

## HAYWOOD COUNTY COMMISSIONERS

### REGULAR MEETING – April 6, 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 L. Kevin Ensley, Michael T. Sorrells and Bill L. Upton present. Staff members present were County Manager Ira Dove, HCHSA Director/Asst. County Manager Stoney Blevins, 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.

#### **CALL TO PUBLIC HEARING**

Chairman Swanger recognized Public Information Officer, David Teague. Mr. Teague stated that in 2012, there was a cycle of CDBG scattered site housing funding. A committee chose to use \$400,000 and fund four replacement houses. This is near the end of that process and they need to proceed with closing out the grant. Part of that requirement is to hold a public hearing and to inform the Board what they have done with the funds.

Chairman Swanger noted that the hearing will be on Monday, April 20<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**

Vice-Chairman Kirkpatrick stated that he had received several phone calls on the location of the Animal Shelter.

#### **ADMINISTRATIVE/AGENCY REPORTS**

##### **1. Economic Development Council –**

Chairman Swanger recognized Chamber of Commerce President, CeCe Hipps.

Ms. Hipps recognized the committee members that attended with her this morning and thanked them for their hard work. She opened the report with a power point and allowed various committee members to update the Board on their progresses.

Ken Flint discussed the survey that each commissioner had received. He noted that it was inclusive of many organizations and agencies, and was very extensive and detailed. He said that this survey reflected a 20% response rate, which is a great response. He said that the Council will use it to be proactive and reactive.

He summarized by noting that the survey is broad in industries that were covered and being able to reach out to businesses of Haywood County.

Nyda Bittman-Neville presented marketing strategies. She highlighted the front door website and all that it encompasses; the “Resource” newsletter, informational advertisement in the local newspapers with a link to the website, a new video from TDA, conversational success stories and ongoing press releases.

Jason Walls addressed the Board and stated that as district manager for Duke Energy, he is thankful that the EDC has placed trust in him as their chairman. He noted that Mark Clasby has been a great mentor during the transition. He stated that the EDC is taking a look strategically as to where to target for growth in this community. He identified two committees that help organizationally and where to start working in the community. He talked about the Product Development Committee that is looking to both retain and promote growth. Zeb Smathers leads this committee. The Investor Relationship Committee is looking for private investors into the EDC to help marketing projects.

Commissioner Sorrells commented that as commissioner representative to their board, he sees a lot of enthusiasm with the new organization. He noted that Mr. Walls challenges the board with discussions and they are working hard to get Haywood County promoted and should see those results in the near future.

## **2. Southwestern Commission –**

Chairman Swanger recognized Southwestern Commission Executive Director, Ryan Sherby.

Mr. Sherby distributed the annual report and explained that the commission serves the seven western counties, and is the lead regional organization to deliver federal programs into the region. It works out of three primary buckets; Aging, Workforce Development and Community and Economic Development.

- Aging – has a block grant for congregate meals, transportation services, and in-home aide. He explained that the Association of Aging Organization conducted a study and found that the government spent \$896 per individual per year to keep them in their own home. \$27,000 per individual per year is spent if they are placed in a long term care facility through Medicaid.
- Workforce Development – working with employers and working toward putting all the resources in one place to help people get back to work.
- Community and Economic Development – sewer and water for the region historically, and is now moving into telecommunications. Also included is the revolving loan fund, tourism and agriculture development, and regional economic development strategy.

## **DISCUSSION / ADJUSTMENT TO AGENDA**

Chairman Swanger stated that there will be one adjustment to the agenda:

Add Closed Session: Attorney/Client Privilege G.S. §143-318.11(a)(3).

## **CONSENT AGENDA**

Vice-Chairman Kirkpatrick made a motion to approve the consent agenda as presented.

Commissioner Upton seconded, the motion carried unanimously.

1. Approval of March 16, 2015 regular meeting minutes.
2. Budget Amendments – Julie Davis, Finance Director
  - General Fund - \$140,000 – to cover various departments expenses through June 30.
  - Ms. Davis explained that this was a mid-year clean up with some departments and agencies that are going to be overspent at the end of the fiscal year. She explained that this will be taken from contingency.
    - The Register of Deeds Department - \$70,000 – this department is also taking in more revenue, 50% goes to the state, 50% will be used to help cover some of these items.
    - Legal expenses – putting \$25,000 into this department.
    - IT - \$18,500 - large vacation payout when an employee left. In addition, 911 Emergency Operations Center funds, which is the tax on the phone bills.
    - School Resource Office - \$1,500 for community college and \$2,500 for the public schools to pay for vacation and at the same time pay temporary employees to cover those vacations.
    - Detention Office – \$175,000 for overtime mostly related to transportation of inmates. This requires hourly pay for the officer. Medical inmate expenses have increased this year also.



- Budget Amendment - \$9,000 architect fee increase plus \$575,477 transfer from E-911 Special Revenue Fund.  
Chairman Swanger recognized Finance Director, Julie Davis. Ms. Davis explained that this amendment does two things; increases by \$9,000 to pay the architect and moves it from a section of this grant, reminding the Board that this is a grant project where the County was awarded \$2,700,000 from a \$3,200,000 grant application. The County is allowed to use the 911 fund balance as long as it is for qualifying expenses. There is \$575,000 of qualifying expenses that the fund balance can be used for to get to the \$3,200,000. \$575,477 will be moved from the Fund 23 into the grant project fund to do the renovations for the new 911 center. She stated that this is funded by a tax on everyone's phone bill that goes into a special fund for 911 centers.

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 Capital Project Fund, the expenditures are to be charged as follows:

Department	Account Number	Current Budget	Increase (Decrease)	Amended Budget
Capital Project Fund 42				
E-911 Communication Center				
Professional Services - Design	42411-15199-19500	69,000	9,000	78,000
CIC - Technology equipment	42411-15200-19500	1,569,899	575,477	2,145,376
CIC - 911 network	42411-15200-19500	51,475	(3,000)	48,475

which will result in a net increase of \$ 575,477 in the expenditures of the Special Revenue 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
Transfer from 911 Fund-E-911 Fund	40110-46020-15100	-	575,477	575,477

The effect on the Special Revenue Fund is as follows:

Department	Current Budget	Increase (Decrease)	Amended Budget	
911 Emergency Fund				
CIC - Furnish & Install	234311-55100	(178,266)	(178,266)	
CIC - Data processing hardware	234311-65000	300,000	(205,000)	95,000
CIC - Data processing software	234311-650100	76,000	(68,000)	8,000
Transfer to Capital Project - E-911 lines	23040-98002	-	575,477	575,477
Revenue			66,741	66,741
Appropriation of fund balance	23010-440001	619,337	98,501	717,838

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

Adopted this 6 day of April, 2015.

ATTEST: *[Signature]*  
Clerk to the Board

*[Signature]*  
Chairman  
Haywood County Board of Commissioners

Explanation:
To allocate an amount expected to be received and paid out through June 30.

- Request permission for County Manager to approve increase in the Southwestern Child Development Commission (SWCDC) contract from \$2,200,000 to \$3,200,000. Chairman Swanger recognized County Manager, Ira Dove. Mr. Dove explained that this is pass through money from the federal government to subsidize daycares. He requests the increase to take full advantage of the allocation of funds that are available for Haywood County. He noted that projections that are initially put into the budget are typically low and adjustments are made as the real numbers come in.
- Budget amendment - \$1,000,000 – Special Revenue Fund – Federal Grant Funding  
Chairman Swanger recognized Finance Director, Julie Davis. Ms. Davis explained that \$1,000,000 will be put into the expense line item encumbered with the pass through funding. She explained that \$2,500,000 had been budgeted and the contract is for \$2,200,000. This increase will allow payments of invoices coming in. It is expected to increase by the end of June, so a contract will be brought before the Board for approval.

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 Special Revenue Fund, the expenditures are to be charged as follows:

Department	Account Number	Current Budget	Increase (Decrease)	Amended Budget
SWCDC - Day Care Rehab	190372-43067-89000	2,500,000	1,000,000	3,500,000

which will result in a net increase of \$ 1,000,000 in the expenditures of the Special Revenue 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 Revenue				
State payments	190050-43074-89000	2,500,000	1,000,000	3,500,000

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

Adopted this 6 day of April, 2015.

ATTEST: *[Signature]*  
Clerk to the Board

*[Signature]*  
Chairman  
Haywood County Board of Commissioners

Explanation:
To allocate an amount expected to be received and paid out through June 30.

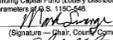
7. Request approval of contract amendment with Premier Cab Company. Chairman Swanger recognized HHS Business Services Director, Michelle Haynes. Ms. Haynes explained that this is an increase in the existing contract from \$40,000 to \$70,000. She noted that this is 100% reimbursable thus requiring no budget amendment.

Chairman Swanger noted that this a qualifying transportation need.

Vice-Chairman Kirkpatrick asked how it is determined which cab company to use and Ms. Haynes explained that HHS has several vendors, however this particular company does long distance transportation which is why the increase in the contract.

Commissioner Sorrells commented that companies submit bids and Ms. Haynes agreed stating that HHS uses several different vendors.

8. Request approval of the application for Public School Building Capital Fund from the NC Education Lottery. Chairman Swanger recognized HCS Director of Maintenance, Tracy Hargrove. Mr. Hargrove explained that this is for a lottery fund application for Pisgah and Tuscola High Schools' new gym floorings. He stated that they are asking for \$250,000 and hope to end up under that, but will not know until they get started. He said that the schools want to go back to parquet flooring. He explained that it is a floating floor that is nailed together and parquet glued to the top. He said that they will start talking to vendors next week and hope to get started before school is out. He said that the difference between maple and parquet is the thickness and the longevity of the maple is subject to its upkeep.

APPLICATION PUBLIC SCHOOL BUILDING CAPITAL FUND NORTH CAROLINA EDUCATION LOTTERY		Approve: _____ Date: _____																					
County: Haywood	Contact Person: Tracy Hargrove																						
LEA: 1230 N. Main Street	Title: Dir. of Maint.																						
Address: Waynesville	Phone: 658-456-2462																						
Project Title: Gym Floor Replacement (THS, PHS)																							
Location: THS & PHS																							
Type of Facility: High School Gyms																							
<small>North Carolina General Statutes, Chapter 180, provides that a portion of the proceeds of the North Carolina State Lottery Fund be transferred to the Public School Building Capital Fund in accordance with G.S. 115C-468.2. Further, G.S. 115C-468.2 (c) has been amended to include the following:                      (3) No county shall have to provide matching funds...                      (4) A county may use monies in the Fund to pay for school construction projects in local school administrative units and to retire indebtedness incurred for school construction projects.                      (5) A county may not use monies in the Fund to pay for school technology needs.                      As used in this section, "Public School Buildings" shall include only facilities for individual schools that are used for instructional and related purposes, and does not include central administration, maintenance, or other facilities. Applications must be submitted within one year following the date of final payment to the Contractor or Vendor.</small>																							
<small>Short description of Construction Project: This project is to replace the original gym floors. They currently have about 5% of hardwood from the initial 5117. Repair cost will vary based on depth of replacement.</small>																							
<small>Estimated Costs:</small> <table border="0"> <tr> <td>Purchase of Land</td> <td>\$</td> <td>_____</td> </tr> <tr> <td>Planning and Design Services</td> <td></td> <td>_____</td> </tr> <tr> <td>New Construction</td> <td></td> <td>_____</td> </tr> <tr> <td>Additions / Renovations</td> <td></td> <td>_____</td> </tr> <tr> <td>Repair</td> <td>250,000.00</td> <td>_____</td> </tr> <tr> <td>Debt Payment / Bond Payment</td> <td></td> <td>_____</td> </tr> <tr> <td>TOTAL</td> <td>\$</td> <td>250,000.00</td> </tr> </table>			Purchase of Land	\$	_____	Planning and Design Services		_____	New Construction		_____	Additions / Renovations		_____	Repair	250,000.00	_____	Debt Payment / Bond Payment		_____	TOTAL	\$	250,000.00
Purchase of Land	\$	_____																					
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Repair	250,000.00	_____																					
Debt Payment / Bond Payment		_____																					
TOTAL	\$	250,000.00																					
<small>Estimated Project Beginning Date: 6/15/2015 Est. Project Completion Date: 6/15/2015</small>																							
<small>We, the undersigned, agree to submit a statement of state monies expended for this project within 90 days following completion of the project.</small>																							
<small>The County Commissioners and the Board of Education do hereby jointly request approval of the above project, and request release of \$_____ from the Public School Building Capital Fund (Lottery Distribution). We certify that the project herein described is within the parameters of G.S. 115C-468.</small>																							
<small>(Signature) — Chair, County Commissioners</small> 		<small>April 6, 2015</small> <small>(Date)</small>																					
<small>(Signature) — Chair, Board of Education</small> 		<small>(Date)</small>																					
<small>Form Date: July 01, 2011</small>																							

9. Request approval of reimbursement for Haywood Community College Public Training Facility. Chairman Swanger recognized Finance Director, Julie Davis. Ms. Davis explained that this is a reimbursement resolution for the Haywood Community College project and read the title to the Board. This will enable the County to reimburse itself the hard cost once the loan is obtained. The soft cost, which is the architect fees, is covered. The paperwork has been submitted to the State by Haywood Community College in the amount of \$2,900,000 for the cost of this project. The amount and calendar can possibly change.

Chairman Swanger noted that this is typical for these projects and Mr. Killian agreed, noting that it is like we have done in the past with the college.

**RESOLUTION OF THE COUNTY OF HAYWOOD, NORTH CAROLINA DECLARING THE INTENT OF THE COUNTY OF HAYWOOD, NORTH CAROLINA TO REIMBURSE ITSELF FOR CAPITAL EXPENDITURES INCURRED IN CONNECTION WITH CONSTRUCTION OF THE HAYWOOD COMMUNITY COLLEGE PUBLIC TRAINING FACILITY FROM THE PROCEEDS OF CERTAIN OBLIGATIONS TO BE EXECUTED AND DELIVERED IN CALENDAR YEAR 2015.**

**WHEREAS**, the Board of Commissioners of the County of Haywood, North Carolina ("County") has determined that it is in the best interests of the County to construct the Public Training Facility, for educational purposes (collectively, the "Project");

**WHEREAS**, the County presently intends, at one time or from time to time, to finance all or a portion of the costs of the Project with proceeds of tax-exempt obligations and reasonably expects to execute and deliver its obligations (the "Obligations") to finance, or to reimburse itself for, all or a portion of the costs of the Project; and

**WHEREAS**, the County desires to proceed with the Project and will incur and pay certain expenditures in connection with the Project prior to the date of execution and delivery of the Obligations (the "Original Expenditures"), such Original Expenditures to be paid for originally from a source other than the proceeds of the Obligations, and the County intends, and reasonably expects, to be reimbursed for such Original Expenditures from a portion of the proceeds of the Obligations to be executed and delivered at a date occurring after the dates of such Original Expenditures;

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the County of Haywood, North Carolina as follows:

Section 1. **Official Declaration of Intent.** The County presently intends, and reasonably expects, to reimburse itself for the Original Expenditures incurred and paid by the County on or after the date of adoption of this Resolution from a portion of the proceeds of the Obligations. The County reasonably expects to execute and deliver the Obligations to finance all or a portion of the costs of the Project and the maximum principal amount of Obligations expected to be executed and delivered by County to pay for all or a portion of the costs of the Project is \$2,900,000.

Section 2. **Compliance with Regulations.** The County adopts this Resolution as a declaration of official intent under Section 1.150-2 of the Treasury Regulations promulgated under Section 103 of the Internal Revenue Code of 1986, as amended, to evidence the County's intent to reimburse itself for the Original Expenditures from proceeds of the Obligations.

Section 3. **Itemization of Capital Expenditures.** The Finance Officer of the County, is hereby authorized, directed and designated to act on behalf of the County in determining and itemizing all of the Original Expenditures incurred and paid by the County in connection with the Project during the period commencing on the date of adoption of this Resolution and ending on the date of execution and delivery of the Obligations.

Section 4. **Effective Date.** This Resolution is effective immediately on the date of its adoption.

On motion of Commissioner Kirkpatrick, seconded by Commissioner Upton, the foregoing resolution entitled "RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE COUNTY OF HAYWOOD, NORTH CAROLINA, DECLARING THE INTENT OF THE COUNTY OF HAYWOOD, NORTH CAROLINA TO REIMBURSE ITSELF FOR CAPITAL EXPENDITURES INCURRED IN CONNECTION WITH CONSTRUCTION OF THE HAYWOOD COMMUNITY COLLEGE PUBLIC TRAINING FACILITY FROM THE PROCEEDS OF CERTAIN OBLIGATIONS TO BE EXECUTED AND DELIVERED IN CALENDAR YEAR 2015" was duly adopted by the following vote:

AYES: 5

NAYS: 0

CLT 929465-1

CLT 929465-1

STATE OF NORTH CAROLINA )  
 )  
COUNTY OF HAYWOOD ) ss

I, IBA L. DOWE, Clerk to the Board of Commissioners of the County of Haywood, North Carolina, **DO HEREBY CERTIFY** that the foregoing is a true and exact copy of a resolution entitled "RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE COUNTY OF HAYWOOD, NORTH CAROLINA, DECLARING THE INTENT OF THE COUNTY OF HAYWOOD, NORTH CAROLINA TO REIMBURSE ITSELF FOR CAPITAL EXPENDITURES INCURRED IN CONNECTION WITH CONSTRUCTION OF THE HAYWOOD COMMUNITY COLLEGE PUBLIC TRAINING FACILITY FROM THE PROCEEDS OF CERTAIN OBLIGATIONS TO BE EXECUTED AND DELIVERED IN CALENDAR YEAR 2015" adopted by the Board of Commissioners of the County of Haywood, North Carolina, at a meeting held on the 6th day of April, 2015.

**WITNESS** my hand and the corporate seal of the County of Haywood, North Carolina, this the 6th day of April, 2015.

  
IBA DOWE  
Clerk to the Board  
County of Haywood, North Carolina

CLT 929465-1

10. Request authorization to pursue refunding of Public School GO Bond 2006 Issue. Chairman Swanger recognized Finance Director, Julie Davis. Ms. Davis explained that this has been done in the past which typically saves the County around \$50,000. At this point, the County has an opportunity to do a refunding if it will save the County some substantial amount of money. She said that the County is working with a financial analyst, and can refinance and reduce the interest rates, roll the loan costs into the new loan, maintain the term, and end up with a lower debt service which will save the County money. She noted that the County could save \$74,000 per year for the remaining terms of these bonds that have about 10 or 11 years left. She noted that if the interest rates come in higher than expected, it will not be done. If approved, the financial analyst will start working with the banks in the next few weeks. She noted that interests rates currently are around 2%.

Commissioner Sorrells asked about the second phase of this and Ms. Davis replied that the County did a \$25,000,000 bond and will have to wait until the call date to act on that.

**OLD BUSINESS****Request approval of the Tobacco Use Restrictions Ordinance for Buildings, Vehicles, and Grounds for Haywood County properties**

Chairman Swanger recognized County Manager, Ira Dove. Mr. Dove explained that since the public hearing, the County has received no further comments. He noted that the Town of Waynesville has different considerations than we do, and we are dealing with government property. He stated that he had spoken to the Canton Town Manager, and they have received no comments since the implementation of their ordinance. They do not have a designated smoking area.

Chairman Swanger commented that other than Mr. Smart's comment at the public hearing, he had received no further comments.

Commissioner Upton stated he thinks that the County needs to go with what it has, see what develops, and make changes as needed.

Vice-Chairman Kirkpatrick has received no further comments, but noted that the trash cans may need to be moved to prevent people from throwing their cigarettes in them. He noted that people can also smoke in their cars in the parking deck.

Commissioner Ensley stated that he had received a comment that a designated smoking area is needed as people may be nervous when they have to go to court. He commented that in the past when smoking restrictions were being considered, the one person that would contact him against restrictions has passed due to lung cancer.

Commissioner Sorrells said that comments about the fairgrounds is all that he has heard, and this ordinance does not apply there. He feels that having a designated area could become a problem, noting that County grounds are close enough to a public right of way. He feels that most people are going to abide by the rule and its intent. He concluded by stating that if we see a need to come back and designate an area we should be open to that. He said that he has also not heard much feedback from employees and Mr. Dove agreed. Mr. Dove noted that on other County properties, employees know where they may go to smoke.

Chairman Swanger said that if we look at a real life example such as the school system and there being no problems, he feels that the days of rebelling against the smoking rules are gone. He recommends to go with the ordinance.

Mr. Killian noted that Appendix A is the list of County buildings and County grounds. He advised at the end of Definitions (a) and (b) add: "as specified in Appendix A" which would then include Appendix A in the ordinance itself.

Vice-Chairman Kirkpatrick confirmed that a person could smoke in their car in the parking deck, and there is no smoking in the buildings at the Fairgrounds, but smoking is allowed outside.

Chairman Swanger agreed stating that the Fairgrounds is not included in the list, and the Fairgrounds Board governs it.

Commissioner Upton made a motion to approve the Tobacco Use Restrictions Ordinance for Buildings, Vehicles, and Grounds for Haywood County properties subject to the change articulated by the County Attorney. Commissioner Ensley seconded and the motion passed unanimously.

CHAPTER 99: TOBACCO USE RESTRICTIONS

Section

- 99.01 Title
- 99.02 Authority
- 99.03 Purpose
- 99.04 Definitions
- 99.05 Smoking in County buildings and vehicles
- 99.06 Smoking on County grounds
- 99.07 Smokeless and spitting tobacco products
- 99.08 Electronic cigarettes or vapor products
- 99.09 Cigarette butts as litter
- 99.10 Notice Required
- 99.11 Implementation Requirements
- 99.12 Enforcement and Penalties
- 99.13 Severability and Conflict of Laws

§ 99.01 TITLE

This chapter shall be known and may be cited as the "Tobacco Use Restrictions Ordinance for Buildings, Vehicles, and Grounds"

§99.02 AUTHORITY

This chapter is established by the Haywood County Board of Commissioners pursuant to the authority and powers conveyed by MGS 130A-498 and 150A-174(a).

§99.03 PURPOSE

The purpose of this subchapter is to provide a comprehensive and uniform means of restricting use of all types of tobacco products in buildings and vehicles and on grounds owned or leased and occupied by Haywood County, excluding property leased by Haywood County to third parties.

§99.04 DEFINITIONS

The following definitions are applicable to this Chapter:

- (a) "County Building" – A building owned, or the area leased as lessee and occupied by the County and includes but is not limited to offices, restrooms, indoor walkways, stairwells, entrances, passageways, break room, lobbies, and work areas, excluding buildings leased as lessor by Haywood County to third parties as specified on Appendix A.
- (b) "County Grounds" – An unenclosed area owned, leased, or occupied by the County, excluding Grounds leased as lessor by Haywood County to third parties as specified on Appendix A.
- (c) "County Vehicle" – A passenger-carrying vehicle owned, leased or otherwise controlled by Haywood County and assigned permanently or temporarily by the County to County employees, agencies, institutions, or facilities for official County business.

§99.07 SMOKELESS AND SPITTING TOBACCO PRODUCTS PROHIBITED

- (a) The use of smokeless and spitting tobacco products shall not be permitted in any County Buildings, County Grounds and County Vehicles.

§99.08 ELECTRONIC CIGARETTES OR VAPOR PRODUCTS PROHIBITED

- (a) Use of e-cigarettes is prohibited in any County Vehicle or County Building where smoking and the use of tobacco products are prohibited.

§99.09 CIGARETTE BUTTS AS LITTER

- (a) No person shall dispose of cigarette butts, cigar tips, used dip, or any tobacco waste on County Grounds except for in designated trash receptacles or smoking urns.

§99.10 NOTICE REQUIRED

- (a) Clear and conspicuous signs shall be posted in every building and facility end/or grounds wherein tobacco use is regulated by this article as follows:
- (b) Stand alone "No Smoking," "No Smokeless Tobacco," or other signs stating the tobacco use policy shall have letters of not less than one inch in height, the international "No Smoking" symbol (consisting of a pictorial representation of a burning cigarette enclosed in a circle with a bar across it), or the "No Smokeless Tobacco" symbol.
- (c) In lieu or in addition to stand alone signage, tobacco use restrictions can be incorporated into comprehensive rules signage in text form where feasible.
- (d) Signs shall be conspicuously posted in a position clearly visible on main entry points into County Buildings.
- (e) Signs shall be conspicuously posted outside, within, or near recreational public places where tobacco use is prohibited, but not at every conceivable entry point where doing so would overburden the park with signage.
- (f) It shall be unlawful for any person to remove or deface any placard or sign erected by or under the authority of this section.

§99.11 IMPLEMENTATION REQUIREMENTS

- (a) The County shall post signs that meet all the requirements in Chapter 99.11 of this Ordinance.
- (b) The County may locate ash urns or other smoking receptacles in designated smoking areas. Absence of smoking receptacles does not relieve tobacco users from legally disposing of tobacco waste nor does it nullify a designated smoking area.
- (c) County staff shall make every effort to ensure compliance with this policy, including requests and if necessary contacting enforcement personnel.

§99.12 ENFORCEMENT AND PENALTIES

- (a) Penalty for Violation. Violation of Sections 99.05 through 99.09 shall constitute an infraction punishable by a fine of not more than twenty-five dollars (\$25.00).
- (b) A citation may be issued by a sworn law enforcement officer. Conviction of an infraction under this section has no consequence other than as set forth in (a) above, and no court costs may be assessed.

APPENDIX A

List of County Properties Covered By Tobacco Restrictions Ordinance

1. Haywood County Courthouse
2. Haywood County Justice Center
3. EOC/JEMS and Satellite Facilities
4. County Annex II
5. Materials Recovery Facility Buildings and White Oak Building
6. Haywood County Public Library and Branches
7. Animal Services Facilities
8. Haywood County Law Enforcement Center
9. Elections/Recreation/Adult Day Care Building
10. Health and Human Services/Central Permitting Building

- (d) "Employee" – A person who is employed by the County, or who contracts with the County or a third person to perform services for the County, or who otherwise performs services for the County with or without compensation.
- (e) "Local Health Department" – The public health authority, under the Haywood County Health and Human Services Agency.
- (f) "Universal 'No Smoking and Use of Tobacco Products Prohibited' Symbol" – Symbol consisting of a pictorial representation of a burning cigarette and a tobacco product enclosed in a red circle with a red bar across it.
- (g) "Smoking" – The use or possession of a lighted cigarette, lighted cigar, lighted pipe, or any other lighted tobacco product.
- (h) "Tobacco product" – Any product containing, made, or derived from tobacco that is intended for human consumption, whether chewed, smoked, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, or any component part of accessory of a tobacco product, including but not limited to: cigarettes, cigars, little cigars, cheroots, stogies, periques, granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco, snuff, snuff flour, Cavendish; plug scraps, clippings, cutting and sweepings of tobacco, shorts; refuse scraps, clippings, cutting and sweeping of tobacco, and other kinds and forms of tobacco. A tobacco product excludes any product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product, as a tobacco dependence product, or for other medical purposes, and is being marketed and sold solely for such an approved purpose.
- (i) "E-cigarette/vapor product" – any electronic oral devise, such as one composed of heating elements, battery, and/or electronic circuit, which provides a vapor or nicotine or any other substances, and the use or inhalation of which stimulates smoking. The term shall include any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, or under any other product name or descriptor.

§99.05 SMOKING PRODUCTS PROHIBITED IN COUNTY BUILDINGS AND VEHICLES

- (a) No person shall smoke, carry or possess a lighted cigar, cigarette, pipe or other lighted smoking equipment or paraphernalia in any County Building or County Vehicle as defined herein.

§99.06 SMOKING PRODUCTS PROHIBITED ON COUNTY GROUNDS

- (a) No person shall smoke, carry or possess a lighted cigar, cigarette, pipe or other lighted smoking equipment or paraphernalia on any County Grounds including parks and recreational areas. This section does not apply to:
  1. Smoking, carrying or possessing a lighted cigar, cigarette, pipe or other lighted smoking equipment or paraphernalia within the limits of a public right-of-way where the right-of-way boundary does not overlap with a zone measuring 25' from a public entryway, measured from and along a single building face.
  2. A public entryway in areas owned by Haywood County but leased as lessor to third parties as lessee.

- (c) Additional sanctions for employees. In addition to any penalty under this section, employees of the County who violate this ordinance shall be subject to disciplinary action consistent with the County's human resource policies.

§99.13 SEVERABILITY; CONFLICT OF LAWS

- (a) If this Ordinance or application thereof to any person or circumstance is held invalid or unconstitutional by a court of competent jurisdiction, such invalidity shall not affect other provisions or applications of the ordinance that can be given separate effect and to that end the provisions of this ordinance are declared to be severable. Whenever the provisions of this ordinance conflict with other ordinances of Haywood County, this ordinance shall govern.
- (b) All provisions of any County ordinance in conflict with the provisions of this Chapter are hereby repealed.
- (c) This ordinance shall become effective 60 days after adoption.

Adopted this 16 day of April, 2015.

  
Mark S. Swinger, Chairman  
Board of Commissioners

ATTEST:  
  
Ina Dove, Clerk to the Board

**NEW BUSINESS****Request approval of the contract with Mountain Design for architectural services for conceptual and schematic design of the Animal Services Facility**

Chairman Swanger recognized Facilities and Maintenance Director, Dale Burris. Mr. Burris explained that this contract is in the amount of \$325,000 and is based on the feasibility study and the area being close to proximity of water, water for fire protection and waste. He noted that site development is a big part and includes all consultant services.

Commissioner Sorrells commented that if the site did not have all of these features, the cost will increase.

Mr. Burris stated that approximately 60% of the cost is interior development.

Mr. Killian stated that it is a standard contract that he reviewed and approved.

Vice-Chairman Kirkpatrick commented that he wasn't sure if he was comfortable approving this contract without a location. He stressed that he feels the work is necessary but is not comfortable with approving a \$325,000 contract without a site to place the Shelter.

Commissioner Sorrells agreed, giving an example of what if it took three or four years to find a site.

Mr. Burris explained that the architect will begin the contract by working on a feasibility study with Animal Arts Consultants for the size and what has to included. He noted that the site will come in as the project goes along.

Commissioner Upton commented that the County has the contract whether it takes place or not.

Chairman Swanger stated that an architect is needed to verify the site, and finances are needed to allow the architect to do so. He asked Mr. Killian if there was a way to have an interim agreement with the architect.

Mr. Killian suggested that a possible agreement could be drawn for the time and materials and that be credited toward the contract when implemented.

Mr. Burris said that the architect can work on a schematic design base plan such as the County has done on other projects. This would not go through the full site planning, it would be a feasibility study and schematic design to show what the facility would look like.

Mr. Killian agreed, advising that a clause could state that the architect would do the preliminary work and when the County finds a site, payments would be credited and then give the full approval to execute the contract.

Commissioner Sorrells commented that he would be better with that approach.

Mr. Killian said that the design professionals have already done some initial work based on the expectation of being fully engaged in the contract.

The Commissioners discussed the possibility of increased cost if the site chosen required additional work, however this contract does not include construction cost.

Chairman Swanger asked that Mr. Killian and Mr. Burris work on the agreement with the architect and bring it back to the next Board meeting.

This item is tabled until the next meeting, and the Board will discuss at that time the agreement with Mountain Design.



Commissioner Sorrells commented that this is new money coming in, that Sonoco created a new tax base and new revenue. This is a good example for job creations and infrastructure.

Mr. Killian noted that Haywood County is the only county to go from a Tier II to a Tier III last year.

Commissioner Upton made a motion to approve the total incentive grant over a three year fiscal period from FY 15 to FY 17 in the amount of \$96,166 and Commissioner Sorrells seconded. The motion passed unanimously.

**Budget amendment – General Fund – Economic Development - \$96,166**

Chairman Swanger recognized Finance Director, Julie Davis. Ms. Davis explained that this is from the General Fund, however the first year payment will be \$37,362 and the FY16 and FY17 payments will be approved each year.

Vice-Chairman Kirkpatrick made a motion to approve the budget amendment as presented and Commissioner Sorrells seconded. The motion passed unanimously.

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 <i>line item</i>	Account Number	Current Budget	Increase (Decrease)	Amended Budget
Economic Development				
Economic Development - Incentive Grant	114920-569500-18EDC		96,166	96,166

which will result in a net increase (decrease) of \$ 96,166 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
Ad Valorem Taxes				
Tax - ad Valorem - 12	110010-411211	52,846	96,166	148,812
			96,166	

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 of April, 2015.

*Mark Swanger*  
Chairman  
Haywood County Board of Commissioners

ATTEST:  
*Julie Davis*  
Clerk to the Board

Explanation:
To appropriate the amount of the incentive grant per the agreement dated March 13, 2012 related to
The One North Carolina Fund per the attached information.

The Board recessed at 10:21 a.m. and returned to open session at 10:26 a.m.

**Request permission to accept bid and enter contract with NHM Constructors, LLC, for hauling and site preparation for cap maintenance at Francis Farm Landfill**

Chairman Swanger recognized Tax and Solid Waste Administrator, David Francis. Mr. Francis explained that last year, the surrounding properties were purchased and the landfill boundaries will be expanded. He noted that meetings have been taking place with DENR concerning the expansion of those boundaries and the assessment of corrective measures that are, and will be, taking place. He said that this bid will provide the chance to jump ahead. This will allow dirt to go on top of the cap that has flattened out. It will shape the landfill cap where it will shed water and have a better storm water system. All water that is going through the cap now is turning to leachate and it is why there is ground water issues now. He stated that the bid was posted on the County website from March 17<sup>th</sup> to the 31<sup>st</sup>. There were two bidders at that time. He stated that he recommends that the County enters into contract negotiations with NHM Constructors, LLC in the amount of \$260,000 as the lowest bidder.

Chairman Swanger commented that the dirt was available from the work that is being done on Highway 209.

Mr. Francis agreed, noting that by doing business with NHM beginning in September has saved the County nearly a million dollars. This will provide an opportunity to work with the Shelton property and allow the County to possibly provide a parking and work area for the Haywood County Schools bus garage.



PENDING REVIEW FOR TAX LISTING

DATE 4/15 BY SP



2015002538  
HAYWOOD CO, NC FEE \$26.00  
NO TAXABLE CONSIDERATION  
04-07-2015 09:20:14 AM  
REGISTERED  
BK: RB 883  
PG: 980-981

NORTH CAROLINA SPECIAL WARRANTY DEED

Parcel Identifier 722-56-1543 verified by \_\_\_\_\_ County on the \_\_\_\_ day of \_\_\_\_\_, 2015.

Mall/Bro to: Leon M. Killian, Nelson Mullins Riley & Scarborough, LLP, P.O. Box 3010, Raleigh, NC 27622-0119

This instrument was prepared by: Leon M. Killian

Brief description for the index:

THIS DEED made this 7th day of April, 2015, by and between

GRANTOR	GRANTEE
HAYWOOD COUNTY, a body politic and corporate and subdivision of the State of North Carolina 215 N. Main Street Waynesville, NC 28786	FINES CREEK VOLUNTEER FIRE DEPARTMENT, INC., a North Carolina corporation 244 Fines Creek Road Clyde, NC 28721

Enter in appropriate block for each Grantor and Grantee: name, mailing address, and, if appropriate, character of entity, e.g. corporation or partnership.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include single, joint, tenancies, jointures or estates as required by context.

WITNESSETH that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot, parcel of land or condominium unit situated in Fines Creek Township, Haywood County, North Carolina and more particularly described as follows:

That 1.879 acre parcel of land described upon that plat of survey entitled: "Survey for Fines Creek Volunteer Fire Department, Inc." by L. Kevin Enley, P.L.S., Drawing No. A-601-15, dated January 20, 2015, of record in Plat Cabinet C-306757, Haywood County Registry.

Said property being a portion of that property described in Book 462, Page 55, Haywood County Registry.

All or a portion of the property herein conveyed includes or X does not include the primary residence of a Grantor.

A map showing the above described property is recorded in Plat Book \_\_\_\_\_ page \_\_\_\_\_.

NC Bar Association Form No. 6-D (1/2/2010), 2013  
Printed by Agreement with the NC Bar Association  
#4810-1308-0002 v.1 - 3/13/2015 10:08 PM

Page 1 of 2

This standard form has been approved by  
North Carolina Bar Association - NC Bar Form No. 6

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor has done nothing to impair such title as Grantor received, and Grantor will warrant and defend the title against the lawful claims of all persons claiming by, under or through Grantor, other than the following exceptions:

Terms and condition of Lease Agreement dated November 3, 1997, between County of Haywood and Fines Creek Community Association ("FCCA"), as amended by First Amendment to Lease Agreement, dated March, 2015, between County of Haywood and FCCA. April 7

Further subject to the express covenant and conditions that the grantee shall, with prior agreement of both parties on the date, allow the FCCA to use the property herein conveyed for the purposes of the Blue Grass Jam, Weddings, Reunions, Etc. as they need. A calendar of use will be kept by the Board of Directors of the grantee. The grantee will be responsible for all mowing on the fire dept. side of the gym and all properties behind the leased buildings of the FCCA. The grantee will be responsible for any existing drainage problems on the conveyed property.

The above described Property is conveyed by the Grantor and accepted by the Grantee under the following condition: If the Grantee, its successors or assigns, should at any time fail to comply with the requirements of GS 160A-279, as amended, and in particular should at any time fail to use said property for a public purpose or to put same to a public use, the title to same shall automatically revert to and vest in the Grantor.

IN WITNESS WHEREOF, the Grantor has duly executed the foregoing as of the day and year first above written.

HAYWOOD COUNTY, a body politic and corporate and subdivision of the State of North Carolina (Entity Name) Print/Type Name: \_\_\_\_\_ (SEAL)

By: Mark Savage (Signature) Print/Type Name: \_\_\_\_\_ (SEAL)

(Title) Name & Title: Chairman, Board of Commissioners Print/Type Name: \_\_\_\_\_ (SEAL)

By: Sheep (Signature) Print/Type Name: \_\_\_\_\_ (SEAL)

(Title) Name & Title: Clerk, Board of Commissioners Print/Type Name: \_\_\_\_\_ (SEAL)



State of North Carolina - County of Haywood

I, Elizabeth C. Lane, a Notary of said State and County, do hereby certify that IRA DOVE, personally appeared before me this day and acknowledged that he is Clerk to the Board of County Commissioners of Haywood County, a body politic and corporate, and that by authority duly given and as the act of the said Board, the foregoing instrument was signed in his name by its Chairman, seated with its corporate seal and attested by himself as its Clerk. Witness my hand and official seal this 7th day of April, 2015.

My commission expires:  
February 13, 2019  
Elizabeth C. Lane



NC Bar Association Form No. 6-D (1/2/2010), 2013  
Printed by Agreement with the NC Bar Association  
#4810-1308-0002 v.1 - 3/13/2015 10:08 PM

Page 2 of 2

This standard form has been approved by  
North Carolina Bar Association - NC Bar Form No. 6

FIRST AMENDMENT TO LEASE AGREEMENT

THIS FIRST AMENDMENT TO LEASE AGREEMENT (the "Amendment") is made and entered into this 13th day of February, 2015 by and between HAYWOOD COUNTY, NORTH CAROLINA, a body politic and corporate, and subdivision of the State of North Carolina (hereinafter referred to as "Lessor"), and FINES CREEK COMMUNITY ASSOCIATION, a North Carolina not for profit entity, party of the second part (hereinafter referred to as "Lessee"); both of Haywood County, North Carolina.

WITNESSETH:

WHEREAS, Lessee and Lessor have entered into that certain Lease Agreement ("Lease Agreement") dated November 3, 1997 (the "Lease"), attached hereto as Exhibit A, wherein Lessor leased to Lessee certain premises described in the Lease as follows:

All of that property described in Deed Book 462, Page 55, Haywood County Registry, and particularly described upon Exhibit "A" attached thereto.

WHEREAS, Lessor and Lessee desire to, among other things, modify the Lease as provided herein.

NOW, THEREFORE, for and in consideration of the mutual covenants of the Lessor and Lessee, and for other good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, Lessor and Lessee hereby contract and agree each with the other as follows:

1. Exhibit A: The description of the property leased in the aforesaid Lease Agreement to which this Amendment pertains, as Exhibit A thereto, is hereby modified and the description attached to this Amendment as Exhibit B. It is substituted in lieu thereof, deleting from the original leased premises, a 1.879 acre parcel of land.

2. Additional Provisions: The terms and conditions contained in that deed of even date herewith from Haywood County to Fines Creek Volunteer Fire Department, Inc., for a 1.879

acre parcel of land which is being deleted from the original leased premises, are expressly incorporated herein to the extent they apply to the Lessor and Lessee.

3. Severability. In the event any term, covenant or condition of this Amendment, the Lease, or any amendments thereto shall to any extent be invalid or unenforceable, the remainder shall not be affected thereby and each term, covenant or condition shall be valid and enforceable to the full extent permitted by law.

3. Successors and Assigns. This Amendment shall apply to, inure to the benefit of, and be binding upon the parties hereto and upon their respective heirs, legal representatives, successors and permitted assigns, except as otherwise provided herein.

4. Authority of Parties. Lessee certifies to Lessor that it is authorized to enter into this Amendment, and that those persons signing below on its behalf are authorized to do so, and shall promptly upon the request of Lessor provide a resolution to this effect. Lessee hereby reaffirms the Lease as provided herein, and confirms its correct legal name as provided herein.

5. Interpretation. Although the printed provisions of this Amendment were drafted by Lessee, such fact shall not cause this Amendment to be construed either for any party hereto.

6. Full Force and Effect. Except as modified hereby, the Lease remains unmodified and in full force and effect.

7. Binding Effect, Assignment and Subletting. This Lease shall be binding upon and inure to the benefit of the parties hereto and their legal representatives, successors and assigns. Tenant shall not assign this Lease, in whole or in part, or sublet the Leased Premises, in whole or in part, without Landlord's prior written consent.

8. Governing Law. This Amendment shall be governed by and construed in accordance with the laws of the State of North Carolina.

9. Effective Date. The provisions of this Amendment shall be and become effective as of the day and year first above written.

[SIGNATURE PAGES FOLLOW]

#4810-2308-0014 v.2-

#4810-2308-0014 v.2-

IN WITNESS WHEREOF, the parties have hereunto set their respective hands and seals, the day and year first above written.

LESSEE:  
FINES CREEK COMMUNITY ASSOCIATION

By: [Signature]  
Name: Greg Swanger  
Title: Pres. Fines

LESSOR:  
HAYWOOD COUNTY

By: [Signature]  
MARK SWANGER, Chairman  
Haywood County Board of Commissioners

ATTEST:  
[Signature]  
IRA DOVE  
Interim County Manager/Clerk to Board

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-44839-2304-0914 v.2-

STATE OF NORTH CAROLINA  
COUNTY OF HAYWOOD

I, Elizabeth C. Wray, a Notary of said State and County, do hereby certify that IRA DOVE personally appeared before me this day and acknowledged that he is Clerk to the Board of County Commissioners of Haywood County, a body politic and corporate, and that by authority duly given and as the act of the said Board, the foregoing instrument was signed in its name by its Chairman, sealed with its corporate seal and attested by himself as its Clerk.

WITNESS my hand and official seal this the 6 day of April, 2015.

My commission expires:  
February 13, 2019

[Signature]  
Notary Public  
Elizabeth C. Wray  
Printed Name of Notary Public



5

-44839-2304-0914 v.2-

STATE OF NORTH CAROLINA  
COUNTY OF Haywood

I, the undersigned, a Notary Public for the state and county aforesaid, certify that Greg Alan Livergood personally appeared before me this day and acknowledged that he/she is the President of FINES CREEK COMMUNITY ASSOCIATION, a North Carolina not-for-profit corporation, and that he/she as President, by the authority duly given and as the act of the corporation, executed the foregoing on behalf of the corporation.

WITNESS my hand and official seal this the 7 day of April, 2015.

My commission expires:  
3/21/2020  
  
TAMARA ANN FRIZZELL  
Notary Public  
North Carolina  
Haywood County

[Signature]  
Notary Public  
Tamara Ann Frizzell  
Printed Name of Notary Public

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-44839-2304-0914 v.2-

**Request approval of funding request from Fines Creek Volunteer Fire Department for playground improvements and budget amendment – General Fund \$18,218 recreation project at Fines Creek Fire Department**

Chairman Swanger recognized Finance Director, Julie Davis for Recreation and Parks Director, Claire Carleton. Ms. Davis explained that in 2007, Recreation and Parks completed a comprehensive master plan which was adopted by the Board of Commissioners. Since the Fines Creek School is County property, one of the recommendations to the County for existing facilities included replacing the playground equipment at the Fines Creek Community Center and adding new playground surfacing to meet current safety regulations. In 2008, there was funding approved in the Recreation and Parks budget for a grant match to get the project going. The grant did not come through, so the match money went into a Capital Reserve Fund in the amount of \$18,218. The playground equipment is \$17,170 and the remaining \$1,048 will be used for a picnic shelter.

Vice-Chairman Kirkpatrick stated that the Recreation Board has approved the request also.

Commissioner Sorrells made a motion to approve the budget amendment as presented and Vice-Chairman Kirkpatrick seconded. The motion passed unanimously.

HAYWOOD COUNTY  
BUDGET ORDINANCE AMENDMENT  
FISCAL YEAR 2014-2015

FER: \_\_\_\_\_  
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 line item	Account Number	Current Budget	Increase (Decrease)	Amended Budget
Recreation:				
Other contributions/grants	110120-666900	-	18,218	18,218
which will result in a net increase (decrease) of \$		18,218		
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
Other Financing Sources:				
Transfer from Capital Reserve Fund (consolidated)	110110-499231	-	12,218	12,218
Transfer from Capital Project Fund	110110-498448	-	6,000	6,000
			18,218	

The effect on the consolidated Capital Reserve Fund is as follows:

Expenditures and Transfers:				
Transfer to General Fund	219910-698011	-	12,218	12,218
Revenues & Other Sources:				
Appropriation of fund balance	210110-499991	-	12,218	12,218

The effect on the Capital Project Fund is as follows:

Expenditures and Transfers:				
Transfer to General Fund	499610-698011	-	6,000	6,000
Revenues & Other Sources:				
Transfer from General Fund	480110-499111	-	6,000	6,000

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 of April, 2015.

  
 Chairman  
 Haywood County Board of Commissioners

ATTEST:

  
 Clerk to the Board

Explanation:
It is appropriate the amounts in reserve for recreation projects to the Fire Check Fire Department pay the Recreation Board's request to cover playground equipment.

**Request approval of the adoption of a resolution requesting restoration of lottery funds designated to Haywood County Schools**

Chairman Swanger recognized Commissioner Bill Upton. Commissioner Upton provided the following statistics on the lottery. Currently, 62.5% is prizes, 7% is retail and 4.5% is administration. This is about 74% not going to education. The earnings for education is 26%. The goal for education this year is \$520,000,000. The NCACC Board of Directors has given the State priorities that they would like to have met. Seven committees came together and worked on the priorities and he was on the Education Committee. The original program in 2005 called for 50% for teachers, 40% for school construction and 10% for need based scholarships. Today, the program provides 43.6% for classroom teachers, 19.4% teacher assistants, 17.1% construction, 12.9% Pre-K, 5.2% need based scholarships and 1.8% UNC need based scholarships.

He recommends the County adopt the resolution for the restoration of the lottery funds allocated to the counties. He said that this is the one time that he sees where there is a total agreement across the state. He read the resolution to the Board.

Chairman Swanger stated that some counties are in a bad situation because they have borrowed money without knowing if they could count on the lottery proceeds or not.

Commissioner Sorrells commented that this was new money for capital needs for school construction. He noted that Haywood County used to receive \$800,000 to \$1,000,000 and now receives \$400,000 to \$500,000 and said that the ADM is now no longer available either.

Commissioner Ensley said that when the lottery passed a lot of promises were made. He noted that at that time, two legislators were out of the country and it was voted on anyway because they knew they could pass it. He said that it is not going to school construction. He said that they need to get back to doing what they said they were going to do.

Commissioner Sorrells said that this was a big windfall for the counties when it was first implemented and has gone down. He said that it now becomes harder to do projects that need to be done.

Commissioner Upton agreed that the amount provided to the schools has dropped each year.

Commissioner Sorrells made a motion to approve the adoption of the resolution put forth by Commissioner Upton and Vice-Chairman Kirkpatrick seconded. The motion passed unanimously.

**RESOLUTION REQUESTING RESTORATION OF LOTTERY FUNDS  
DESIGNATED TO HAYWOOD COUNTY FOR SCHOOL CAPITAL NEEDS**

**WHEREAS**, counties in North Carolina are statutorily responsible for providing public school facilities in North Carolina; and

**WHEREAS**, counties spend more than \$1 billion annually to support public school capital needs; and

**WHEREAS**, counties also spend nearly \$2.5 billion annually to support public school operating expenses traditionally borne by the State, such as supplemental pay for teachers and administrators and additional classroom instructional personnel; and

**WHEREAS**, when the General Assembly established the North Carolina Education Lottery in 2005, it pledged to devote 40 percent of the net revenue from the lottery to counties each year to help meet school capital needs; and

**WHEREAS**, in reliance on that pledge, Haywood County has incurred debt service in the amount of \$1.9 million for school capital outlay projects for Haywood (County) Schools; and

**WHEREAS**, since 2010, the State of North Carolina has reduced the amount of lottery funds received by or expected to be received by Haywood County to support the capital needs of the Haywood (County) Schools by as much as \$2.25 million; and

**WHEREAS**, as a result of the State's actions, Haywood County now faces critical budgetary constraints as it attempts to balance the payment of school debt service with funding school capital needs; and

**WHEREAS**, Haywood County needs the lottery funds designated to Haywood County to pay the debt service now due and to avoid the need for a potential property tax increase to make up for the lost lottery revenues; and

**WHEREAS**, the decisions of the State to withhold the funds from Haywood County will have a negative impact on Haywood County youth, Haywood (County) Schools, and all the citizens of Haywood County; and

**NOW, THEREFORE, BE IT RESOLVED** that the Haywood County Board of Commissioners adopt this resolution asking the North Carolina General Assembly to restore the statutory requirement that 40 percent of the net lottery revenue be allocated to counties for school capital needs and to increase the annual appropriation of lottery funds accordingly.

**FURTHER BE IT RESOLVED** that copies of this resolution be transmitted to the members of the General Assembly representing Haywood County to let them know of our support for restoring the 40 percent allocation and appropriation of lottery revenues to counties for school capital needs.

Adopted this the 6 day of April, 2015.

  
Mark S. Swanger, Chairman  
Haywood County Board of Commissioners

  
ATTEST: Ira Dove, Clerk to the Board

**Request approval of appointment of Haywood County Health and Human Services Agency Director/Assistant County Manager, Talmadge Stone Blevins to the Southwestern Child Development Commission Board of Directors as the Haywood County representative**

Chairman Swanger recognized County Manager, Ira Dove. Mr. Dove explained that the Southwestern Child Development Commission Board of Directors appoints an ex officio person to serve on their board. This is either the Director of Social Services or the Director of Health & Human Services once they are consolidated. They are requesting from the letter dated March 14, 2015, that Mr. Blevins be appointed to that board as the Health & Human Services Agency Director and the representative from Haywood County.

Vice-Chairman Kirkpatrick made a motion to approve the appointment of Talmadge Stone Blevins to the Southwestern Child Development Commission Board of Directors and Commissioner Ensley seconded. The motion passed unanimously.

**Request approval of three appointments to the Haywood County Health and Human Services Agency Board**

Chairman Swanger recognized HHSA Director/Asst. County Manager, Stoney Blevins. Mr. Blevins explained that there are three vacant, or impending vacancies, to the HHSA Board. He recommended Tammy Queen Maney for the RN position, Dr. Ginger Lang for the psychologist position, and Dr. Lisa Flora for the physician position. He reviewed the qualifications for each and noted that they all had been vetted, interviewed and approved by the HHSA full board.

Chairman Swanger noted that Dr. Ritter will be leaving the Board and complimented her hard work.

Commissioner Upton made a motion to approve Tammy Queen Maney, Dr. Ginger Lang and Dr. Lisa Flora to the Health & Human Services Agency Board and Vice-Chairman Kirkpatrick seconded. The motion passed unanimously.

**Date selection for Budget Work Session for Haywood County Schools and Haywood Community College**

A discussion was held on possible dates for the Work Session. The consensus was April 23<sup>rd</sup> at 8:30 a.m. in the HHSA training room.

**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 and the motion carried unanimously.  
Chairman Swanger remarked that there may be action when the Board returns to Open Session.

The Board returned from Closed Session.

Chairman Swanger stated that there is no action but the Public Hearing scheduled for April 20<sup>th</sup>, 2015 regarding siting the Animal Shelter potentially at the Haywood County Fairgrounds has been indefinitely postponed. He noted that notification will be made to the media outlets that it will not take place at this time.

**ADJOURNMENT**

Chairman Swanger asked if there was any further business.

With no further business, Vice-Chairman Kirkpatrick made a motion to adjourn the regular Board meeting. Commissioner Upton seconded; the motion carried unanimously.

The time of adjournment was 11:21 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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