

HAYWOOD COUNTY COMMISSIONERS

REGULAR MEETING – April 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, HCHHSA 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 Ensley offered the invocation.

Chairman Swanger reflected on the recent passing of three citizens that provided exemplary service to the residents of Haywood County.

He spoke of Carroll Mease, who was a Town of Clyde alderman for 32 years, active in the community and the Lions Club; Jan Pressley, who was a Town of Maggie Valley alderman from 1998 to 2001, on the Maggie Valley Fire Department Board, Haywood County Rescue Squad Board, Board of Realtors, TDA, Democratic Party and the Board of Equalization and Review; and Henry Foy, Waynesville Mayor for 16 years, a renowned architect whose work is visible throughout the county, established the Waynesville Historical Society, and a Paul Harris Fellow Rotarian.

The Board, staff and audience held a moment of silence in honor of these citizens.

PUBLIC HEARING

Community Development Block Grant 11-C-2315

Chairman Swanger recognized Public Information Officer, David Teague. Mr. Teague stated that this is the end of the close out process for the cycle of CDBG scattered site housing funding. He explained that a committee was formed to look at the best options available as to where to allocate the \$400,000 in funding. There was enough funding to replace four homes, however one chose not to participate. Three homes were replaced, and two homes were rehabilitated. He noted that this is a partnership with Mountain Projects that has occurred for many years. He said that Cheryl Wilkins from Mountain Projects is present to answer any questions.

Vice-Chairman Kirkpatrick thanked Mr. Teague for the work he has done on this project.

There were no public comments, and Chairman Swanger closed the Public Hearing at 5:34 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.

Tyler Howell addressed the Board. He commented that after reading the paper last week, and speaking to several people concerning the placement of Animal Services, he feels that the Board should consider other County owned property before purchasing any more property. He suggested the 44 acre Jonathan Creek property be considered. He feels the money spent on the property could be used in other ways such as increasing deputy pay.

Chairman Swanger thanked Mr. Howell for his input, clarifying that the Jonathan Creek property is 22 acres, not 44, also this property was a joint venture with Maggie Valley which further complicates anything other than what it was obtained for. He commented that the County had attempted to save money by going to the fairground property, but it didn't work out. He noted that the County is marketing the buildings that are no longer used and hopes to complete one sale soon. He stated that much of the County property was obtained through FEMA after the 2004 floods. Those properties have restrictions and cannot be built on. The County leases some of them for a dollar a year for such things as community gardens. Most are an acre or less.

Commissioner Ensley stated that the Jonathan Creek property is about two thirds in the flood plain. He noted that when water and sewer have to be provided to property, the Towns control those services. He commented that zoning in Waynesville and Clyde do not allow animal services.

Commissioner Sorrells stated that the EDC is trying to identify sites for businesses and industries. He suggested the Jonathan Creek property could be a potential site for something such as that. He noted that as the County began looking at County property to build the Animal Services, everywhere it turned there was an issue, some that could be legally hard to overcome.

CONSTITUENT CONCERNS

Vice-Chairman Kirkpatrick stated that his constituent concerns have been centered on the Animal Services.

ADMINISTRATIVE/AGENCY REPORTS

There were no reports.

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 April 6, 2015 regular meeting minutes.
2. Approval of March 2015 Refunds, Releases, Amendments and Discoveries – David Francis, Interim Tax Administrator
Mr. Francis presented the report for March 2015 and stated that there was nothing unusual to report from last month.
3. Approve March 2015 Tax Collections Update – Mike Matthews, Tax Collector
Mr. Matthews provided the report, stating that collections are up a half percent from last year. He noted that 2013 correct figures are \$34,154,000. Collections are up \$350,000 from this time last year. Delinquent taxes are gaining but are about \$250,000 down from last year. Enforcement did not start until mid-February. Since that time, collections have received \$329,500, \$80,000 in garnishments and \$84,000 from property foreclosures.
4. Request approval of Reimbursement Resolution for Animal Services & Adoption Facility project – Julie Davis, Finance Director
Ms. Davis explained that this type of resolution was brought to the last meeting. She said that another will be brought to the next meeting for financing for future projects and read the resolution title to the Board.

Chairman Swanger confirmed with Ms. Davis that this reserves the right for the County to pay itself back.

On motion of Commissioner Clark, seconded by Commissioner Dore, 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 ANIMAL SERVICES & ADOPTION 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

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 ANIMAL SERVICES & ADOPTION 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 Animal Services Facility, for county (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 \$3,350,000.

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. **Investment 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.

CLT 929465v1

CLT 929465v1

STATE OF NORTH CAROLINA)
)
COUNTY OF HAYWOOD) ss:

I, IRA L. DORE, 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 ANIMAL SERVICES & ADOPTION 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 20th day of April, 2015.

WITNESS my hand and the corporate seal of the County of Haywood, North Carolina, this the 20th day of April, 2015.


IRA L. DORE
Clerk to the Board
County of Haywood, North Carolina

CLT 929465v1

- Request approval of revisions to the HCHHSA Board Bylaws and Operating Procedures – Stoney Blevins, HCHHSA Director/Asst. County Manager
Mr. Blevins explained that this revision further reflects the consolidated status of the HCHHSA, clarifies the terms and limits to the Board, includes the General Statute language, and reflects accreditation standards.

Chairman Swanger noted that it clarifies the previously generic references of the HCHHSA Board and the Board of Commissioners.

Vice-Chairman Kirkpatrick confirmed with Mr. Blevins that these revisions had been approved by the HCHHSA Board.

- Request approval of FY 15-16 Consolidated Agreement between HCHHSA Public Health Services Division and NCDHHS Division of Public Health and authorize HCHHSA Director and County Manager to sign amendments and additional parts of the Agreement – Stoney Blevins, HCHHSA Director/Asst. County Manager and Carmine Rocco, HCHHSA Public Health Services Division Director –
Mr. Blevins explained that every year this agreement is brought to the Board for approval, stating that it outlines what HCHHSA provides in public health services and how the funds flow from the State to the County.

Mr. Rocco agreed, noting that this is the same as in previous years, and helps get the funding from the state and federal governments.

Chairman Swanger stated that he is familiar with this agreement as he serves on the HHS Board, as are Commissioners Sorrells and Kirkpatrick when they served on the DSS Board and Health Board respectively.

OLD BUSINESS

Request approval of the fees for programming, feasibility study, needs assessment and basic lay out of floor plan design in the amount of \$48,750 with Mountain Design for the new Animal Services Facility

Chairman Swanger recognized Facilities & Maintenance Director, Dale Burris.

Mr. Burris explained that upon request from the Board at the last meeting, he is requesting approval of the fees from Mountain Design for the schematic design and programming to start the process. The total amount is \$48,750; \$10,000 for the feasibility study, needs assessment and basic floor plan, \$20,000 for the schematic master site plan and floor plan once the site is selected and \$18,750 for the complete schematic floor plan design phase once the floor plan is approved. He noted that this is a portion of the AIA B101 contract and Mr. Killian has reviewed and approved this portion of the contract.

Chairman Swanger reiterated that this is broken down because the County does not have a site selection yet, noting that this first part is not site dependent.

Vice-Chairman Kirkpatrick received clarification on what this portion of the contract will encompass which will be engaging Mountain Design to start a feasibility study and then move forward with a master schematic site plan, but will not design the building until a site is selected.

Commissioner Sorrells asked if this could be essentially a rendering of the design and fit into the selected site, and Mr. Burris responded that it would be dependent on site elevation for example, noting that this is the reason that it is broken down so the commissioners can see where it is and where to go forward. Commissioner Sorrells compared this project to the middle school building where the rendering was drawn by the architect and the school was able to keep that design when unable to complete the project.

Commissioner Ensley motioned to approve the fees for programming, feasibility study, needs assessment and basic lay out of floor plan design in the amount of \$48,750 with Mountain Design for the new Animal Services Facility and Commissioner Upton seconded. The motion passed unanimously.

Budget amendment – General Fund - \$48,750 – fees for the new Animal Services Facility

Chairman Swanger recognized Finance Director, Julie Davis.

Ms. Davis explained that this is from appropriation of fund balance in the General Fund. She stated that all the money may not be spent this year, and if it is not, the fund balance will not be reduced.

Commissioner Upton motioned to approve the budget amendment as presented and Commissioner Ensley seconded. The motion passed unanimously.

HAYWOOD COUNTY
BUDGET ORDINANCE AMENDMENT
FISCAL YEAR 2014-2015

PER: _____
J.N.: _____

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 changed as follows:

Department	Account Number	Current Budget	Increase (Decrease)	Amended Budget
Facilities & Maintenance				
Professional Services - Architect/Design Services	11480-11900-1000P		48,750	48,750

which will result in a net increase (decrease) of \$ 48,750 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				
Appropriation of Fund Balance - Gen. Fund	1101-10-69991	189,871	48,750	238,621

48,750

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

Adopted this the 20th day 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 preliminary expense for the proposed Animal Services Facility, \$48,750, the total available fund balance of the General Fund must be increased by the amount of \$48,750.

NEW BUSINESS

Request adoption of Resolution for Formula For Funding School Local Operating Appropriation

Chairman Swanger recognized County Manager, Ira Dove.

Mr. Dove read the resolution and explained the formula.

Per pupil appropriation increased by the 3-year average percent increase – this increase is the actual amount allocated to the schools for the school year. In addition, the 10-day Average Daily Membership of the current year, which is presently 7.424. Typically, it is the present year. An unknown this year is the charter school that is coming to Haywood County. There is a possibility that the charter school could attract some home school pupils which will increase the ADM. Without knowing the impact of the charter school the hypothetical appropriation from the County is \$14,720,279 which is up approximately \$157,000 from last year.

Chairman Swanger stated that the school board will be considering the adoption of the funding formula at their meeting tonight. He said that he, Mr. Dove, Ms. Davis and Commissioner Kirkpatrick met with some of the school representatives and came to an understanding about the formula. He noted that the school is happy with the numbers. He explained that the population of the charter schools will come from home schools or those attending Haywood County public school or other areas now. If the student comes from another county, that county will reimburse Haywood County.

Commissioner Sorrells said that he had spoken to HCS Board Chair, Chuck Francis and he is pleased with the formula, one reason being the uncertainty of the charter school impact. Commissioner Sorrells commented that the County is supporting the schools with more revenue than what had been expected.

Commissioner Ensley stated that out of 115 districts, Haywood County was 20 in the actual dollars to the schools and feels that the County is doing the best it can do.

Vice-Chairman Kirkpatrick agreed that everyone in the meeting seemed pleased.

Commissioner Upton noted that that by looking at three years, it doesn't figure in the downturn from years previous to that. He stated that leaders in other counties want to get the formula. He feels that the schools will lose out if there was not a funding formula. He asked if the County was still receiving ABC revenues and Mr. Dove responded that it is receiving a small amount. Ms. Davis added that the schools receive half of what the County receives.

Commissioner Sorrells commented that it was about \$20,000 in the past and Ms. Davis agreed.

Commissioner Upton made a motion to approve the adoption of the Resolution for Formula For Funding School Local Operating Appropriation and Commissioner Sorrells seconded. The motion passed unanimously.

BOARD OF COMMISSIONERS
MARK S. SWANGER, CHAIRMAN
J. W. "BOB" KIRKPATRICK, II, VICE CHAIRMAN
L. KEVIN ENSLEY
BILL L. UPTON
MICHAEL T. SORRELLS



COUNTY MANAGER
IRA DOVE
LEON M. KELLIAN, III
COUNTY ATTORNEY

Resolution

FORMULA FOR FUNDING SCHOOL LOCAL OPERATING APPROPRIATION

WHEREAS, funding of education is a top priority for Haywood County; and

WHEREAS, the County Board of Commissioners and the Board of Education agree that the best system for funding school local operating expense is on a per pupil allocation; and

WHEREAS, the County Board of Commissioners and the Board of Education agree that it would be beneficial to examine and modify the existing formula as follows:

Haywood County Per Pupil Appropriation increased by the 3-year average percent increase, x current

fiscal year's 10-day ADM* +

ABC Revenues =

Total local operating appropriation from the County.

*For first year only (2015-2016 fiscal year), adjusted when fiscal year 2015-2016 10-day ADM is known, which will include charter school students.

NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners hereby adopts this resolution establishing the formula of funding for school local operating expense for the next three years, unless unusual economic conditions dictate otherwise, after which the funding formula will be reviewed.

Adopted this 20th day of April 2015.

Mark S. Swanger, Chairman
Haywood County Board of Commissioners

ATTEST:
Ira Dove, County Manager and Clerk to the Board

Request to appoint a commissioner as a member of the Board of Equalization and Review to fill a vacancy for an unexpired term which ends February 2, 2016

Chairman Swanger explained that this is to fill the unexpired term of Jan Pressley who recently passed, and will ensure the BOER has a quorum if necessary. He recognized Tax & Solid Waste Administrator, David Francis.

Mr. Francis concurred, noting that as part of the resolution the Board approved in February, it will appoint a member when a vacancy occurs.

Chairman Swanger stated that on the Board, the most current commissioner in training for the BOER is Bill Upton. Commissioner Upton has agreed to fill this vacancy.

Vice-Chairman Kirkpatrick made a motion that Bill Upton be appointed as a commissioner on the Board of Equalization and Review for the term ending February 2, 2016. The motion was seconded by Commissioner Ensley and passed unanimously.

Request approval of appointment to the Community Advisory Committee for Long Term Care - Nursing Home

Chairman Swanger recognized County Manager, Ira Dove.

Mr. Dove stated that the vacancy was advertised and one application was received. He said that Region A had interviewed and requested that Michael Cavacos be appointed to the Community Advisory Committee for Long Term Care-Nursing Home. He reviewed Mr. Cavacos' application.

Vice-Chairman Kirkpatrick made a motion to approve the appointment of Michael Cavacos to the Community Advisory Committee for Long Term Care - Nursing Home and Commissioner Ensley seconded. The motion passed unanimously.

CLOSED SESSION

Chairman Swanger stated that the Board will be going into Closed Session for consideration of Acquisition of Real Property G.S. §143-318.11(a)(5), described as a 1.45 acre tract at 30 Mauney Cove Rd., Waynesville, N.C., PIN# 8616-39-4150, Deed Book 809, page number 777, owned by Bruce Lowe Toy.

The second consideration for acquisition is a 2.67 acre tract at 453 Jones Cove Rd., Clyde, N.C., PIN # 8626-89-4904, Deed Book 457, page number 2295, owned by Clyde Anderson Greene and Tony Ray Williams.

The added Closed Session item is for Attorney/Client Privilege G.S. §143-318.11(a)(3).

Vice-Chairman Kirkpatrick made a motion to enter into Closed Session and Commissioner Upton seconded. The motion carried unanimously.

The Board returned from Closed Session.

Chairman Swanger stated that the in reference to the contract to purchase on the 50 Henson Dr. County owned property, Due Diligence Request has been recommended to be denied.

Vice-Chairman Kirkpatrick made a motion to deny the Due Diligence Request and Agreement for 50 Henson Dr. and Commissioner Upton seconded. The motion passed unanimously.

Vice-Chairman Kirkpatrick motioned to approve the contract for the purchase of 2.67 acres of real property at 453 Jones Cove Rd., Clyde, N.C., PIN# 8626-89-4904, Deed Book 457, page number 2295 from Clyde Anderson Greene and Tony Ray Williams in the amount of \$233,500 contingent on a determination of suitability by the County on or before July 13, 2015. Commissioner Ensley seconded and the motion passed unanimously.

ADJOURNMENT

Chairman Swanger asked if there was any further business.

Commissioner Upton confirmed the BOCC Work Session Thursday, April 23, 2015 at 8:30 a.m. at HHSa training room.

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 7:07 p.m. The DVD is attached by reference to the minutes.

CLERK

CHAIRMAN