

HAYWOOD COUNTY COMMISSIONERS

REGULAR MEETING –August 19, 2013

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 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

Vice Chairman Kirkpatrick 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.

Mike Combs addressed the board regarding the movement of a partially constructed storage shed to another location on his property due to changes in flood plain mapping. He acknowledged his desire to abide by all laws and ordinances and requested consideration of a variance for this shed. Chairman Swanger requested that the County Manager follow up with Mr. Combs and others to provide guidance related to this variance request.

Monroe Miller addressed the board regarding Senate Bill 159 related to correction of revaluation issues in Mecklenburg County. He requested that the County consider use of outside appraisers and analysis related to future revaluations and expressed concerns related to disposition of foreclosed properties by the County. Chairman Swanger explained that properties will be disposed of in accordance with state statute, laws and the upset bid process. County Attorney Killian added that since the county has taken the title for these properties, this resale is subject to NC General Statute §105-376(c) which provides a flexible procedure for these sales.

Jonnie Cure addressed the board regarding neighborhood delineation rates. She provided examples of various neighborhoods and the delineation rates, and expressed her discontent related to the use of these rates. Ms. Cure requested that information be sent to the various neighborhoods explaining these rates.

Chairman Swanger noted that he would ask David Francis if he had any information he would like to share related to these concerns at the conclusion of the public comment session.

Eddie Cabe also addressed the board regarding tax valuation. He explained he was recently made aware of the neighborhood delineation rate, and expressed concern related to the determination of neighborhoods within the county. Mr. Cabe referenced Senate Bill 159 and the repayment with interest to those whose property values were deemed incorrect.

Mark Schuler addressed the board on behalf of concerned Haywood County veterans and read a letter alleging questionable hiring and business practices of the County. Chairman Swanger noted that the appropriate personnel with the county would be in touch with Mr. Schuler and that items for the board members should be submitted in writing through the County Manager.

Terry Ramey addressed the board related to properties sold for less than tax value and questioned how this was possible. He requested that the board investigate Mr. Francis and practices of the tax office.

Chairman Swanger asked Tax Administrator, David Francis to provide some clarification related to terms that are being used related to the valuation of property. Mr. Francis presented information related to NC statute §105-283, uniform appraisal standard, as well as definitions and descriptions of mass appraising, neighborhood delineation, schedules of value, sales ratio and market adjustment factors. He continued by explaining how these particular items were utilized in calculation of market value.

Mr. Francis provided examples of the market factor as a positive or negative, and the subsequent total sales ratio percentage as it relates to the valuation of properties. He added that most of the counties in North Carolina utilize this formula for valuation.

Chairman Swanger commented that the State tracks the sales for every county. Mr. Francis confirmed and noted that for 2011 Haywood County's rate was 99%; for 2012, the rate was 102% and currently is at 103%. The goal is to remain around 100% of market value.

Commissioner Sorrells added that the criteria used for revaluation met NC statute requirements, complied with the Machinery Act and schedule of values. Mr. Francis confirmed.

Mr. Francis noted that Senate Bill 159 was a local bill specific only to Mecklenburg County, and does not affect other counties.

Vice Chairman Kirkpatrick asked the cost of the last revaluation for Haywood County. Mr. Francis answered total cost was approximately \$400,000. Vice Chairman Kirkpatrick asked

the cost of another revaluation was conducted. Mr. Francis answered that cost would be essentially the same.

Vice Chairman Kirkpatrick summarized mass appraisal versus individual appraisal and noted that appeals related to the value of property could be made to the Board of Equalization and Review annually. He added that the process is not perfect, but is fair.

Commissioner Sorrells commented that with the State tracking the rates and with the totals being so close to 100% consistently, Haywood County is doing what they should and added that if the totals were out of trend, then a revaluation would occur. Mr. Francis confirmed.

Chairman Swanger concurred, related to Vice Chairman Kirkpatrick's explanation, that if property owners had proof that there was a discrepancy, an appraiser could review and possibly make changes. Mr. Francis confirmed that reductions could occur.

Vice Chairman Kirkpatrick concluded by noting that if all 50,000+ properties required a separate appraisal at an average of \$400.00 each, the cost would be approximately \$20 million dollars rather than the \$400,000 currently expended. Chairman Swanger added that this is why there is an accepted process to follow for appeal revaluation.

CONSTITUENT CONCERNS

Vice Chairman Kirkpatrick asked Mr. Killian to explain about the bidding process for foreclosure properties. Mr. Killian noted that NC General Statute § 105-374, 375 and 376 deal with property foreclosures. Vice Chairman Kirkpatrick noted that notices are always provided to the property owner; however, there are times when the owner is deceased and heirs must be contacted to obtain tax monies. If the property is foreclosed upon to obtain tax monies, the upset bid process is then followed. The process is available at the clerk of court and properties are posted.

Commissioner Sorrells provided an example of how a property could be purchased for the amount of the tax and administrative costs. Mr. Killian confirmed that the example was correct.

DISCUSSION / ADJUSTMENT TO AGENDA

There were no adjustments to the agenda.

ADMINISTRATIVE/AGENCY REPORTS

Chairman Swanger recognized Janie Sinacore-Jaberg, President and CEO, MedWest-Haywood. Ms. Sinacore-Jaberg provided the following report:

- Finance – a \$2.8 million dollar reimbursement was received from Medicaid, which affected the lowest Accounts Payable volume in over a year.
- Volume – utilization remains stable with a slight drop in inpatient stays, but an increase in outpatient services; Emergency Room visits were up 4%.

- Community - meetings have been held at nine locations to hear concerns and generate ideas for improving the services and feedback regarding the meeting of expectations.
- Collaboration and Thanks – Ms. Sinacore-Jaberg thanked both of the governing boards for MedWest and the Medical Staffs for their continued support. She noted that continuing collaboration and cooperation with law enforcement and EMS has helped influence patient care and safety. The hospital's Foundation Board has provided \$400,000 for renovations to the 4th floor. She noted that the media has been helpful in posting lifestyle pieces and health and wellness information.
- People - a new internal communications tool – Janie's Journal – allows for information to be disseminated to staff with the possibility of a guest blogger from time to time.
- Quality – a new Quality Director has been hired and will start soon
- Growth – Ms. Sinacore-Jaberg explained that the hospital is looking at potential partners and explained that a resolution was approved on July 30, 2013 allowing the board to move forward with the sale, lease or conveyance of the hospital should the MedWest Board choose to do so. A public hearing will be held on August 22, 2013. She stressed that no decision has been made related to this action, and when information was available that could be shared, she would do so.

Ms. Sinacore-Jaberg explained that there are nine specific items, or pillars, that are expected from any entity wishing to partner with the hospital. They are:

- Secure long-term stability and financial viability
- Promote quality local healthcare in the community
- Make needed investments in our facilities, technology and personnel
- Recognize the of quality the employees as an asset and enhance the hospital's status as an employer of choice
- Continue to develop quality medical staff with strong ties to the community
- Preserve existing services and enhance access to acute care services locally
- Enhance the community's confidence in their local hospital
- Continued local input into decision making
- Enhance role of our hospital in our community for economic development

Ms. Sinacore-Jaberg noted that a new General Surgeon, Dr. Alison Johnson would be on staff beginning in September/October; two candidates for Sports Medicine position have been recruited; a new Pediatrician, Dr. Dewert and acquiring Western Carolina Orthopedic on September 1.

Chairman Swanger thanked Ms. Sinacore-Jaberg for her thorough report and the ongoing dialogue.

CONSENT AGENDA

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

- Approval of August 5, 2013 regular meeting minutes
- Approval of July 2013 - Refunds, Releases, Amendments and Discoveries – David Francis, Tax Administrator. Mr. Francis noted that there might be some changes related to this report as the new Tax/Tag process is implemented.
- Request approval of the purchase of four (4) Dodge Chargers for the Sheriff’s Office, per formal bid and budget for 2014. Sheriff Greg Christopher explained that the formal bidding process was followed for these vehicles and only one vendor submitted a bid. He confirmed these vehicles were included in the current year budget.
- Budget Amendment – Julie Davis, Finance Director
 - General Fund - \$378,262 – this is a carryover grant that has been received for the Blue Ridge National Heritage Area that should complete the signage project.

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				
Other Contracts- Grant	11 4930 569970 11BRN	-	378,262	378,262

which will result in a net increase of \$ 378,262 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				
Inter Gov't Revenue-Non Federal	110050 449360 11BRN	-	378,262	378,262

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

Adopted this the 19th 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 not spent in FY 2013 for funds received FOR THE BLUE RIDGE NATIONAL HERITAGE GRANT.

NEW BUSINESS

Request Approval of Haywood Community College change order for extension of phase 3 for waterline from project contingency and increase in civil design fee

Chairman Swanger recognized Richard Lanning, Haywood Community College Board Chairman. Mr. Lanning referred to the waterline project and explained that the new Public Services Training Facility would be partially funded by flood settlement funds. He described

the various aspects of the facility including the burn building, multidisciplinary training tower, and multiuse structure. Mr. Lanning added that the waterline would need to be expanded for use with this new facility. Mr. Lanning introduced Patrick Bradshaw from Civil Design Concepts to speak about the plan.

Mr. Bradshaw explained that the third phase of the waterline project was on hold until the Haywood Public Transit facility was completed and online. He continued by indicating that since additional structures will be added to the campus, and since this addition would allow the campus to continue to receive water in the event their primary source is interrupted, it is the most viable option moving forward. Mr. Bradshaw indicated that while the change order is for \$95,000, the amount required from contingency was \$59,448 as there is a project balance of \$48,000 available.

Chairman Swanger inquired if this information presented met with Ms. Davis' approval. Ms. Davis indicated that there was a budget amendment included in the packet highlighting the movement of funds from contingency. Mr. Lanning requested approval of this change order.

Commissioner Sorrells motioned to approve the change order for the extension of phase three for the waterline project as presented. Commissioner Ensley seconded; the motion carried unanimously.

HAYWOOD COUNTY
CAPITAL PROJECT BUDGET 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 capital project ordinance for the fiscal year ending June 30, 2014.

Section 1. To amend the Capital Project Fund - Community College construction projects, the expenditures are to be charged as follows:

Line Item	Account Number	Current Budget	Increase (Decrease)	Amended Budget
COMMUNITY COLLEGE PRJS:				
Water Line Project:				
Professional Services	405926-519917-1HCC1	37,600	3,000	40,600
C/O-structures/improvements	405926-558000-1HCC1	238,918	56,448	295,366
Water Line Contingency	405926-599100-1HCC1	6,650	(6,650)	-
Project Contingency	409910-599100-1HCC1	349,166	(52,788)	296,378

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

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

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

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

Adopted this the 19th of August 2013.


Chairman
Haywood County Board of Commissioners

ATTEST:

Clerk to the Board

Explanation:
To cover the change order as well as the additional design fees associated with the waterline project at the community college. Costs to be covered by the project contingency line-items.

Request Approval of the Order of Collection for 2013 Taxes

Chairman Swanger recognized David Francis, Tax Administrator. Mr. Francis requested approval of the Order of Collection for the 2013 taxes. This is document provides the Tax Administrator with the authority to collect taxes, levy, attach, garnish or foreclose on real and personal property annually. Mr. Francis described the process for both types of foreclosures. He added that the North Carolina Association of County Commissioners tax survey ranks Haywood County as the 28th lowest tax rate in the State; 72 counties have higher rates.

Vice-Chairman Kirkpatrick motioned to approve the Order of Collection for the 2013 Taxes as presented. Commissioner Upton seconded; the motion carried unanimously.

BOARD OF COMMISSIONERS
MARK S. SWANGER, CHAIRMAN
J. W. "BOB" KIRKPATRICK, III, VICE CHAIRMAN
L. KEVIN ENSLEY
MICHAEL I. SOBELLE
BILL L. UPTON



COUNTY MANAGER
MARY STAMBY
LEON M. KILLIAN, III
COUNTY ATTORNEY

STATE OF NORTH CAROLINA
COUNTY OF HAYWOOD

To the Tax Collector of the County of Haywood:

You are hereby authorized, empowered, and commanded to collect the taxes set forth in the tax records filed in the office of the Haywood County Tax Assessor and in the tax receipts herewith delivered to you, in the amounts and from the taxpayers likewise therein set forth. Such taxes are hereby declared to be a first lien upon all real property of the respective taxpayers in the County of Haywood, and this order shall be a full and sufficient authority to direct, require, and enable you to file tax judgments, levy on and sell any real or personal property of such taxpayers, for and on account thereof, in accordance with law.

Witness my hand and official seal, this 19th day of August 2013.

Mark Swanger (Seal)
Chairman, Board of Commissioners of Haywood County

Attest:

Michael Sobelle
Clerk to the Board of Commissioners of Haywood County

415 NORTH MAIN STREET • WAYNESVILLE, NORTH CAROLINA 27788
PHONE: 828.432.6623 • FAX: 828.432.6715

Request Approval of two Haywood County Property Bids and Offers to Purchase

Mr. Francis explained that there are two bids before the Board for properties that were acquired via the foreclosure process. Mr. Francis received the bids on behalf of the County Manager, and per the procedure approved by this Board in April 2013, these bids were brought before the Board for approval. Both parcels were bid upon by owners of neighboring properties.

Parcel 7687-04-4513 – located off of Braves Knob Road – was foreclosed in 2011 and the bid is \$1,500 by James Wasson.

Commissioner Ensley commented that this property is located in Maggie Valley, is very small and steep and most likely would not support a septic system. He added that this

property was subdivided before the pre-development (Subdivision) ordinance; this ordinance requires all parcels when subdivided had to have a septic evaluation completed. Mr. Francis added that the lot was oddly shaped and borders Ghost Town. He added that adjacent property owners are notified when there is a foreclosure sale.

Parcel – 8608-76-2254 – located on Sunshine Cove Road - was a difficult foreclosure according to Mr. Francis due to multiple circumstances and was bid upon by a neighboring property owner.

Commissioner Sorrells commented that when these parcels are put up for sale, the taxes and any arrears is public record. Mr. Francis confirmed.

Mr. Francis explained that if the Board accepts these bids, an upset bid notice will be advertised in the Mountaineer for ten (10) days. He added that the Board can accept or reject any bid proposals.

Commissioner Upton asked if the second parcel would support a septic system. Mr. Francis explained that currently a trailer was on the property and that he was unsure as to the status of the septic system.

Commissioner Ensley noted that when the ad comes out in the paper, within 10 days of first publication, anyone can place an upset bid. Mr. Francis confirmed a bid increase of 5% was required.

Mr. Killian explained that the process that was followed was the acceptance of an offer subject to upset bid via the process that was approved in April 2013.

Vice Chairman Kirkpatrick motioned to approve the property bid and offer to purchase for parcel 7687-04-4513 as presented. Commissioners Upton seconded; the motion carried unanimously.

Vice Chairman Kirkpatrick motioned to approve the property bid and offer to purchase for parcel 8608-76-2254 as presented. Commissioner Ensley seconded; the motion carried unanimously.

Request Approval for Acceptance of NC Department of Environment and Natural Resources Mercury Products Recycling Grant

Chairman Swanger recognized Stephen King, Solid Waste Director. Mr. King requested approval to accept a Mercury Products Recycling Grant from the NC Department of Environment and Natural Resources. These state funds - \$8,080 - would be used to construct a secure collection area, educational materials and signage. He noted that the funds were included in the current year budget.

Commissioner Upton motioned to approve the acceptance of the Mercury Products Recycling Grant from the NC Department of Environment and Natural Resources as presented. Commissioner Sorrells seconded; the motion carried unanimously.

Request Appointment to the Haywood County Library Board of Trustees

Chairman Swanger noted that an interview was conducted with Lynda Self for a position on the Haywood County Library Board of Trustees. Chairman Swanger added that Ms. Self was well qualified, and the only applicant for this position.

Commissioner Ensley motioned to approve the appointment of Lynda Self to the Haywood County Library Board of Trustees. Commissioner Sorrells seconded; the motion carried unanimously.

CLOSED SESSION

Commissioner Upton made a motion to enter into Closed Session for Attorney/Client Privilege G.S. §143-318.11(a)(3) and Economic Development G.S. § 143-318.11(a)(4). Vice Chairman Kirkpatrick seconded, the motion carried unanimously.

The Board returned from closed session.

Commissioner Ensley reminded members that the Haywood County Fair starts on Wednesday evening with the opening ceremony held that evening.

ADJOURNMENT

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

The time of adjournment was 8:19 p.m. The DVD is attached by reference to the minutes.

CLERK

CHAIRMAN