

HAYWOOD COUNTY COMMISSIONERS

REGULAR MEETING – April 7, 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 Candace Way.

PLEDGE OF ALLEGIANCE

Chairman Swanger led the Pledge of Allegiance.

INVOCATION

Commissioner Ensley offered the invocation.

CALL FOR PUBLIC HEARING

- a. Fire Marshal Johnny Glance addressed the Board requesting a call for Public Hearing for the modification of the fire service districts of Junaluska, Crabtree-Ironduff, Maggie Valley, Jonathan Creek and Waynesville and the creation of Howell Mill Fire Service District and Eagles Nest Fire Service District for Monday, May 19, 2014 at 5:30 p.m. He explained that this modification was primarily for assisting taxpayers in obtaining insurance and lowering insurance rates. He stated that these modifications take into account insurance rates and response time, and also include two areas of citizen petitions. The citizens in the districts will be notified of the public hearing and the County will hear their concerns at that time.

Commissioner Upton stated that the modification would improve the response time which in turn would lower insurance rates and Mr. Glance concurred.

Commissioner Sorrells noted that some fire departments have to drive through another district and this modification would make it easier. He stated that he had conversations with other fire departments and this would assist getting the insurance rates down.

Chairman Swanger verified with Mr. Glance that all fire departments would be notified of the Public Hearing. It was agreed that the Public Hearing will be set for Monday, May 19, 2014 at 5:30 p.m. in the Historic Courtroom of the Courthouse.

- b. Planning Director Kris Boyd addressed the Board requesting a call for Public Hearing for Sugar Valley Springs, Inc. Road Maintenance Service District on Monday, May 19, 2014 at 5:30 p.m. He stated that he had received an application from the home owners’ association to follow the process to create a new road service district. He explained that it had been done in the past, and there were about ten of them in the county. If they meet the qualifications, the County will collect taxes for the district.

Attorney Killian noted that this applies to mountain counties only, as they have roads that are hard to maintain.

Mr. Boyd stated that he had verified that the road was in existence prior to October 1, 1975. He noted that based on the application and review of the information, his department feels it warrants moving forward with this. It was agreed that the Public Hearing will be set for Monday, May 19, 2014 at 5:30 p.m. in the Historic Courtroom of the Courthouse.

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

Vice Chairman Kirkpatrick stated that he had received a call from the Daughters of the American Revolution inquiring about the policy of reserving a room in the library. They said they had followed the policy and had difficulty reserving a room. Mr. Dove commented that he would research this concern.

Vice Chairman Kirkpatrick had received a call concerning disposal of fluorescent bulbs. Commissioner Ensley said that he was aware of the concern. Solid Waste Director Stephen King had responded to the constituent and explained that these types of bulbs could be disposed of at the Material Recovery Facility in Clyde.

Vice Chairman Kirkpatrick inquired if the payment had been paid to ARC for the Smoky 9 Ball Shootout and it was verified that it had.

Vice Chairman Kirkpatrick had a conversation with a Haywood County employee who stated because the County does not accept the government subsidy, the spouse or family member has to pay the full amount when signing up through the Affordable Care Act. Mr. Dove noted that he would review this.

Chairman Swanger stated that he had received numerous complaints about exploding targets, that they were so loud they produced a concussion effect. Mr. Dove said that he is in the process of researching this.

Commissioner Sorrells commented that he had done some research, and has found that the small target is not a big issue, the fact that they are being packed together has made it one.

Chairman Swanger stated that he doesn't know of any existing ordinance that addresses this, but it will be researched.

Mr. Killian noted that he had reviewed statutes regarding pyrotechnic displays and also the County noise ordinance, but had found nothing on this issue. He stated that Sheriff Christopher is also looking at this concern.

for County retirees. She said that some retirees pay a portion of their insurance and the County picks up the balance. This amount will get the County through until the end of this fiscal year and is from contingency.

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
Human Resources				
Health Insurance - retirees	114135-518301	377,600	92,000	469,600
Contingency	119910-599100	237,026	(92,000)	145,026

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 9th of April, 2014.

ATTEST: [Signature]
Clerk to the Board

[Signature]
Chairman
Haywood County Board of Commissioners

Explanation
To appropriate the amount necessary to pay for retiree health insurance through June 30

- o Department of Corrections property preliminary building evaluation - \$10,000.00
Ms. Davis explained that this was from the General Fund and is the amount for preliminary building evaluations for this County owned property. This amount is from contingency.

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 - D.O.C. property	114260-539100-42618	2,245	10,000	12,245
Contingency	119910-599100	145,026	(10,000)	135,026

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 7th of April, 2014.

ATTEST: [Signature]
Clerk to the Board

[Signature]
Chairman
Haywood County Board of Commissioners

Explanation
To appropriate the amount necessary to pay for preliminary building evaluations at the property previously owned by the NC Dept. of Corrections

o Internal Service Fund - \$125,000.00

Ms. Davis explained that this is from the Internal Service fund. She stated that the County is self insured for Worker's Compensation. This will get the County through the end of the fiscal year, as there have been more worker compensation claims this year. She noted that this is still a savings of about \$500,000 a year from what we spent before the County became self insured.

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

Department	Account Number	Current Budget	Increase (Decrease)	Amended Budget
Workers' Compensation claims	169610-518312	375,000	125,000	500,000

which will result in a net increase of \$ 125,000 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
Haywood County revenue transfers	160070-450000	500,000	37,857	537,857
Appropriation of fund balance	160110-489991	-	87,043	87,043

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

Adopted this the 7th day of April 2014.

ATTEST: 
Clerk to the Board


Mark Swinger
Chairman
Haywood County Board of Commissioners

Explanation:
To cover potential claims through June 30, year end

NEW BUSINESS

Request listing of County property with Realtor

Mr. Dove addressed the Board stating that at the previous Commissioner's Work Session, it was requested to find a Realtor to list specific County properties. These properties are the Annex II, the Old Health Department building and 50 Henson Dr. After looking at the top three Realtor's total sales and MLS listings, the County sent a letter requesting proposals. He stated that the standard commission is 10%, discounted is in the area of 8%. The best proposal was from Realty World with a 6% commission, 5% if they were the dual agents.

Commissioner Sorrells asked about the length of the contract and Mr. Dove replied that it was negotiable. Commissioner Sorrells noted that there were several strong real estate agents and suggested that if it moves past a period of time, the County could move on to the next Realtor.

Commissioner Ensley stated that he did not feel comfortable voting for this since he has done work with all of the realtors and would like to abstain.

Mr. Killian advised that it is not required to abstain unless a commissioner did direct work with them, not referral, but contractual work with them, and then at the discretion of the Chair could be asked to abstain.

Vice-Chairman Kirkpatrick stated that he does direct work with one of them.

Chairman Swanger noted that with Commissioners' Ensley's and Kirkpatrick's nature of work, there could be a potential conflict.

Vice-Chairman Kirkpatrick noted that he does not contract with the entity with the lowest commission, but he does with another of the realtors.

Mr. Killian advised that there is still a quorum with two abstaining, and that it is at the discretion of the Chair.

Vice-Chairman Kirkpatrick reiterated that the County has property that it needs marketed and put it out for bids. He stated that the County generally contracts with the lowest qualified proposal and this is the process it is following this time.

Commissioner Upton made a motion that Realty World be selected as the realtor listing the Annex II, old Health Department building, and 50 Henson Dr. Commissioner Sorrells seconded noting that this will be a six month listing. Commissioners Ensley and Kirkpatrick abstained due to work conflicts. Motion passed via quorum.

Appointment of Tony Beaman and Ira Dove to the Southwestern Child Development Commission

Mr. Dove explained the functions of the Southwestern Child Development Commission to the Board and stated that these appointments were different due to the nature of their services. Recommended were the appointments of the Director of Social Services ex-officio, Ira Dove, and Tony Beaman, retired DSS Director who has worked with the commission.

Commissioner Ensley made a motion that Tony Beaman and Ira Dove be appointed to the Southwestern Child Development Commission. Vice-Chairman Kirkpatrick seconded and the motion passes unanimously.

Reappointment of Ruth Welk to the Adult Care Home Community Advisory Committee

Mr. Dove referred to the letter received from Larry Reeves, Ombudsman for Region A Long Term Care, requesting reappointment of Ruth Welk who is currently serving on the committee.

Commissioner Upton made a motion that Ruth Welk be reappointed to the Adult Care Home Community Advisory Committee. Commissioner Ensley seconded and the motion passed unanimously.

Reappointment of Maurice Phillips to the Haywood Regional Medical Center Board

Chairman Swanger explained that the Board usually advertises and interviews for appointments to this Board, however in light of sensitive nature of the ongoing negotiations to sell the hospital to Duke Life Point, the HRMC Board has requested that this one member be reappointed. He stated that essentially the HRMC Board will not exist when and if the sale of the hospital occurs.

Mr. Killian advised that as a matter of form the Board needs to suspend the rules and Chairman Swanger concurred.

Vice-Chairman Kirkpatrick moved to suspend the rules and Commissioner Ensley seconded. The motion passed unanimously.

Commissioner Upton moved to reappoint Maurice Phillips to the Haywood Regional Medical Center Board and Commissioner Ensley seconded. The motion passed unanimously.

Appointment of Dr. Rhianna Ritter to the Board of Health and Human Services

Mr. Dove advised the Board of the application from Dr. Ritter for the physician seat on the Board of Health and Human Services. He stated that she had been interviewed and was the only physician applicant.

Chairman Swanger noted that she would also fill specific statutory requirements.

Vice-Chairman Kirkpatrick made a motion to appoint Dr. Rhianna Ritter to the Board of Health and Human Services. Commissioner Upton seconded and the motion passed unanimously.

Request Resolution for Letter Carrier's Food Drive

Mr. Dove read the resolution to the Board, noting that the drive will be on May 10th this year. Commissioner Ensley added that the Town of Waynesville did this also stating that this helps the non-profit organizations mentioned in the letter and encouraged all citizens to participate.

Commissioner Ensley made a motion to approve the Resolution for Letter Carrier's Food Drive. Vice-Chairman Kirkpatrick seconded and the motion passed unanimously.



**RESOLUTION SUPPORTING LETTER CARRIERS ANNUAL
FOOD DRIVE**

WITNESSETH:

WHEREAS, hunger remains a pervasive issue in Haywood County and across the nation; and
WHEREAS, every year letter carriers in Haywood County and across the United States make an effort to gather food for local agencies by collecting non-perishable food as part of the nation's largest one-day food drive; and
WHEREAS, this effort to gather food assists local agencies such as the Haywood Christian Ministry, the Salvation Army, the Community Kitchin and the Open Door.
NOW THEREFORE BE IT RESOLVED that the Haywood Board of County Commissioners, at its April 7th, 2014 regular meeting, unanimously voted to adopt this resolution calling upon its citizens to support the local association of letter carriers in their annual food drive on Saturday, May 10th, 2014, by placing food at their mail boxes or taking it to their local post office.

Adopted this 7th day of April, 2014

BY: 
Mark S. Swanger, Chairman

ATTEST: 
Ira Dove, Interim County Manager

Grant from Department of Commerce; Evergreen

Mr. Dove explained that the County had turned in the initial application for the grant on February 10th and an amended application on March 3rd to the Department of Commerce. This grant is to increase the amount of natural gas capacity to western North Carolina, with Evergreen Packaging the primary benefactor. He noted that this project is required for Evergreen to operate effectively. The grant total is 2.8 million with a \$700,000 match. The County requested 2.1 million dollars and was advised that it will receive the grant. Mr. Dove requested that the Board give him permission to respond via letter accepting the grant on behalf of the County.

Chairman Swanger stated that this had been discussed in work sessions and the Council of Government meeting last week. He said that a motion would be required to authorize Mr. Dove to send a letter to the Department of Commerce copying Evergreen Packaging, that we accept the 2.1 million dollar grant and that the County would budget the match portion of \$700,000 over two years. Mr. Dove acknowledged and also stated that the County will comply with the requirements of the Department of Commerce.

Commissioner Upton made a motion authorizing Mr. Dove offer a letter accepting the grant. Vice-Chairman Kirkpatrick seconded and the motion passed unanimously.

A discussion was held among the commissioners about the impact this has on Haywood County, both currently and in the future.

Chairman Swanger noted that Evergreen is committing about one million dollars to the engineering portion of this project.

Commissioner Sorrells acknowledged the hard work and efforts of Mark Clasby on this project reiterating the impact that this project has on Haywood County.

Commissioner Ensley noted that natural gas is an efficient and cleaner fuel and is good for the infrastructure of western North Carolina.

Commissioner Upton stated that for 30 years we have made sure that we let them know that we want them in our County.

Chairman Swanger concluded by stating that economic development is not just about attracting new jobs, it's about keeping and maintaining the jobs that are there.

CLOSED SESSION

Vice-Chairman Kirkpatrick made a motion to enter into Closed Session for Attorney/Client Privilege G.S. §143-318.11(a)(3).

Commissioner Upton seconded, the motion carried unanimously.

The Board returned from closed session.

Mr. Dove reported that there has been a settlement in a worker's compensation case with a former DSS employee, Betty Shiffler. After mediation and consultation with Andrew Kaplan, worker's compensation attorney, the recommendation is \$50,000.00 plus \$1275.00 in

mediation fees, \$2400.00 in medical fees set aside for Medicare, and \$402.75 per week until the settlement is made with the Industrial Commission.

A motion to approve the settlement was made by Vice-Chairman Kirkpatrick. It was seconded by Commissioner Sorrells and the motion passed unanimously.

ADJOURNMENT

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

The time of adjournment was 10:19 a.m. The DVD is attached by reference to the minutes.

CLERK

CHAIRMAN

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