

## **HAYWOOD COUNTY COMMISSIONERS**

**REGULAR MEETING –January 6, 2014**

### **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 Interim County Manager Ira Dove, 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.

### **CALL FOR PUBLIC HEARING**

Chairman Swanger recognized County Attorney Chip Killian. Mr. Killian explained that in accordance with the previously adopted closing schedule and NC General Statute 131E-13(d)(5) a public hearing would be held to receive public comment regarding proposals received. At this time, only one proposal has been received. It was from Duke LifePoint Healthcare. Mr. Killian noted that there has been no definitive agreement completed at this time.

Chairman Swanger noted that if there were no objections, a public hearing would be scheduled for January 21, 2014 at 5:30 p.m. at the regular meeting in the historic courtroom.

### **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. No one addressed the board

### **CONSTITUENT CONCERNS**

Commissioner Upton thanked the citizens of Haywood County for their generous spirit during the holidays and Chairman Swanger added that the Share the Warmth Program through Mountain Projects was still accepting donations.

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

There were no adjustments to the agenda.

**CONSENT AGENDA**

Vice Chairman Kirkpatrick made a motion to approve the consent agenda as presented. Commissioner Upton seconded; the motion carried unanimously.

- Approval of December 2, 2013 regular meeting minutes
- Budget Amendments – Julie Davis, Finance Director
  - Capital Project Fund – Public School Projects - \$2,406,830 - for Pisgah High School Renovation Project. Ms. Davis noted that funding is via lottery proceeds and these funds are being used for the down payment and debt service for this project. The total for the project is \$2,576,830.

HAYWOOD COUNTY  
CAPITAL PROJECT ORDINANCE AMENDMENT  
FISCAL YEAR 2013-14

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, the expenditures are to be charged as follows:

Line Item	Account Number	Current Budget	Increase (Decrease)	Amended Budget
C/P Fund - School - ADM/LOTTERY				
Pisgah High School Renovations				
Professional Services - Architect	495982-519917-3LOT1	170,000	-	170,000
Financing costs	495982-549901-3LOT1	-	22,000	22,000
Construction cost	495985-558002-3LOT1	-	2,145,300	2,145,300
Other building costs (prelim. elect., survey)	495982-558003-3LOT1	-	25,000	25,000
Project contingency	495982-599100-3LOT1	-	214,530	214,530
				-
				2,576,830

which will result in a net increase of \$ 2,406,830 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
Restricted Intgvtl - LOTTERY Fund	490050-459365-3LOT1	170,000	706,830	876,830
Proceeds from installment loan	490110-492910-3LOT1	-	1,700,000	1,700,000
				-
			2,406,830	2,576,830

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

Adopted this the 6<sup>th</sup> day of January, 2014.

  
Chairman  
Haywood County Board of Commissioners

ATTEST:   
Clerk to the Board

<b>Explanation:</b>
To appropriate the amounts for the PHS renovation project.
All funding to come from the NC Education Lottery, including the payment of debt service over 10 years.

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L. KEVIN ENSLEY  
MICHAEL T. SORRELLS  
BILL L. UPTON



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

HAYWOOD COUNTY, NORTH CAROLINA  
PUBLIC SCHOOL BUILDING RENOVATION PROJECT  
CAPITAL PROJECT ORDINANCE  
INCEPTION FISCAL YEAR 2013-2014

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

Section 1. The project authorized is the renovation of the campus of Pisgah Senior High school in the County.

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

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

Professional Services – Architect	\$ 170,000
C/O – Construction cost	2,145,300
Other building costs	25,000
Financing costs	22,000
Contingency	214,530

Total Expenditures \$2,576,830

Section 4. The following revenues are anticipated to be available to complete the project.

Proceeds from Installment loan	\$1,700,000
Current available lottery proceeds	876,830

Total Revenues \$2,576,830

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.

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

ADOPTED this the 6th day of January, 2014.

  
Mark S. Swanger, Chairman  
Haywood County Board of Commissioners

ATTEST:

  
Ira Dove, Clerk to the Board

- General Fund – Sheriff's Office – \$2,544 – Drug Seizure Funds to purchase tablet and capsule counter. Ms. Davis noted that this is from current year funds approximately \$58,000 to be used for drug education.

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
Sheriff Office:				
C/O - equipment	114310-555000	40,000	2,544	42,544

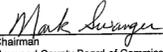
which will result in a net increase (decrease) of \$ 2,544 in the expenditures of the General Fund.

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:				
Non-federal - drug seizure funds	110050-443330	-	1,857	1,857
Appropriation of Fund Baland	110110-499991	330,750	687	331,437
			2,544	

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

Adopted this the 6<sup>th</sup> of January 2014.

  
Chairman  
Haywood County Board of Commissioners

ATTEST:   
Clerk to the Board

Explanation:
To appropriate current year drug seizure funds and prior year drug seizure funds available for the Sheriff's Department to use in the department.

**NEW BUSINESS**

**Offer to Purchase School Board Surplus Real Estate in accordance with NCGS 115(c)-510 – Buildings A and B of the old Hazelwood School**

Chairman Swanger recognized Pat Smathers, Attorney for Haywood County Schools. Mr. Smathers explained that the Haywood County School Board had passed a resolution declaring buildings A and B of the old Hazelwood School surplus, and is offering to Haywood County for \$1.00. Mr. Smathers explained that to demolish these buildings would be cost prohibitive and that a new roof was needed. Currently, Folkmoot USA is using buildings A & B with the remaining campus continuing to be used by the school system. Mr. Smathers added that as Folkmoot has been utilizing the facilities, it is recommended that the County convey the property to Folkmoot per statute.

Chairman Swanger recognized Karen Babcock, Executive Director, Folkmoot USA. Ms. Babcock explained that Folkmoot has been housed in these buildings for over a decade and has recently begun a capital campaign for building improvements. Chairman Swanger added that if such a transaction occurred, the buildings would be sold “as-is” and subject to approval by Town of Waynesville Inspections, based on the existing survey.

Mr. Killian noted that a resolution would be required for this conveyance and conditions, including the review by the Town of Waynesville, would be included and possibly a reverter clause included if the purpose was ever considered for change (i.e. if Folkmoot dissolved or wished to change locations).

Mr. Smathers added that before the conveyance to Folkmoot, there would be meetings between the School Board and Folkmoot to discuss waterlines and a firewall. County Attorney Killian will draft a resolution related to the County conveyance to Folkmoot and share with Attorney Smathers.

Vice Chairman Kirkpatrick asked if Folkmoot desired a sale rather than a long-term lease. Chairman Swanger noted that ownership of the building was more favorable for capital via grants.

Vice Chairman Kirkpatrick motioned that Haywood County accept the purchase of surplus property of buildings A and B of the old Hazelwood School for the price of \$1.00 for the purpose of donation to Folkmoot subject to Resolution from the Board of Commissioners. Commissioner Sorrells seconded; the motion carried unanimously.

### **Request Appointment of 1% Zip Code Subcommittees**

Chairman Swanger recognized Lynn Collins, Executive Director, Haywood County Tourism Development Authority (TDA). Ms. Collins explained that the 1% Zip Code Subcommittees review and recommend funding allocation applications received to the full TDA Board of Directors. The municipalities make recommendations as to representation on these subcommittees.

Ms. Collins noted that the term for these appointments would be from January 1, 2014 through December 31, 2015. Recommendations are as follows:

**Town of Canton** – Deborah Reed, Tracy Oneil and Mike Caldwell

**Town of Clyde** – Sara Q. Brown, Jewell Beall and Rhonda Smathers

**Town of Maggie Valley** – Myra Glover, Caroline Greene, Jay Manner, Vimal (Michael) Patel and Jan Pressley

**Town of Waynesville** – John Keith, Katie Eason Hughes, Roy Gass, Deb Isenberg and Mindy Wood

Ms. Collins added that the 1% Zip Code Subcommittee for Lake Junaluska was appointed in 2012 due to revisions to the subcommittee structure.

Commissioner Sorrells noted that the TDA is aware of all of the nominees and is happy to see new membership. He added that the TDA is looking forward to working with these subcommittees.

Commissioner Sorrells motioned to approve the recommendations from all municipalities as presented by Ms. Collins. Commissioner Upton seconded; the motion carried unanimously.

### **Request Approval of Revised Addressing/Road Naming Ordinance**

Chairman Swanger recognized Kathy Hoglen, Addressing Coordinator. Ms. Hoglen noted proposed changes to the Addressing/Road Name Ordinance were presented via public hearing on December 16, 2013. Since that time, no one has commented to the Board, County Manager or Addressing Coordinator related to this revision. Ms. Hoglen noted the following changes:

- how votes would be represented when road name changes were proposed;
- the cost of a name change was increased to \$250.00;
- no changes to names of historical significance or memorial names; and
- no road names with initials, vulgar, offensive, or difficult to spell or pronounce would be allowed.

Ms. Hoglen requested approval of the revised Addressing/Road Naming Ordinance and noted that it would be available via the county website.

Commissioner Upton motioned to approve the revised Addressing/Road Naming Ordinance as presented. Commissioner Ensley seconded; the motion carried unanimously.

**Request Approval of Resolution Authorizing the Chairman to Execute Quitclaim Deeds on Behalf of Haywood County to the Successful Bidders**

Chairman Swanger recognized David Francis, Tax Administrator. Mr. Francis noted there were two properties that have been through the upset bid process and require final approval by the Board. The initial bid for parcel 8666-08-2739 was brought before Commissioners on December 2, 2013 for approval. The parcel was advertised with a 10-day upset bid period with no additional bids received. The final bid amount for this parcel was \$400.00 by Claudia McClarrin.

Commissioner Ensley motioned to approve the resolution and subsequent quitclaim deed as presented for parcel 8666-08-2739. Vice Chairman Kirkpatrick seconded; the motion carried unanimously.

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COUNTY MANAGER  
MARTY STARNY  
LEON M. KILGAN, III  
COUNTY ATTORNEY

RESOLUTION  
HAYWOOD COUNTY BOARD OF COMMISSIONERS  
REGULAR MEETING

January 6, 2014

WHEREAS, the Board of Commissioners heretofore accepted a negotiated offer for the sale of property described in the proposed Quitclaim Deed attached as Exhibit A, subject to compliance with the Procedure for Disposition of Real Property Acquired Through Tax Foreclosure as previously adopted and approved; and

WHEREAS, in accordance with the approved procedure, an offer was made by Claudia McClarrin, and was accepted subject to the receipt of upset bids following publication of Notice of Negotiated Offer for Sale of Real Property for Upset Bids, which was duly published on December 6, 2013; and

WHEREAS, following publication of the required notice as aforesaid, no upset bids were received.

NOW, THEREFORE, upon motion duly made and seconded, it is resolved that the Chairman of the County Commissioners and Clerk to the Board of Commissioners be authorized to execute the attached Quitclaim Deed and, upon receipt by the County of the sum of \$400.00 less deposit previously received, to deliver the deed to the Grantee Claudia McClarrin.

ATTEST

  
Ina L. Dove, Interim County Manager  
Clerk to the Board

  
Haywood County Board of Commissioners  
Mark Swanger, Chairman

Mr. Francis explained that the initial bid for parcel 8711-38-9493 was brought before Commissioners on November 18, 2013 for approval. The parcel was advertised with a 10-day upset bid period with no additional bids received. The final bid amount for this parcel was \$1,600.00 by Vernon and Carol Eldredge.

Commissioner Upton motioned to approve the resolution and subsequent quitclaim deed as presented for parcel 8711-38-9493. Commissioner Ensley seconded; the motion carried unanimously.

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COUNTY MANAGER  
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COUNTY ATTORNEY

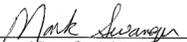
RESOLUTION  
HAYWOOD COUNTY BOARD OF COMMISSIONERS  
REGULAR MEETING  
January 6, 2014

WHEREAS, the Board of Commissioners heretofore accepted a negotiated offer for the sale of property described in the proposed Quitclaim Deed attached as Exhibit A, subject to compliance with the Procedure for Disposition of Real Property Acquired Thru Tax Foreclosures as previously adopted and approved; and

WHEREAS, in accordance with the approved procedure, an offer was made by Vernon and Carol Eldredge, and was accepted subject to the receipt of upset bids following publication of Notice of Negotiated Offer for Sale of Real Property for Upset Bids, which was duly published on November 22, 2013; and

WHEREAS, following publication of the required notice as aforesaid, no upset bids were received.

NOW, THEREFORE, upon motion duly made and seconded, it is resolved that the Chairman of the County Commissioners and Clerk to the Board of Commissioners be authorized to execute the attached Quitclaim Deed and, upon receipt by the County of the sum of \$1,600.00 less deposit previously received, to deliver the deed to the Grantee Vernon and Carol Eldredge.

  
Haywood County Board of Commissioners  
Mark Swanger, Chairman

ATTEST

  
Ira Dove, Interim County Manager  
Clerk to the Board

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### **Request Approval of Integration of Health and Human Services for Haywood County**

Chairman Swanger recognized Interim County Manager, Ira Dove. Mr. Dove recapped the process followed related to the integration of departments thus far including the conducting of a public hearing on December 16, 2013. Since the public hearing, no comments have been received by the Board or other involved departments. Mr. Dove explained that a resolution is being set forth for the following actions:

1. A Consolidated Human Services Agency ("Agency") shall be created pursuant to N.C. Session Law 2012-126 upon the appointment of the Consolidated Board.
2. The employees of the Agency shall continue to be subject to the State Personnel Act.
3. A Consolidated Human Services Board ("Consolidated Board") shall be created and members appointed, and shall have all the powers and operate as set forth in NCGS § 153A-77 or as amended.
4. A Nominating Committee composed of current members of the Board of Health and Social Services Board, will provide recommendations to the County Board no later than February 17, 2014 for nominees to membership of the Consolidated Board.
5. The existing Board of Health and Social Services Boards will continue to serve and operate as the policy boards for their respective boards until the Consolidated Board is appointed.

Mr. Dove explained that a timeline was developed related to the integration process, and he respectfully requested approval of the resolution presented.

Commissioner Ensley motioned to approve the Resolution Approving the Creation of a Consolidated Human Services Agency in Haywood County in Accordance with NCGS 153A-77 as presented. Commissioner Upton seconded; the motion carried unanimously.

Commissioner Sorrells thanked the task force and employees for their work on this large undertaking.

Commissioner Ensley echoed his thanks and added that the task force took a measured careful approach when considering integration and took the time to make sure that all involved were informed of potential changes.

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BILL L. UPTON



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

**Resolution Approving the Creation of a Consolidated Human Services Agency  
in Haywood County in Accordance with NCGS 153A-77**

WHEREAS, pursuant N.C. Session Law 2012-126, the General Assembly granted County Commissioners the legal authority to create a consolidated human services agency; and

WHEREAS the Haywood County Board of Commissioners (the "County Board") has determined it is in the best interest of Haywood County to combine the existing Health Department and Social Services Department as a consolidated human services agency (the "Agency"); and

WHEREAS the Board has determined it is in the best interest of Haywood County to combine the current Health Board and current Social Services Board ("Consolidated Board"); and

WHEREAS, it is the intention of the Board to create a Consolidated Board in accordance with NCGS § 153A-77; and

WHEREAS, a Consolidated Board appointed by the County Board shall serve as the policy-making, rule-making, and administrative board of the Agency; and

WHEREAS, until appointments are made to the Consolidated Board by the County Board, the existing Board of Health and Board of Social Services will continue to serve and operate as the policy boards for their respective boards; and

WHEREAS, a nominating committee comprised of members of the existing and currently serving Board of Health and Social Services Board, shall provide recommendations to the County Board of nominees for membership to the Consolidated Board in accordance with requirements of NCGS § 153A-77(c)(1) through (c)(5) no later than February 17, 2014.

NOW, THEREFORE, BE IT RESOLVED BY THE Board of Commissioners for Haywood County (the "County Board") as follows:

1. A Consolidated Human Services Agency ("Agency") shall be created pursuant to N.C. Session Law 2012-126 upon the appointment of the Consolidated Board.
2. The employees of the Agency shall continue to be subject to the State Personnel Act.

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3. A Consolidated Human Services Board ("Consolidated Board") shall be created and members appointed, and shall have all the powers and operate as set forth in NCGS § 153A-77 or as amended.
4. A Nominating Committee composed of current members of the Board of Health and Social Services Board, will provide recommendations to the County Board no later than February 17, 2014 for nominees to membership of the Consolidated Board.
5. The existing Board of Health and Social Services Boards will continue to serve and operate as the policy boards for their respective boards until the Consolidated Board is appointed.

Adopted this 6<sup>th</sup> day of January, 2014.

ATTEST:

  
Ina Dove, Interim County Manager  
Clerk to the Board

  
Mark S. Swanger, Chairman  
Haywood County Board of Commissioners

**Request Approval of Two (2) Members to the Nursing Home Community Advisory Committee**

Mr. Dove noted that a request was received from Larry Reeves, Region A, Southwestern Commission to appoint two members to the Nursing Home Community Advisory Committee. Ms. Susanna Bazinet would serve the remainder of the term of Pam Nichols which expires on May 31, 2015. Ms. Mary Naegle would serve a one-year term expiring on December 31, 2014.

Vice Chairman Kirkpatrick motioned to approve Ms. Bazinet and Ms. Naegle's appointment to the Nursing Home Community Advisory Committee as presented. Commissioner Ensley seconded; the motion carried unanimously.

**Work Session to Discuss Former Department of Corrections Facility in Hazelwood and old Haywood County Hospital building – Tuesday, January 14, 2014 at 4:00 p.m.**

Chairman Swanger announced there would be a work session conducted on Tuesday, January 14, 2014 at 4:00 p.m. in the Planning Department Conference Room located at 157 Paragon Parkway. Topics to be discussed include the former Department of Corrections Facility in Hazelwood and the old Haywood County Hospital building.

**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 Upton seconded, the motion carried unanimously.

The Board returned from closed session.

Vice Chairman Kirkpatrick made a motion to set the compensation for the Interim County Manager at \$125,236 annually. Commissioner Sorrells seconded; the motion carried unanimously.

**ADJOURNMENT**

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

The time of adjournment was 10:28 a.m. The DVD is attached by reference to the minutes.

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CLERK

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CHAIRMAN