

## **HAYWOOD COUNTY COMMISSIONERS**

**REGULAR MEETING – August 5, 2013**

### **CALL TO ORDER**

Chairman Mark S. Swanger convened the regular meeting of the Haywood County Board of Commissioners at 9:00 a.m. in the Historic Courtroom at the Haywood County Historic Courthouse, Waynesville, North Carolina, with Chairman Mark S. Swanger, Vice-Chairman J.W. “Kirk” Kirkpatrick III, Commissioners L. Kevin Ensley, Michael T. Sorrells and Bill L. 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 Ensley offered the invocation.

### **PUBLIC COMMENT SESSION**

Chairman Swanger opened the public comment session. Comments are generally limited to three minutes per individual, unless the speaker is representing a group for which the comment period may be extended to five minutes.

Sam Smith provided an update regarding the upcoming Haywood County Fair. The dates for the fair are August 20 – 26. He provided a printed copy of the event schedule to Commissioners with additional copies available at the Extension office. Mr. Smith highlighted the date of exhibit receiving as August 20 and the opening ceremony at 6:00 p.m. on August 21. He encouraged all to attend.

Commissioner Ensley thanked Mr. Smith and the others who are involved in the planning, preparation and delivery of the County Fair each year.

### **CONSTITUENT CONCERNS**

There were no constituent concerns noted.

### **DISCUSSION / ADJUSTMENT TO AGENDA**

There was no adjustment to the agenda.

## **ADMINISTRATIVE/AGENCY REPORTS**

### **Child Fatality Prevention Team Annual Report**

Chairman Swanger recognized Lisa Davis, Child Fatality Prevention Team (CFPT) Chair. Ms. Davis explained that this was an annual report of activities. She reminded members that state law with governing statutes, and membership requirements have been in place since 1995 when the CFPT was mandated. The team is responsible for reviewing deaths of children from birth to age 17, develop a community-wide approach to the problem of child abuse and neglect; identify gaps or deficiencies related to access to services, and make and implement changes to laws, rules and policies that support healthy development of children and prevent future child abuse, neglect and death.

Ms. Davis explained that the team meets quarterly to review deaths from the previous year. For example: review in 2011 was for the five deaths in 2010. Even though there were zero deaths in 2011, the team still met in 2012 to discuss possible grief and bereavement services in the community and awareness of prescription drug abuse in Haywood County. Ms. Davis noted that in 2013, 7 deaths (4 infants, 2 children and 1 adolescent) from 2012 were being reviewed. She concluded by noting the membership listing in the report.

Chairman Sorrells noted that as a member of the DSS Board, he was familiar with the CFPT, and acknowledged and appreciated their efforts, outcomes and prevention services.

Chairman Swanger thanked Ms. Davis for her report.

### **CONSENT AGENDA**

Commissioner Upton made a motion to approve the consent agenda as presented. Commissioner Ensley seconded, the motion carried unanimously.

- Approval of July 15, 2013 regular meeting minutes
- Settlement of Taxes collected - 2012 tax year – David Francis, Tax Administrator. Mr. Francis explained that the levy of \$38.3 million in taxes was an increase of \$391,000 from the previous year. Total collections of \$36,836,827 were reported. He added that one item that was troubling was the number of bankruptcies – this amount doubled to \$64,000 and none of these dollars are allowed to be collected. The total collection rate was 96.11%. Mr. Francis noted that these were the unaudited numbers, with the audit to be performed in September.

Mr. Francis added that collections are done via tax, levy and foreclosure, and that these methods would continue to be used.

Commissioner Ensley asked if the increase in tax levy was due to new construction. Mr. Francis confirmed but added that builders are beginning to become busy again while developers are still not rebounding as quickly.

- Center Pigeon Volunteer Fire Department's Firemen's Relief Fund change of Commissioners' appointment. Julie Davis, Finance Director noted that one-half of 1% of taxes collected from fire districts were held by the NC Department of Insurance Office of the Fire Marshal for a relief fund. Each fire department who participates is responsible for its own fund. Due to a death of one of the appointees, the Center Pigeon VFD is recommending appointment of Derek Inman to fill the position.

Chairman Swanger clarified that the Center Pigeon VFD voted on this matter at their meeting. Ms. Davis confirmed.

- Julie Davis, Finance Director presented four (4) budget amendments.
  - General Fund – Administration - \$4,300 – balance of a grant received from the State Employees Credit Union via the Rural Center.

HAYWOOD COUNTY  
BUDGET ORDINANCE AMENDMENT  
FISCAL YEAR 2013-2014

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, 2014.

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

Department line item	Account Number	Current Budget	Increase (Decrease)	Amended Budget
Governing Body:				
Temp/part-time salary	114110-412800	62,769	4,000	66,769
Travel	114110-531100	2,700	300	3,000

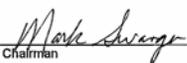
which will result in a net increase (decrease) of \$ 4,300 in the expenditures of the General Fund.

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:				
Rural Center Grant	110050-449701		4,300	4,300
			4,300	

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

Adopted this the 5<sup>th</sup> of August 2013.

  
 Chairman  
 Haywood County Board of Commissioners

ATTEST:

  
 Clerk to the Board

<b>Explanation:</b>
To cover the grant funding within the current year and the related expenditures for the intern program with the Rural Economic Development Center.

- General Fund - \$9,527 - Carryover funding - grants received to be used in the current fiscal year for Health Department Programs.

HAYWOOD COUNTY  
BUDGET ORDINANCE AMENDMENT  
FISCAL YEAR 2013-2014

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, 2014.

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

Department	Account Number	Current Budget	Increase (Decrease)	Amended Budget
Health & Human Services				
Health CO-Equipment	115110-551000		2,000	2,000
Haywood Special Prog	115151-523100	13,000	7,527	20,527
which will result in a net increase of \$		9,527		

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
Misc Revenue	115100-451890	2,100	2,000	4,100
Sales & Serv-Haywood	115070-451420	20,000	7,527	27,527

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

Adopted this the 5<sup>th</sup> day of August, 2013

Mark Swager  
Chairman  
Haywood County Board of Commissioners

ATTEST: [Signature]  
Clerk to the Board

Explanation:
To appropriate the amounts for the FY13 programs that must be spent for specific programs.

- General Fund - \$18,000 – moving from Wellness Clinic budget to Facilities and Maintenance to cover renovation of old dental clinic for new use. The change in location of the Wellness Clinic will save approximately \$24,000 in rent.

HAYWOOD COUNTY  
BUDGET ORDINANCE AMENDMENT  
FISCAL YEAR 2013-2014

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, 2014.

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

Department (line item)	Account Number	Current Budget	Increase (Decrease)	Amended Budget
Facilities & Maintenance:				
Repairs & Maintenance-Wellness Center	114260-535100-42030	24,243	18,000	42,243
Wellness Center:				
Rent of Building	114137-541200	24,720	(18,000)	6,720
which will result in a net increase (decrease) of \$				

in the expenditures of the General Fund.

To provide the additional revenue for the above, the following revenues will be increased as the money has been received:

Revenue	Acct. No.	Current Budget	Increase (Decrease)	Amended Budget

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

Adopted this the 5<sup>th</sup> day of August, 2013.

Mark Swager  
Chairman  
Haywood County Board of Commissioners

ATTEST: [Signature]  
Clerk to the Board

Explanation:
To cover the cost of renovating the prior dental clinic building to house the current Wellness Clinic.
Savings from rent of building in the Wellness budget will be used to cover the expenses in the Facilities & Maint budget for this project.

- o Economic Development - \$5,245 – balance of prior year’s grant funding for Specialty Crop Block Grant – carryover to be used in current fiscal year.

HAYWOOD COUNTY  
BUDGET ORDINANCE AMENDMENT  
FISCAL YEAR 2013-2014

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, 2014.

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

Department	Account Number	Current Budget	Increase (Decrease)	Amended Budget
Economic Development				
Misc Deptl Supplies	11 4920 529900 2SCBG	-	5,245	5,245

which will result in a net increase of \$ 5,245 in the expenditures of the General Fund.

To provide the additional revenue for the above, the following revenues will be increased as the money has been received:

Revenue	Acct. No.	Current Budget	Increase (Decrease)	Amended Budget
Restricted Intergovernmental				
Economic Dev- Specialty Crop	11 0050 449201 2SCBG	-	5,245	5,245

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

Adopted this the 5<sup>th</sup> day of August, 2013.

ATTEST:   
Clerk to the Board

  
Chairman  
Haywood County Board of Commissioners

Explanation: To appropriate budget To FY 2014 from available budget for SPECIALITY CROP BLOCK GRANT This is 3rd year funding for grant.

- o Economic Development - \$45,650 – grant funding received and utilized as carryover to current fiscal year – Building Reuse and Restoration Grant.

HAYWOOD COUNTY  
BUDGET ORDINANCE AMENDMENT  
FISCAL YEAR 2013-2014

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, 2014.

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

Department	Account Number	Current Budget	Increase (Decrease)	Amended Budget
Community Development				
Aid to Other Government	11 4930 563000 12LIF	-	45,650	45,650

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

To provide the additional revenue for the above, the following revenues will be increased as the money has been received:

Revenue	Acct. No.	Current Budget	Increase (Decrease)	Amended Budget
Restricted Intergovernmental				
Economic Dev- Non Fed	11 0050 449300 12LIF	-	45,650	45,650

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

Adopted this the 5<sup>th</sup> day of August, 2013.

ATTEST:   
Clerk to the Board

  
Chairman  
Haywood County Board of Commissioners

Explanation: To appropriate budget To FY 2014 from available budget for BUILDING REUSE & RESTORATION DEVELOPMENT GRANT-LIFESPAN NO money was spent in FY 2012 or FY 2013 Grant expires 12/31/2014.



- o Capital Project Amendment - \$210,015 – Pisgah and Tuscola High School roofing project to be paid via lottery proceeds. The School Board and the Commissioners approved the contract.

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



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

HAYWOOD COUNTY, NORTH CAROLINA  
 CAPITAL PROJECT ORDINANCE  
 PISGAH AND TUSCOLA ROOF REPLACEMENTS  
 INCEPTION FISCAL YEAR 2013-2014

BE IT ORDAINED by the Haywood County Board of Commissioners that, pursuant to North Carolina General Statutes, Chapter 159-13.2, the following Capital Project Ordinance is hereby adopted:

Section 1. The project authorized is roof replacement on certain buildings at Pisgah and Tuscola High Schools and related design and engineering work.

Section 2. The officers of this unit are directed to proceed with the design and construction of the project within the terms of this ordinance.

Section 3. The following amounts are appropriated for the project:

Planning & Design	\$ 20,000
Pisgah & Tuscola roof replacement contract	170,015
Contingency	<u>20,000</u>
Total Expenditures	<u>\$ 210,015</u>

Section 4. The following financing sources are anticipated to be available to complete the project:

Lottery proceeds from N. C. Dept. of Public Inst.      \$ 210,015

Section 5. The Budget Officer and the Finance Director are to report on the financial status of this project on a regular basis and keep the Board informed of any unusual occurrences.

Section 6. Funds may be advanced from the General Fund for the purpose of making payments as due.

Section 7. Copies of this capital project ordinance shall be furnished to the Budget Officer and the Finance Director for direction in carrying out this project.

215 NORTH MAIN STREET • WAYNESVILLE, NORTH CAROLINA 28786  
 PHONE: 828.452.6625 • FAX: 828.452.6715

ADOPTED this the 5th day of August, 2013.

  
 Mark S. Swanger, Chairman  
 Haywood County Board of Commissioners

ATTEST:

  
 Marty L. Stamey, County Manager and Clerk to the Board  
 Haywood County Board of Commissioners

BE IT ORDAINED by the Board of Commissioners of Haywood County that the following amendment be made to the capital project ordinance for the fiscal year ending June 30, 2014.

Section 1. To amend the Capital Project Fund - County building/repairs/construction projects, the expenditures are to be charge as follows:

Line Item	Account Number	Current Budget	Increase (Decrease)	Amended Budget
ADMA Library School Projects Fund				
Trigley Tubacora roof replacements	462500-519817-4L011	-	20,000	20,000
Architect/Engineering		-	170,000	170,000
CCO - Other Building projects	462500-565002-4L011	-	-	-
Contingency	460900-569100-4L011	-	20,000	20,000
			210,000	210,000

which will result in a net increase of \$ 210,000 in the expenditures of the Capital Project Fund.

To provide the additional revenue for the above, the following revenues will be increased as the money has been received:

Revenue	Acct. No.	Current Budget	Increase (Decrease)	Amended Budget
Intergovernmental Revenue				
Library proceeds from DPI	460900-459265-4L011	-	210,000	210,000
			210,000	210,000

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

Adopted this the 5<sup>th</sup> of August 2013.

ATTEST:  
Clerk to the Board

*Mark Swanger*  
Chairman  
Haywood County Board of Commissioners

Explanation:
US Appropriates the new roofing project of the public schools. This is for roofing on seven buildings of Trigley and Tubacora High Schools per the project ordinance, and will be funded with Library proceeds.

## NEW BUSINESS

### Request Approval of Library Science and Technology Act (LSTA) Grant Application for enhancement and improvement of shared catalog of the NC Cardinal Consortium

Chairman Swanger recognized Sharon Woodrow, Library Director. Ms. Woodrow explained that Haywood County had been chosen to be the Lead Library in a project with the NC Cardinal Consortium. This project will allow for standardization of the catalogue including reduction in duplication of materials. The grant amount is \$170,000.

Commissioner Ensley motioned to approve the LSTA Grant Application as presented. Commissioner Sorrells seconded; the motion carried unanimously.

### Request Approval of Variance to Wireless Telecommunications Ordinance for addition of support structure for existing tower

Chairman Swanger recognized Kris Boyd, Planning Director. Mr. Boyd explained that there had been no comments received following the public hearing for this variance and that the Planning Board was satisfied with granting the variance provided that the conditions outlined - adding some type of structural support (concrete barriers, bollard) near the road on the inside of fence to protect the guy wire were met.

Commissioner Ensley motioned to approve the Variance to the Wireless Telecommunications Ordinance as previously presented at the public hearing. Vice Chairman Kirkpatrick seconded; the motion carried unanimously.

### **Request Approval of Resolution for the Release Agreement of Surety Bonds for the Avalon Development**

County Attorney Killian explained that this has been an ongoing situation related to the Avalon subdivision. Another party, not the original party that posted the bond, now owns the subdivision. The County has been attempting to collect on the bond and complete improvements for the project. The primary cash bond of \$143,718 remains with the County. Mr. Killian noted that there is a Resolution and two additional bond releases that require approval. One of the bonds is the full amount while another is a partial amount with credits.

Mr. Boyd explained that the first bond release was for the full amount. The second bond is for the bond for all of the platted areas; however, not all of the areas were platted. The bonding company was willing to provide credits for those areas where there are plats; which was agreeable to the county.

Both Commissioner Ensley and Vice Chairman Kirkpatrick will abstain from voting on this matter due to personal financial interest conflicts as provided by statute. Mr. Killian will modify the Resolution to reflect these abstentions.

Commissioner Upton motioned to approve the Resolution with the modifications noted by Mr. Killian related to the abstention from voting of two Commissioners. Commissioner Sorrells seconded; the motion was unanimously approved by a vote of three to zero (3 to 0).

### **Request Approval of Resolution of Support for Sanitary Gravity Sewer Line at NC 209 and US 19/23**

Commissioner Sorrells explained that the Resolution pertains to the improvements at the 209 interchange where the NC Department of Transportation (NC DOT) is re-routing the road. The Junaluska Sanitary District (JSD) currently provides service in this area and both the Sanitary District and Haywood County Schools have provided similar resolutions to improve the sewer line at the time of this construction/re-routing. Commissioner Sorrells noted that this would change from a 4" forced main line to an 8" gravity line.

Commissioner Ensley added that a forced main requires electricity to operate; the gravity line would not. The NC DOT does not want to do this as it is considered betterment; however, with the loss of customers for JSD and the loss of developable property near the future interchange, a change to this sewer line could allow for possible commercial development.

Commissioner Ensley motioned to approve the Resolution of Support for Sanitary Gravity Sewer Line at NC 209 and US 19/23 as presented. Commissioner Sorrells seconded; the motion carried unanimously.

**Appointment of Member to Haywood Community College Board of Trustees**

Chairman Swanger explained there had been two individuals that applied for the Haywood Community College Board of Trustees. One of the applicants, Mitchell Powell was appointed by Governor McCrory to serve on that Board. George Marshall, the remaining applicant, was recommended for appointment.

Commissioner Upton motioned to approve the appointment of George Marshall to the Haywood Community College Board of Trustees. Commissioner Sorrells seconded; the motion carried unanimously.

**CLOSED SESSION**

Vice Chairman Kirkpatrick made a motion to enter into Closed Session for Attorney/Client Privilege G.S. §143-318.11(a)(3) and Personnel G.S. § 143-318.11(a)(6). Commissioner Ensley seconded, the motion carried unanimously.

The Board returned from closed session.

**ADJOURNMENT**

Commissioner Upton made a motion to adjourn the regular Board meeting. Commissioner Sorrells seconded; the motion carried unanimously.

The time of adjournment was 9:52 a.m. The DVD is attached by reference to the minutes.

\_\_\_\_\_  
CLERK

\_\_\_\_\_  
CHAIRMAN