

HAYWOOD COUNTY COMMISSIONERS

REGULAR MEETING – January 20, 2015

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 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 Sorrells offered the invocation.

PUBLIC HEARING

Consideration of the formation of the East Canton Fire Service District, Ivy Hill Fire Service District, Waterville Fire Service District and the extension of the Fines Creek Fire Service District

Chairman Swanger stated that per policy, the commissioners do not make decisions until a later time, noting that this hearing is a time for input from the citizens. He stated that the earliest there will be a vote will be two weeks. He then recognized Fire Marshal Johnny Glance. Mr. Glance reviewed each District as follows:

East Canton – Mr. Glance stated that this district is east of Canton along Old Asheville Highway. East Canton is not currently in a tax district. It is under a partial insurance district with Center Pigeon. He noted that at the last public hearing on fire service districts, another citizen came to ask help for his insurance rates. This fire district formation will save homeowners \$400 a year on their insurance. He commented that the response time will be faster with this closer location, noting that Center Pigeon has to travel through this district.

Commissioner Sorrells verified that the Town of Canton will provide their service and if this does take place will save the taxpayers money.

Ivy Hill – Mr. Glance explained that this district currently is in a response area for Waynesville, noting that they had been getting the service but not paying for the tax service fees.

Waynesville Fire Chief Joey Webb explained that they had paying for the service on their water bills, but this will stop when the tax service district begins.

Commissioner Sorrells asked if they have been in a tax service district before and Mr. Glance said that they had not but had been identified by insurance companies as a no recognized coverage district area.

Waterville – Mr. Glance explained that this area is next to the Tennessee state line. In addition to the request to add this as a tax district, he noted they are also coming to the Board for a request to contract with Grassy Fork Fire Department in Tennessee. Grassy Fork will take the money to set aside for a substation in Hartford. This will drop the insurance rates in this district.

Commissioner Sorrells asked about the projected time frame for a substation to be operational in this area. Mr. Glance stated that they are currently looking for land but have no time limit set.

Chairman Swanger asked what the insurance rate would drop to and Mr. Glance responded that it would stay the same for now. It will go to a 9 from 10 if the substation is built. Right now they have no coverage. Grassy Fork is sent as mutual aid. Fines Creek responds which is 20 miles away. He stated that it would save a homeowner about \$400 per year.

Commissioner Sorrells commented that there will be no guaranteed service then until the Hartford substation is built and Mr. Glance concurred.

Chairman Swanger remarked that he understands the frustration of the residents about services and wants to make sure that the County is very sensitive on the way this is handled.

Vice-Chairman Kirkpatrick stated that he would want to see a substation built within a certain set time.

Fines Creek – Mr. Glance explained that this is an expansion of the district to cover all areas in White Oak that is not currently in the district. There is no insurance savings with this. He noted that an expansion was done several years ago and this is the last one.

Chairman Swanger asked how many residents this involved and Mr. Glance responded that approximately 170 citizens are in this area.

Chairman Swanger opened the public hearing and asked if any individuals would like to comment regarding the proposed changes.

Mr. Kenny Arrington addressed the Board stating that he lives in Mt. Sterling which is Waterville. He stated that the tax money doesn't bother him, he just wants to see what the County services are that will be provided. One issue he faces is he lives in North Carolina but his address is in Newport, Tennessee. He thinks that the tax money should be kept in North Carolina.

Steve Hannah addressed the Board. He said that he is 19 miles from Grassy Fork and 15 mile from Fines Creek. He said that he has had good service from Fines Creek and the money needs to stay in Haywood County.

Sandy Caldwell addressed the Board. She said that she appreciates the Board listening to their frustrations and just wanted to reiterate what has been said. She said that she understands there are limitations on services that can be provided. She knows that they pay the higher insurance premiums because of where they live. She stated that she feels there will not be better service if served by Grassy Fork.

Chairman Swanger asked how many households were notified. Mr. Glance said that there are 30 structures, some may be out buildings however, and approximately 75 people. There are 32 full time residents, 18 are present tonight.

Frederick Wright addressed the Board. He stated that his comment is related to East Canton. He stated that his mother has two tracts that are split between the proposed district and the North Canton district. He requested that attention is made to look at the actual topography and the access to properties to see what is needed.

Commissioner Sorrells asked about the access through the proposed district. Mr. Wright stated that the natural gas pipeline goes across the mountain, noting that part of it is missing on the map. Mr. Glance will get Mr. Wright's contact information to research this more.

Tammy Sutton addressed the Board. She said that they are more remote than anywhere else in Haywood County. She said that they pay for garbage disposal but there is no place to take it. She said that the residents depend on each other. She said that they ask nothing from the County and don't expect it. She said that they choose to live there and just want to be left alone.

Ralph Hannah addressed the Board. He said that when he had to call the rescue squad, Fines Creek got there before Grassy Fork and said that there is nothing gained by getting a Hartford substation.

Mr. Arrington addressed the Board asking if there will ever be better services for them if North Carolina is "claiming" them.

Chairman Swanger responded saying that he doubts that this one thing will change anything else. He noted that there are steps that can be taken, and this is the place to start.

Commissioner Sorrells stated that the Board is here to talk about it and will do what it can. He said that the purpose is to try to provide better service.

Chairman Swanger suggested that the County conduct a survey with the residents in Waterville to get further insight and include other things that they would like the County to look at. The Board agreed to the suggestion.

Commissioner Upton suggested that a study be conducted to track the response time to each property.

Tammy Sutton addressed the Board stating that if taxes keep going up, it makes it hard for people to hold on to their land to pass to the next generation. She said there is no good solution east or west for fire coverage.

Chairman Swanger complimented the citizens on the dignity they demonstrated on something that could be an emotional issue.

With no further comments, Chairman Swanger closed the Public Hearing at 6:10 p.m.

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.

Jim Blyth and Ron DeSimone addressed the Board. They announced the beginning of what hopes to be an annual event in Haywood County, Winterfest Smoky Style. It will be on February 28th at the Maggie Valley Festival Grounds. There will be plot hounds and a dog sled demonstration, also vendors and food. Mr. DeSimone stated that they wanted to do something to help businesses throughout the winter and to benefit a non-profit. All proceeds will go to the Animal Shelter. They hope to make it a ten day event in the future.

The Board recessed at 6:15 p.m. for a short break and reconvened at 6:20 p.m.

CONSTITUENT CONCERNS

Chairman Swanger stated that he had received some questions from citizens concerning the Mountaineer article on the Emergency Management Ordinance. He said they had expressed some confusion as to why this was an issue with some members of the public. He stated that although he believed the Ordinance as written is lawful, he can understand that simpler language and sentence structure may be appropriate in some sections of the Ordinance. He suggested that the Board review the Ordinance to ensure that it is clear, concise, as simple as possible, and contemporary as to local, state, and federal laws, and make changes as appropriate. He suggested that County Manager Ira Dove coordinate this effort by accepting written comments either delivered in person, by mail, or by email. He said that the process should be open, transparent and subject to a public hearing. The Board concurred.

Commissioner Upton encouraged everyone to keep practicing good hygiene by washing hands etc. during this dangerous flu outbreak.

ADMINISTRATIVE/AGENCY REPORTS

Brain Broom, CPA, Director Dixon Hughes Goodman addressed the Board. He stated that he was here to present their report on the Agreed Upon Procedures regarding the final Tax Collector Settlement. This is a report from Tax collections from July 1 to December 6. This reports has listed out procedures that they agreed to perform. He stated that the procedures were done by the internal auditor and repeated by them which minimized the cost. He said that there were no exceptions noted during this review. There were no differences noted in Mr. Francis's final settlement to the County.

DISCUSSION / ADJUSTMENT TO AGENDA

There were no adjustments to the agenda

CONSENT AGENDA

Commissioner Sorrells made a motion to approve the consent agenda as presented. Vice-Chairman Kirkpatrick seconded, the motion carried unanimously.

1. Approval of January 5, 2015 regular meeting minutes.
2. Approval of December 2014 Refunds, Releases, Amendments and Discoveries – David Francis, Interim Tax Administrator
Mr. Francis presented the report for December 2014 and stated that there was nothing to report from last month.
3. Budget Amendments – Julie Davis, Finance Director
 - a. Health & Human Services Agency – \$2,429
Ms. Davis explained that this was from the General Fund and was a reduction in the state grant. She said that this reduces both the expense line item and the grant revenue line item.

HAYWOOD COUNTY
BUDGET ORDINANCE AMENDMENT
FISCAL YEAR 2015

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, 2015.

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

Department	Account Number	Current Budget	Increase (Decrease)	Amended Budget
FAM-PL OPERATING	115130-549500	28,000	(2,255)	25,745
MATNL HLTH OPERATING	115180-549500	2,000	(174)	1,826

which will result in a net increase of \$ (2,429) 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
RESTR INTG FAM-PL DHS	110050-451515	113,597	(2,255)	111,342
RESTR INTG MATNL HLTH	110050-451519	4,339	(174)	4,165

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

Adopted this the 24th day of January 2015

Mark Swartz
Chairman
Haywood County Board of Commissioners

ATTEST: *Julie Davis*
Clerk to the Board

Explanation: State reduction of fund by 4% for Maternal & Child Health Block Grant.

b. Master Facilities C/P Fund - \$2,694,827

Ms. Davis explained that this is for the E911 center grant from the E911 Boards. It is reducing contingency to zero and spreading across the grant line items.

HAYWOOD COUNTY
CAPITAL PROJECT BUDGET AMENDMENT
FISCAL YEAR 2014-2015

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, 2015.

Section 1. To amend the Capital Project Fund - Master Facilities Fund, the expenditures are to be charge as follows:

Line Item	Account Number	Current Budget	Increase (Decrease)	Amended Budget
County projects:				
E-911 PSAP Enhancement:				
Professional Services - architect	424311-518919-1SE00	65,000	1,000	66,000
Professional Services - other	424311-518909-1SE00	-	189,511	189,511
C/O - Technology Systems	424311-552000-1SE00	1,625,602	(391,716)	1,543,886
C/O - Telephone system	424311-555000-1SE00	-	51,475	51,475
C/O - Bldg Improvements	424311-558000-1SE00	543,725	290,230	833,955
Project Contingency	424311-559100-1SE00	160,500	(160,500)	-

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

The effect on the General Fund is as follows:

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 20th of May, 2015.


 Chairman
 Haywood County Board of Commissioners

ATTEST: 
 Clerk to the Board

Explanation:
To allocate the E-911 grant funded project to reflect the adjusted budget approved by the State 911 Board.

NEW BUSINESS

Request approval to enter contract negotiations with the Grassy Fork, TN Fire Department for fire coverage at Waterville and the state line

Chairman Swanger stated that comments had been heard from the public hearing and recommends that this item be delayed until a consensus is reached from the Board on potential action. The Board agreed.

Request approval of the amended North Carolina Community College System 3-1 form for the Public Services Training Facility Project at Haywood Community College

Chairman Swanger recognized Brek Lanning, HCC Director of Campus Development. Mr. Lanning addressed the Board requesting approval of the 3-1 form for the Public Services Training Facility to submit to the community college facility office. He stated that the 3-1 form has been amended based on project scope which has increased the overall budget for the project. He noted that the budget would require a loan approval to be paid back via the quarter cent sales tax proceeds. He said that the school has discussed with Ms. Davis on how it will break down.

Ms. Davis commented that we have sales tax money that is earmarked for HCC in the amount of 1.5 million right now, noting that the County will have to borrow money to get the full amount. She stated that they are in discussion with the LGC on how to proceed and will bring it to the Board in the future. The County can only commit to the money that it has earmarked.

Chairman Swanger confirmed that what the school is seeking at this time is to approve the 3-1 form and to seek the loan and Mr. Lanning agreed. Ms. Davis added that it also to confirm that the Board is behind the project and willing to commit the funds.

Commissioner Sorrells asked about increasing the scope of the project and Mr. Lanning explained that it now includes a classroom.

Commissioner Upton motioned to approve the amended 3-1 form for the Public Services Training Facility Project at Haywood Community College for the reasons discussed and it was seconded by Vice-Chairman Kirkpatrick. Motion passed unanimously.

Request approval of CWS contract for management of Convenience Centers and the Material Recovery Center and approval of second amended contract for hauling

Chairman Swanger recognized Interim Tax Administrator David Francis. Mr. Francis presented a power point on the agreement. He noted that CWS has been managing the convenience centers since 2010 and hauling waste and recyclables since 2004 and has an excellent 11 year record of service to Haywood County. He explained that in July of last year, the County decided to go to single stream recycling and began working with CWS. Currently CWS is doing the hauling contract. This was amended last September to include the single stream. He commented that over the next eight years, an estimated \$1.5 million in capital and equipment needs are projected. Personnel is needed for standard operations of over \$100,000 per year. The latest agreement will:

- Bring the Material Recovery Facility under the same management as the convenience centers
- Have CWS responsible for payment of phones, utilities, mowing, cost of employees, upkeep of grounds and equipment and snow removal
- Have CWS responsible for additional services such as litter pick-up at a cost of \$45.00 per hour for a truck and two employees and bulky material pick-up at \$55.00 per hour
- Have CWS hold special events such as “spring cleaning” and provide 30 yard container for “community clean-up days”, two household hazardous waste and universal waste events per year and will provide trained and certified employees for the events. CWS will pay the disposal cost up to \$20,000 per event and the County will pay the excess above the \$20,000
- Have CWS provide trained and certified hazardous household waste staff at the MRF full time upon completion of the hazardous waste building
- Fix the cost for managing the convenience centers and the Materials Recovery Facility for ten years while adding new services.
- Enable the County to avoid the cost of purchasing equipment and the volatility of the recyclables market.
- Have the County responsible for scales, entrance improvements and large repairs to buildings if needed

- Have the County pay for the initial permit for Household Hazardous Waste and CWS responsible to pay for permits thereafter

Commissioner Sorrells asked about the status of the employees that have been working at the facilities and Mr. Dove explained that they had met with them last week and had discussed their options. He noted that they had been offered positions with CWS. He said that they are subject to the reduction in force policy and will get payouts with vacation and comp pay and one month severance. He said that some had requested to use the Wellness Clinic until their insurance was worked out and he will more than likely come back to the Board with recommendations to approve.

Commissioner Sorrells asked if they will have the ability to get insurance with CWS and Mr. Dove stated that they have been offered the insurance.

Vice-Chairman Kirkpatrick asked if the agreement fixes the cost. Mr. Francis replied that by the way the contract is structured, we will know what the costs are, noting that there may be some capital costs. Part of the budget process is to set some capital aside. He commented that also the County will no longer have to estimate revenues.

Chairman Swanger agreed noting that it is best to have a good number to work with.

Mr. Killian stated that he had reviewed the document and that it is a good document, the legal side is sound and although a ten year contract is unusual he thinks it is fine due to the working history the contractor has with the County.

Commissioner Upton motioned to approve the CWS contract for the convenience centers and the two recovery centers and it was seconded by Commissioner Ensley. Motion passed unanimously.

Mr. Francis stated that there is an amended hauling contract that was done in September, and we are doing an amendment to this agreement to have it run concurrent with the other contract. The County will no longer be obligated to pay to haul recyclables to Buncombe County. We will no longer retain any of the revenues from the recyclables.

Commissioner Ensley motioned to approve the amendment to the first amended and restated hauling agreement and it was seconded by Commissioner Upton. Motion passed unanimously.

Chairman Swanger commented that the County is looking forward to continuing to work with CWS and this is the final component for single stream.

Commissioner Ensley thanked the Solid Waste committee for all that they have done, noting that it has saved taxpayers millions of dollars.

Discussion regarding architect selection for conceptual and schematic design for a new animal shelter for Haywood County

Chairman Swanger recognized County Manager Ira Dove. Mr. Dove explained that the need for a new animal shelter due to its' deteriorating and aged condition along with the lack of space necessary to provide adequate services had been discussed previously at the commissioner's work session. He stated that after research, it has been determined that an architect will need to be selected in order to move forward.

Chairman Swanger stated that this process will need to begin. Mr. Dove explained that the County needs to put out a request for proposal, posting on the web and normal channels. He suggested that this be specific to animal shelters, asking that they be familiar with town ordinance, type of project etc. He suggested that a selection committee with Ms. Davis, Mr. Dove, Ms. Hazzard, Mr. Burris and some of the Shelter Board members be convened to review the proposals. The results will be brought to the Board.

Commissioner Upton made a motion to authorize County Manager Ira Dove to initiate an architect selection process for the new animal shelter designed along the details that have been outlined as described and Commissioner Ensley seconded. The motion passed unanimously.

Mr. Dove confirmed that the advertisement will be for ten days.

Mr. Killian asked Chairman Swanger if there needed to be an addition to the Closed Session motion for Attorney/Client Privilege G.S. §143-318.11(a)(3) and Chairman Swanger agreed.

CLOSED SESSION

Vice-Chairman Kirkpatrick made a motion to enter into Closed Session for:
Closed Session Minutes G.S. §143-318.11(a)(1) and
Attorney/Client Privilege G.S. §143-318.11(a)(3)

Commissioner Ensley seconded and the motion carried unanimously.

The Board returned from Closed Session.

Chairman Swanger noted that the followed Closed Session Minutes were recommended for approval and release by consensus:

- October 6, 2014 - Personnel §143-318.11(a)(6)
- October 6, 2014 – Closed Session Minutes §143-318.11(a)(1)
- October 6, 2014 – Economic Development §143-318.11(a)(4)
- November 17, 2014 - Personnel §143-318.11(a)(6)
- November 17, 2014 - Personnel §143-318.11(a)(6) – redacted
- December 15, 2014 – Acquisition of Real Property §143-318.11(a)(5)
- December 15, 2014 - Attorney/Client Privilege G.S. §143-318.11(a)(3)

Vice Chairman Kirkpatrick motioned to approve and release the Closed Session Minutes as presented. Commissioner Upton seconded, the motion carried unanimously.

Chairman Swanger noted that the following Closed Session Minutes were approved but not yet released by consensus.

June 18, 2012 - Attorney/Client Privilege G.S. §143-318.11(a)(3)

September 2, 2014 - Attorney/Client Privilege G.S. §143-318.11(a)(3)

October 6, 2014 - Personnel §143-318.11(a)(6)

November 17, 2014 - Attorney/Client Privilege G.S. §143-318.11(a)(3)

November 17, 2014 - Acquisition of Real Property §143-318.11(a)(5)

November 17, 2014 - Personnel §143-318.11(a)(6)

Commissioner Ensley motioned to approve but not yet release the Closed Session Minutes as presented. Vice-Chairman Kirkpatrick seconded; the motion carried unanimously.

ADJOURNMENT

Chairman Swanger asked if there was any further business. Commissioner Upton asked about the upcoming Work Session date and Chairman Swanger replied that Ms. Davis and Mr. Dove were getting dates together for the commissioners to agree upon.

Commissioner Upton commented on the recent NCACC conference and how it was inclusive of all 100 counties and included topics on Medicare expansion and lobbying. Chairman Swanger agreed, adding the discussion that took place on giving secondary roads back to counties.

With no further business, Commissioner Sorrells made a motion to adjourn the regular Board meeting.

Commissioner Upton seconded; the motion carried unanimously.

The time of adjournment was 7:42 p.m. The DVD is attached by reference to the minutes.

CLERK

CHAIRMAN

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