

## HAYWOOD COUNTY COMMISSIONERS

### REGULAR MEETING – March 2, 2015

#### **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 Michael T. Sorrells, L. Kevin Ensley and Bill L. Upton present. Staff members present were County Manager Ira Dove, County Attorney Leon M. “Chip” Killian, III, Finance Director Julie Davis and Public Information Officer David Teague.

#### **PLEDGE OF ALLEGIANCE**

Chairman Swanger led the Pledge of Allegiance.

Vice-Chairman Kirkpatrick offered the invocation.

#### **REQUEST TO CONTINUE PUBLIC HEARING**

Chairman Swanger stated that due to inclement weather, the February 16<sup>th</sup> commissioner’s meeting was cancelled. Scheduled at that time was the Public Hearing. By rule, public hearings are typically held at the evening meeting to encourage greater public participation.

Mr. Dove explained that by state statute, a cancelled public hearing is continued until the next regularly scheduled meeting. By rule, and in order to give more time for public input, the request is to continue until the next evening meeting. He noted that anyone that wanted to speak today on the issue could do so during the public comment session.

It was agreed to continue the Public Hearing to consider the adoption of the Tobacco Use Restrictions Ordinance for Buildings, Vehicles, and Grounds until March 16<sup>th</sup>, 2015 at 5:30 p.m. 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 Sorrells commented that the county has seen some bad weather recently but has managed to get through.

Chairman Swanger commented that he had attended the Winterfest this weekend in Maggie Valley. He said that it was well attended and very entertaining and educational, noting that the proceeds will go to the new animal shelter.

#### **ADMINISTRATIVE/AGENCY REPORT**

##### **Smoky Mountain Center Fiscal Monitoring Report for December 31, 2014**

Chairman Swanger recognized Finance Director, Julie Davis. Ms. Davis explained that per statute, the report is submitted to her and she in turn brings it to the Board. She reported that this is their quarterly report that ended on December 31, 2014. She stated that their current revenues are \$183,123,255. Their total expenditures are \$172,518,750 with a year to date change in cash balance of \$10,604,505.

Chairman Swanger commented that as a side note, the County is trying to improve the quality of the sound in this courtroom. He asked for audience input to let us know if it is better or not, it seems to be better at the podium, but would appreciate feedback.

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

There were no adjustments to the agenda.

**CONSENT AGENDA**

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

1. Approval of February 2, 2015 regular meeting minutes. February 16, 2015 meeting cancelled due to inclement weather.
2. Approval of January, 2015 Refunds, Releases, Amendment and Discoveries – David Francis, Interim Tax Administrator.  
Mr. Francis presented the report and stated that there was nothing unusual this month.
3. Budget Amendments – Julie Davis, Finance Director
  - a. General Fund - \$464,349 – allocation of merit increases across departments.  
Ms. Davis explained that this represents the amount budgeted each year for merit increases across all of the departments. She noted that employees can receive up to a two percent merit increase. This is budgeted and spread across all of the departments.

HAYWOOD COUNTY  
BUDGET ORDINANCE 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 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
General Fund				
Salaries and Benefits	11**** 51****	22,927,171	464,349	23,391,520
	see attached			
Non Departmental				
Salaries & Wages- Regular	118000-512100	464,349	(464,349)	-

which will result in a net increase 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 3 day of Feb, 2015.

  
 Chairman  
 Haywood County Board of Commissioners

ATTEST:   
Clerk to the Board

Explanation:
To allocate the 2% per department merit increases.

- b. General Fund - \$11,979 – allocation of unemployment amount paid across relevant departments.  
Ms. Davis explained that this is done annually and budgeted in a non-departmental area. She stated that a quarterly amount has to be sent to the Employment Security Commission. We paid \$173,000 in unemployment this year. This budget amendment will allow the allocation to be spread around to departments that need it to cover unemployment.

HAYWOOD COUNTY  
BUDGET ORDINANCE 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 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
General Fund				
Non Departmental				
Unemployment compensation	118000-518500	50,000	(11,979)	38,021
Unemployment benefits				
Sherrill	114310-518500	14,143	5,198	19,341
DOC	114310-518500	9,450	19,400	28,850
Detention Center	114320-518500	8,328	6,872	14,900
Juvenile Services	114380-518500	1,360	4,023	5,383
Social Services	115370-518500	26,701	(16,174)	10,527
Health	115110-518500	-	-	-

which will result in a net increase 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 2 day of March, 2015.

  
 Chairman  
 Haywood County Board of Commissioners

ATTEST:   
Clerk to the Board

Explanation:
To allocate the unemployment benefits payments to the specific General Fund departments.

- c. General Fund – HHSA - \$10,169 – additional state funding received for Foster Care Independence Program.  
Ms. Davis explained that this is state funding for the Foster Care Independence Living Program (LINKS).

HAYWOOD COUNTY  
BUDGET ORDINANCE AMENDMENT  
FISCAL YEAR 2014-15

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
115310 Social Services				
LINKS Program Materials	115310-523106	10,416	10,169	20,585

which will result in a net increase of \$ 10,169 in the expenditures of the General Fund.

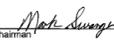
To provide the additional revenue for the above, the following revenues will be increased as the money has been received:

Revenue	Acct. No.	Current Budget	Increase (Decrease)	Amended Budget
110650 Restricted Intergovernmental				
Admin Reimbursement	110650-453400	4,858,424	10,169	4,868,593

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

Adopted this the 2 day of March, 2015

ATTEST:   
Clerk to the Board

  
Chairman  
Haywood County Board of Commissioners

Explanation
To recognize the 80% Federal and 20% State funding allocated to the Foster Care Independence Program to provide transitional services and responses to youth in Foster Care ages 15-18 as well as to young adults who aged out of Foster Care.

4. Request approval of early payoff of Haywood Advancement Loan this fiscal year – \$146,100 plus interest – Julie Davis, Finance Director  
Chairman Swanger recognized Julie Davis. Ms. Davis explained that this was for the development of the Beaverdam Industrial Park. Haywood Advancement was a partner with the County on that endeavor. Haywood Advancement loaned some money to the County for the project. There is a Memorandum of Understanding that says that the point of lending the money is to get the property developed but the payment back to Haywood Advancement would occur when the property sold. The rate for the loan was 4% simple interest. The County would like to pay this loan off early even before the property is sold. It has been budgeted this fiscal year and will not require a budget amendment.

## **NEW BUSINESS**

### **Request approval of regular appointment of Tax Administrator, David Francis**

Chairman Swanger recognized County Manager, Ira Dove. Mr. Dove stated that on November 17, 2014, Vice-Chairman Kirkpatrick motioned to appoint Mr. Francis as Interim Tax Administrator at his current salary with duties including, but not limited to, GIS, revaluation, mapping, Tax Assessor, and Solid Waste. He noted that the appointment has gone well and the County faces a lot of challenges in tax assessment with the new revaluation, also in Solid Waste and program evaluations. He would like to recommend at this time to make this a regular permanent appointment at the same salary and benefits carrying forward.

Vice-Chairman Kirkpatrick noted that it is important to point out that he may be the only employee in Solid Waste. Mr. Dove concurred that is was in the administrative area adding that Randy Sisk is also a Solid Waste employee. Vice-Chairman Kirkpatrick responded that with the reduction in that work force, Mr. Francis has taken over duties of other employees. Mr. Dove agreed stating that there is still much work to do in the half time duties of this position with contracts, coordination of Francis Farm, and upgrading the convenience centers. These half time duties along with tax and program evaluations will suffice for a full time position.

Commissioner Sorrells noted that with the reduction in work force there is a costs savings from where the County has been.

Commissioner Ensley commented that with privatization, there are now only two Solid Waste employees noting that the County has been able to keep the availability rate low.

Vice-Chairman Kirkpatrick made a motion that the recommendation as articulated by the County Manager be approved and Commissioner Ensley seconded. The motion passed unanimously.

**Request approval of updated Resolution Authorizing The Tax Collector To Direct Executions Against Personal Property To The Sheriff Of Haywood County For Collections**

Chairman Swanger recognized Tax Collector, Mike Matthews. Mr. Matthews stated that this resolution authorizes the Tax Collector to direct executions against personal property to the Sheriff of Haywood County for collections and the only difference is the deletion of the motor vehicles.

Chairman Swanger noted that this is an annual occurrence.

Mr. Killian stated that motor vehicles are no longer included and are now under the DMV under the Tax and Tag program.

Commissioner Ensley made a motion to approve the resolution as presented and Vice-Chairman Kirkpatrick seconded. The motion passed unanimously.

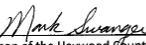
**RESOLUTION AUTHORIZING THE TAX COLLECTOR  
TO DIRECT EXECUTIONS AGAINST PERSONAL PROPERTY  
TO THE SHERIFF OF HAYWOOD COUNTY FOR COLLECTION**

WHEREAS, the Tax Collector is authorized under NCGS 105-367 to direct an execution to the Sheriff of Haywood County to levy upon and sell personal property for the collection of taxes upon approval by a resolution of the governing body of the taxing unit; and

WHEREAS, the Tax Collector has requested the Board of Commissioners to adopt a resolution authorizing the Tax Collector to direct to the Sheriff of Haywood County executions for the collection of personal property taxes as the Tax Collector chooses from time to time;

NOW, THEREFORE, BE IT RESOLVED by the Haywood County Board of Commissioners that the Tax Collector is authorized to direct to the Sheriff of Haywood County executions to levy upon and sell personal property for the collection of delinquent taxes. The Sheriff shall have the right to levy upon and sell the personal property under the same powers and authority normally exercised by sheriffs in levying upon and selling personal property under execution. This resolution shall remain in full force and effect until amended or repealed.

Adopted by the Haywood County Board Commissioners on the 2<sup>nd</sup> day of March, 2015.

 (SEAL)  
Chairman of the Haywood County Commissioners

Attest:

  
Clerk to the Board of Commissioners of Haywood County

**Request approval of the Federal Highway Administration Grant contract for Brain Hooks, vendor for Heritage Trail Sign project**

Chairman Swanger recognized Blue Ridge National Heritage Area Signage Coordinator, Melinda Massey. Ms. Massey explained that this is part of moving forward with the signage program. This is to hire the marketing project manager to oversee a number of important elements in the program. Included in the program is a brand and logo as well as a map and brochure. She noted that there will be a website with this, in addition, there is an interactive kiosk at the five welcome centers to engage people to see the off beaten paths and treasures that we have in this area.

Commissioner Ensley made a motion to approve the contract with the Heritage Sign project as presented and Commissioner Upton seconded. The motion passed unanimously.

**Request approval of Occupancy Tax Penalty Waiver Request for Rivermont Cabins**

Chairman Swanger recognized HCTDA Executive Director, Lynn Collins. Ms. Collins explained that the owner of the property had been erroneously paying the occupancy tax to the Department of Revenue. When the owner realized the error, she contacted the State and requested a refund. She paid the tax to the Haywood County Finance Office. The TDA Board of Directors does recommend this waiver.

Commissioner Upton made a motion to approve the Occupancy Tax penalty waiver for Rivermont Cabins in the amount of \$1283.14 and Vice-Chairman Kirkpatrick seconded. The motion passed unanimously.

**Request approval of Occupancy Tax Penalty Waiver Request for Hot Spot Tax Services**

Chairman Swanger recognized HCTDA Executive Director, Lynn Collins. Ms. Collins explained that this penalty was because of the due date and the postmark on when the payment actually comes in. This business used Pitney Bowes postage meter. When taken to the post office, it was not stamped. The only thing that they have to go by is when it arrived at the County Finance Department. TDA Board of Directors recommends the waiver as the business owner made the effort to take it to the post office.

Commissioner Sorrells noted that it was stamped on a Thursday and went through the weekend so it was obvious that it was done in a timely manner.

Commissioner Sorrells made a motion to approve the Occupancy Tax Penalty waiver for Hot Spot Tax Services in the amount of \$347.45 and Commissioner Ensley seconded. The motion passed unanimously.

**Request approval of reappointments to the 28745 Zip Code 1% Subcommittee of the Haywood County Tourism Development Authority**

Chairman Swanger recognized HCTDA Executive Director, Lynn Collins. Ms. Collins stated that these members are up for reappointment and agree to serve again. They are Dr. George Freeman, Larry East and Angell Kirkpatrick Benson. She noted that they are all eligible to serve another term which will be a two year term from January, 2015 through December, 2016.

Commissioner Sorrells made a motion to approve the reappointment of Dr. George Foreman, Larry East and Angell Kirkpatrick Benson to the 28745 Zip Code 1% Subcommittee and the motion was seconded by Vice-Chairman Kirkpatrick. The motion passed unanimously.

**Request approval of appointment to the 28751 Zip Code 1% Subcommittee of the Haywood County Tourism Development Authority**

Chairman Swanger recognized HCTDA Executive Director, Lynn Collins. Ms. Collins stated Jay Manner left the Maggie Valley Club in December and the Maggie Valley Alderman had recommended Louis Perrone, owner of Frankie's Restaurant to fill the vacancy. He will serve the remainder of the term of that seat which expires December 31, 2015.

Vice-Chairman Kirkpatrick made a motion to approve the appointment of Louis Perrone to the 28751 Zip Code 1% Subcommittee to serve the remainder of the term as presented and Commissioner Ensley seconded. The motion passed unanimously.

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

The Board returned from Closed Session.

**ADJOURNMENT**

Chairman Swanger asked if there was any further business.

Commissioner Upton thanked everyone that attended the Commission for a Clean County awards banquet noting that they had a good meal and appreciated all that was done.

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

The time of adjournment was 10:15 a.m. The DVD is attached by reference to the minutes.

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CLERK

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CHAIRMAN

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