created space within the library. Ms. Woodrow confirmed that space would be created. She added the Friends of the Library would utilize some of the space for their annual Book Sale in late July.

NORTH CAROLINA
2011/2012

**GRANT AGREEMENT
LSTA NC CARDINAL 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 **\$42,500** 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 June 1, 2012, and will terminate on December 31, 2012, unless amended by mutual consent.

Institution and/or Library Name: Haywood County Public Library
Mailing Address: 678 South Haywood Street
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
Federal Employer Identification Number: 56-6001524-F
Library fiscal year ending date: June 30

**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 **\$42,500** for costs associated with the project represented in Attachment A 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.

6. Complete all project expenditures by **December 31, 2012**, or by the termination date of this agreement as amended by mutual consent.
7. 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. On or before **September 15, 2012**, request a minimum of seventy-five percent (75%) of the grant amount and provide an estimate of remaining grant expenses to be reimbursed after September 30, 2012. On or before **November 15, 2012**, submit a final request for reimbursement.
8. 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.
9. Label all equipment with a cost of \$1,000 or more as purchased with LSTA funds and list this equipment on biennial inventory reports 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.
10. 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.
11. 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.
12. 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.
13. Revert any unexpended funds to the State Library upon termination of this agreement.
14. Submit a final report to the State Library by September 30, 2012, providing a summary of project expenditures and appropriate narrative and evaluative elements, assessing the extent of performance goals achieved.
15. Certify upon completion of the grant that grant funds were received, used, and expended for the purposes for which they were granted.
16. 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 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.

LSTA NC Cardinal Grant Agreement 2012/2013 - Haywood County Public Library page 2 of 5

17. 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.
18. 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.
19. 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.
20. 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, 2012, all approved requests received on or before April 15, 2012, and by August 31, 2012, all approved requests received by July 15, 2012. The State Library reserves the right to provide funding to the Library before receipt of approvable reimbursement requests if circumstances warrant.
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.

[Please sign in blue ink.]

x Sharon Woodrow Date 6/11/12
Signature, Library Director
(Printed Name) Sharon Woodrow

x Mark S. Swanger Date 6/18/12
Signature, Local Government or Governing Board Representative
(Printed Name / Title) Mark S. Swanger, Chairman, Board of County Commissioners

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 reappointment of Carl Jackson to the Clyde Board of Zoning Adjustment

Chairman Swanger recognized Mr. Stamey. Mr. Stamey received a letter from the Clyde Mayor indicating reappointment of Carl Jackson to the Board of Zoning Adjustment with a term effective date of July 1, 2011, terminating on July 1, 2014.

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

CLOSED SESSION

Commissioner Upton made a motion to enter into Closed Session for Attorney/Client Privilege as provided in G.S. §143-318.11(a)(3). Commissioner Sorrells seconded, and the motion carried unanimously.

The Board returned from closed session.

ADJOURNMENT

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

The time of adjournment was 7:05 p.m. The DVD is attached by reference to the minutes.

CLERK

CHAIRMAN